



Coalitions of NGOs Submission to the Human Rights Committee

CZECHIA

**under the International Covenant on Civil and Political Rights (ICCPR)
regarding the follow-up information of the Government to the concluding
observations on its fourth periodic report**

Submitted by:

Validity Foundation – Mental Disability Advocacy Centre (MDAC)
Platform for Transformation of Mental Health Care
Nevypust' duši

July 2023

The Authors

1. This submission was prepared by a coalition of NGOs operating in the Czech Republic and internationally, focusing on the rights of persons with psychosocial disabilities (“the Authors”).
2. Validity Foundation – Mental Disability Advocacy Centre is an international human rights organisation which uses the law to secure equality, inclusion, and justice for people with mental disabilities worldwide. Validity’s vision is a world of equality where emotional, mental, and learning differences are valued equally; where the inherent autonomy and dignity of each person is fully respected; and where human rights are realised for all persons without discrimination of any form. Validity has participatory status at the Council of Europe, and observer status at ECOSOC.
3. The Platform for Transformation of Mental Health Care is an alliance of representatives of professional societies, service providers, patient and parent organizations as well as individuals who are convinced that the only solution to the dismal situation in the care of people with psychosocial disabilities in the Czech Republic is to transform the entire system of mental health care. Service providers, users and family members represent the three symbolic pillars on which the Platform stands.
4. Nevypust’ duši is a non-profit organization whose goal is to improve mental health awareness in the Czech Republic. The main goal is to spread evidence-based information, bust myths around mental health, raise awareness, organise mental health education activities for primary and secondary school teachers and students, conduct research on the effectiveness and impact of educational programs on stigma, awareness and prevention in mental health and advocate for systemic changes in mental health care.
5. The aim of this written submission is to provide the UN Human Rights Committee with information on the ongoing violation of human rights of the most vulnerable persons in mental health care institutions in the Czech Republic, especially the disproportionate and unlawful use of restraints and isolation, and the lack of independent monitoring of these institutions and legal remedies for the victims.

I. Introduction

6. On 6 December 2019, the Human Rights Committee (“the Committee”) adopted concluding observations on the fourth periodic report of Czechia on the implementation of the International Covenant on Civil and Political Rights.
7. The Committee expressed their specific concern over the continuing use of enclosed restraint beds (“net beds”) in mental health institutions and the lack of independent monitoring and reporting system on the use of restraints (paras 26-27 of the Concluding observations).
8. On 4 March 2022, the Government of Czechia (“the Government”) submitted a follow-up report to the Committee highlighting some of the developments regarding the issues included in the report. Regarding the use of restraints in mental health institutions, the Government referred to the amendment of the Health Care Act that has prohibited the use of net beds in health care institutions since 2022. The Government has also commented on the lack of independent monitoring of the use of restraints in mental health institutions, pointing out the obligation to record the use of restraints in medical documentation of the patient as well as the annual central register of each health care service provider and to the right of the patient to file a complaint with the provider in case of any wrongdoing.
9. The Authors welcome the progress in abolishing some coercive practices in Czech psychiatry. However, they must express their concern that these developments have very little effect on the well-being of patients currently hospitalised in mental health institutions. None of the steps taken by the Government have succeeded to protect the most vulnerable persons with psychosocial disabilities from ill-treatment and to provide them with effective access to justice including redress for violations of their rights.

II. Use of restraints in mental health settings

10. The NGOs in Czechia have been advocating for abolishing the use of cage and net beds in health care and social care settings for nearly two decades.¹ It has been declared a form of ill-treatment or even torture by many international bodies.² Therefore the authors consider the decision of the Czech government to abolish this practice as a step towards the protection of dignity and integrity of people with psychosocial disabilities. However, in 2023, it is merely a baby step rather than a leap. The international human rights standards of today require Governments to adopt policies that will eventually lead to an absolute ban

¹ Mental Disability Advocacy Center. *Cage Beds: Inhuman and Degrading Treatment or Punishment in Four EU Accession Countries*, (Budapest: MDAC, 2003).

² Concluding Observations on the Third periodic report of the Czech Republic, Human Rights Committee, 22 August 2013, CCPR/C/CZE/CO/3, § 14; Concluding Observations of CAT Committee – Austria, 44th Session, 26 April – 14 May 2010, § 25; Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, A/63/175, § 55; Concluding observations on the initial report of the Czech Republic, UN CRPD Committee, (25 March-17 April 2015), CRPD/C/CZE /1, § 31-32; and many others.

on all coercive practices in mental health care including involuntary treatment, chemical and mechanical restraints, and seclusion.³

11. The information provided by the Government on the abolition of the use of netted cage beds might seem hopeful, however it does not paint the full picture about the situation of persons in mental health settings. As apparent from statistics provided by the biggest mental health institutions in Czechia, the overall use of restraints has not appreciably decreased following the introduction of new methodical guidelines on the use of restraints in 2019, nor after net beds were outlawed (see tab. 1).
12. Moreover, the use of other forms of restraints have increased in some institutions that previously relied on the use of netted cage beds. For example, the Psychiatric Hospital in Havlíčkův Brod has not reported any use of pharmaceutical (chemical) restraint in 2019, however 26 patients were subjected to this measure in 2022. Moreover, the use of straps almost doubled from 27 instances in 2019 to 42 instances in 2022. In the Psychiatric hospital in Petrohrad, both the use of straps and isolation rooms gradually increased from 2019 to 2022. Some institutions have introduced new types of restraints, such as strapping patients to chairs, or continue to use restraints in an unlawful or prolonged manner.⁴
13. Many persons with psychosocial disabilities that the Authors have contact with report that their situation has not improved since the developments reported by the Government. On the contrary, they continue to be subjected to or are threatened with the use of harsh measures, such as strapping to beds, isolation or administration of psychotropic medicines against their will.
14. The Authors are convinced that to fully comply with international law, including Articles 7 and 10 of the International Covenant on the on Civil and Political Rights considered jointly with obligations under Articles 15-17 of the Convention on the Rights of Persons with Disabilities, the Government needs to urgently take more concrete and effective measures. These should include, *inter alia*, a commitment to abandon all coercive practices in mental health institutions, including involuntary treatment and all forms of restraint, full deinstitutionalization of mental health services and establishing an independent, regular mechanism to monitor the rights of persons in mental health institutions.

³ See the OHCHR draft *Guidance on Mental Health, Human Rights, and Legislation*, available at: https://www.ohchr.org/sites/default/files/documents/issues/health/draftguidance/2022-06-30/WHO_OHCHR_mental_health_human_rights_and_the_law.docx
https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf

⁴ In 2021, the Czech Public Defender of Rights (Ombudsman) visited the Psychiatric Clinic of Hradec Králové Hospital where they found that patients are routinely strapped, sometimes for several days in a row without proper justification or as a measure to prevent falls. One patient has died while being strapped. The Ombudsman has considered it ill-treatment. For more, see the 2022 Report from the institution (only in Czech): <https://eso.ochrance.cz/Nalezene/Edit/11026>

University Hospital Hradec Králové, Children's Psychiatric Hospital Louny, Psychiatric Clinic of University Hospital Olomouc). All of these instances concerned the use of restraints. As per the Authors' knowledge, none of these cases resulted in penalisation of the hospitals or individual perpetrators, nor was redress provided to victims. This is mainly due to the lack of formal authority of the Public Defender of Rights to bring individual cases before the courts or to penalise the health care providers, e.g., by means of imposing fines.

19. The use of the regular complaints mechanism under the Act on Health Services that the Government refers to in its follow-up report, has been deemed ineffective or inaccessible for some patients by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT),⁹ the Public Defender of Rights of the Czech Republic,¹⁰ and in an independent analysis by the Ministry of Health.¹¹
20. Furthermore, the current complaints mechanism is not capable to address major human rights violations perpetrated on the most vulnerable persons, who are unable to bring official complaints due to their disability and/or dependency on care, such as the female patient described above, or who fear repercussions from health care providers.
21. There is no other available independent monitoring or complaint mechanism. Neither are civil society organisations nor organisations of persons with disabilities,¹² allowed to independently monitor places of detention of persons with disabilities. Consequently, the lack of functioning safeguards effectively enables cases of ill-treatment to continue, such as described above. In the Authors' opinion the Government has failed to take appropriate steps to fulfill the recommendations of the Committee and continues to violate article 2(3)(a)-(c) of the International Covenant on Civil and Political Rights.

IV. Recommendations

22. We respectfully recommend that the Committee call on the Government to

- (i) reinforce legislative prohibitions against all forms of torture and ill-treatment and all coercive practices in psychiatry,**

⁹ Both during the 2014 and 2018 visits to Czechia, the CPT expressed their concern that not all the patients were aware of the possibility of bringing complaints under the Health Care Act. See 2014 CPT Report on Czechia, para 180:

<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168069568c>, and 2018 CPT Report on Czechia, para 117-118: <https://rm.coe.int/168095aeb4>

¹⁰ The Public Defender of Rights has recommended that the Act on Health Services should be amended to allow for administrative punishment for unlawful use of restraints and other interference with the dignity of patients in their 2018 legislative recommendations (see the Public Defender of Rights Annual report from 2018, pp. 12-13: https://www.ochrance.cz/en/dokument/2018/2018-Annual_Report.pdf), and this recommendation has been reiterated in all their subsequent reports to Parliament.

¹¹ Ministry of Health. *Complaint Mechanism - internal and external*, 2022, online (in Czech): https://www.reformapsychiatrie.cz/sites/default/files/2022-07/Stiznostni%20mechanismus_analyza.pdf

¹² Contrary to Article 33 of the UN Convention on the Rights of Persons with Disabilities.

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- (ii) establish, without delay, an independent monitoring mechanism empowered to conduct investigations human rights violations in psychiatric institutions and penalise the perpetrators,**
 - (iii) guarantee the right of civil society organisations, especially organisations of persons with disabilities, to monitor the human rights situation in mental health institutions,**
 - (iv) establish, without delay, an effective complaint mechanism accessible to all persons using mental health treatment, and**
 - (v) consistently publish desegregated data on all coercive practices in mental health.**

Validity Foundation (MDAC)

Steven Allen
steven@validity.ngo

Platforma pro transformaci (Platform for transformation)

Jitka Styblíková
styblikova@vidacr.cz

Jarka Jones
jarkajones@jarkajones.cz

Nevypust' duši

Marie Hájek Salomonová
marie@nevypustdusi.cz

Annex

Tab 1: The use of all restraints in selected Czech mental health institutions in 2019-2020¹³

	2019	2020	2021	2022
Bílá voda	3	6	3	2
Bohnice	1306	1193	1276	1406
Brno-Černovice	259	284	229	285
Dobřany	333	287	370	396
Havlíčkův Brod	476	290	338	355
Horní Beřkovice	794	526	529	689
Jihlava	830	750	710	887
Kosmonosy	437	535	596	563
Opava	452	308	295	346
Petrohrad	204	166	291	134
Šternberk	1329	205	185	239
Velká Bíteš	5	4	16	4
OVERALL	6428	4554	4838	5306

Tab 2: Psychiatric institutions monitored by the Czech NPM between 2019-2022

Issue date	Institution	Link to full report (in Czech)
21.01.2019	Psychiatric clinic of University Hospital Pilsen	https://eso.ochrance.cz/Nalezene/Edit/7776
12.06.2019	Psychiatric Clinic of University Hospital Brno	https://eso.ochrance.cz/Nalezene/Edit/8274
18.06.2019	Children's Psychiatric Hospital Opařany	https://eso.ochrance.cz/Nalezene/Edit/8168
09.08.2019	Children's Unit of Psychiatric Clinic of University Hospital Brno	https://eso.ochrance.cz/Nalezene/Edit/8232
16.09.2019	Psychiatric Hospital Petrohrad	https://eso.ochrance.cz/Nalezene/Edit/8550
27.01.2020	Children's Psychiatric Clinic of University Hospital Motol	https://eso.ochrance.cz/Nalezene/Edit/8552
26.05.2020	Psychiatric Clinic of University Hospital Olomouc	https://eso.ochrance.cz/Nalezene/Edit/8234
10.06.2020	Psychiatric Hospital Bohnice	https://eso.ochrance.cz/Nalezene/Edit/8268
23.07.2020	Psychiatric Hospital Jihlava	https://eso.ochrance.cz/Nalezene/Edit/8240

¹³ Statistics provided by the institutions in 2023 under Act no. 106/1999 Col., on Free Access to Information

25.01.2021	Psychiatric Clinic of General University Hospital Prague	https://eso.ochrance.cz/Nalezene/Edit/9912
04.05.2021	Psychiatric Hospital Havlíčkův Brod	https://eso.ochrance.cz/Nalezene/Edit/9906
06.05.2021	Psychiatric Hospital Kroměříž	https://eso.ochrance.cz/Nalezene/Edit/11178
21.12.2021	Children's Psychiatric Hospital Louny	https://eso.ochrance.cz/Nalezene/Edit/10494
18.01.2022	Psychiatric Unit of Klatovy General Hospital	https://eso.ochrance.cz/Nalezene/Edit/10716
15.02.2022	Psychiatric Clinic of University Hospital Hradec Králové	https://eso.ochrance.cz/Nalezene/Edit/11026
11.04.2022	Psychiatric Hospital Brno	https://eso.ochrance.cz/Nalezene/Edit/10634
11.04.2022	Psychiatric Hospital Písek	https://eso.ochrance.cz/Nalezene/Edit/10800
04.05.2022	Psychiatric Unit of General Hospital České Budějovice	https://eso.ochrance.cz/Nalezene/Edit/11156
11.07.2022	Children's Psychiatric Hospital Velká Bíteš	https://eso.ochrance.cz/Nalezene/Edit/11138
22.08.2022	Psychiatric Unit of Army Hospital Olomouc	https://eso.ochrance.cz/Nalezene/Edit/10806
05.09.2022	Psychiatric clinic of University Hospital Pilsen	https://eso.ochrance.cz/Nalezene/Edit/11292
07.11.2022	Psychiatric Unit of General Hospital Ostrov	https://eso.ochrance.cz/Nalezene/Edit/11340
14.12.2022	Psychiatric Hospital Kosmonosy	https://eso.ochrance.cz/Nalezene/Edit/11732