

Issue I: Use of the Internet for drug-related activities

Recommendation 1

Governments should be encouraged to ensure that their law enforcement agencies are well informed, professionally trained and suitably resourced so as to be effective in the investigation of cyber-related offences and the related use of the Internet for illicit trafficking.

Any action taken YES NO

Comments:

Some activities related to education are gradually realized in this area, but fortunately they are often insufficient or too effective.

Recommendation 2

Governments must work together to overcome the obstacles encountered in undertaking the investigation of cyber-related trafficking offences across multiple jurisdictions and introduce the changes needed in legislation, practices and procedure to expedite information-sharing, enquiries with Internet service providers and the transfer of evidence.

Any action taken YES NO

Comments:

Some legislative changes are gradually being adopted, but unfortunately these changes are slow and insufficient.

Recommendation 3

Governments should encourage their law enforcement agencies to develop the specialist skills that will support the investigation of cyber-related offences and lead to successful criminal prosecutions.

Any action taken YES NO

Comments:

Professional skills of all law enforcement authorities are slowly developed. The cyber-related offences are gradually being revealed and investigated.

Issue II: Alternatives to imprisonment for certain offences as demand reduction strategies that promote public health and public safety

Recommendation 1

Governments are encouraged to make full use of alternatives to imprisonment for people with drug use disorders in contact with the criminal justice system, particularly at the time of their arrest and at the pretrial stage.

Any action taken YES NO

Comments:

The Act no. 40/2009 Coll., the Criminal Code (“the CC”) provides for two protective measures which may be used for offenders with drug use disorders. These are the protective treatment laid down in Section 99 of the CC and the security detention laid down in Section 100 of the CC. They may both be imposed as alternatives to or besides imprisonment and their imposition on offenders with drug use disorders is facultative. Protective treatment is a lighter measure which is executed as institutional or ambulatory either in the prison or in a medical facility. Security detention is a more severe measure for offenders who repeatedly commit a felony despite having already been sentenced for a felony committed under influence of a drug and is executed in a special facility with extra security and with medical, psychological, educational, pedagogic, rehabilitation and activity programs.

The court may also impose the obligation to submit to therapy treatment of addiction to addictive substances on the offender.

The accused person may be ordered a preliminary measure consisting in prohibition to use, hold or possess alcoholic beverages or other addictive substances according to Section 88j of the Act no. 141/1961, the Criminal Procedure Code.

Recommendation 2

Governments are encouraged to promote and implement institutional mechanisms, including through induction and training programmes, that enable the police to screen, assess and refer appropriate cases to treatment facilities, taking into account their dual role as the first responders and the first criminal justice actors encountered by people with drug use disorders when they come into contact with the criminal justice system.

Any action taken YES NO

Comments:

Only the court may also impose the obligation to submit to therapy treatment of addiction to addictive substances on the offender.

Recommendation 3

Governments are encouraged to adopt or amend legislation, policies, and guidelines that allow flexibility when handing down sentences for drug-related offences that take into account the nature and gravity of the offence as well as the personality and background of the offender.

Any action taken YES NO

Comments:

According to Section 38(1) of the CC, criminal penalties, thus both punishments and preventive measures, shall be imposed with regard to the nature and gravity of the criminal offence committed and the personal situation of the offender.

Section 39(1) of the CC further elaborates that when determining the type and extent of punishment, the court will take into account the nature and seriousness of the criminal offence committed, the personal, family, property and other relations of the offender and his previous way of life and the possibility of his personal reform; furthermore, the offender's behavior after the act will also be taken into account, in particular his efforts to compensate any damage or mitigate any other detrimental effects of the act. The court will also take account of the effects and consequences that may be expected from the punishment in terms of the offender's future life.

In line with Section 96(1) of the CC, the protective measures may not be imposed if they are disproportional to the nature and seriousness of the committed offence or to the character and circumstances of the offender.

Necessary flexibility is therefore safeguarded by the existing legislation.

Recommendation 4

Governments are encouraged to employ a multidisciplinary approach in providing treatment and rehabilitation as an alternative to conviction or punishment and to promote and develop the capacity for institutional coordination between justice, health, and social services authorities.

Any action taken YES NO

Comments:

The Czech drug policy is based on an interagency and multidisciplinary coordination approach (collaboration with stakeholders, data and information sharing and sharing of examples of good practice, collaboration at the municipal or local level). Assistance to offenders is perceived as a complex and multidisciplinary system of measures that commences prior to the imprisonment and continues during and after the imprisonment. The Prison Service of the Czech Republic (PSCR) provides no alternative measures to conviction or punishment for drug-related offences. The PSCR provides just medical and non-medical treatment for individuals who committed a drug-related crime and who are on remand, sentenced to imprisonment or in secure preventive detention.

As far as punishments defined in the Czech Criminal Code are concerned, the PSCR ensures just execution of sentence of imprisonment. During imprisonment, the PSCR provides special treatment to inmates (e.g. detoxification, substitution maintenance treatment, counselling programmes, voluntary and compulsory addiction treatment based on therapeutic community. Regarding „protective measurements“ defined in the Czech Criminal Code, the PSCR provides just a compulsory treatment that is ordered together with a sentence of imprisonment. The Prison Service also ensures secure preventive detention.

There are 35 prisons in the Czech Republic. Addiction treatment while serving a prison sentence could be provided by specialized wings, which were available in 13 prisons in 2017. In 10 prisons (Bělušice, Kuřim, Nové Sedlo, Ostrov, Plzeň, Příbram, Valdice, Všehrady, Heřmanice a Horní Slavkov), these specialized wings were intended for voluntary treatment, while in 3 prisons (Opava, Rýnovice, and Znojmo) they were used for serving court-ordered compulsory treatment. A total of 4 specialized wings in 3 prisons, one of which was intended for women (Opava), were used for serving compulsory treatment sentences, providing addiction treatment.

Coordination of drug-related issues is ensured by the Government Council for Drug Policy Coordination (GCDPC). The GCDPC has established committees and working groups for specific tasks and areas of drug policy.

Available in Annual Report on Drug Situation 2017 in the Czech Republic issued by the National Monitoring Centre for Drug and Addictions

https://www.drogy-info.cz/data/obj_files/32962/837/VZdrogy2017_web181207.pdf

Recommendation 5

Governments are encouraged to implement measures to increase public awareness of the benefits of using alternatives to imprisonment.

Any action taken YES NO

Comments:

Information on use of alternative sanctions is provided on the website of the MoJ (<https://www.justice.cz/web/msp/alternativni-tresty>) and is publicly accessible.

Electronic monitoring by means of electronic bracelets has been put into practice in September 2018 and may be used e.g. for persons in house arrest or during replacement of custody by another measure. Activation of the electronic monitoring system has been broadly promoted in the media.

Recommendation 6

Governments are encouraged to collect and analyse gender- and age-disaggregated data on the use of alternatives to imprisonment and, if applicable, to undertake periodic evaluation of existing initiatives to provide treatment as an alternative to conviction or punishment for people with drug use disorders.

Any action taken YES NO

Comments:

The Czech Republic collects relevant data on frequency of use of protective treatment and security detention, as well as of alternative punishments as provided for by the CC. Statistical information is publicly accessible via <https://cslav.justice.cz/InfoData/uvod.html>.

The Ministry of Justice collects gender- and age-disaggregated data on its website <https://cslav.justice.cz/InfoData/prehledy-statistickych-listu.html>

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The Prison Service of the Czech Republic administered 35 prisons in 2017. In December 2017, there were 22,159 persons in prison, of which 20,271 were sentenced and 1809 were indicted. In detention, 79 people were placed.

In the Czech Republic, there are no alternative measures to conviction or punishment for drug-related offences. The Prison Service of the Czech Republic provides just medical and non-medical treatment for individuals who committed a drug-related crime and who are on remand, sentenced to imprisonment or in secure preventive detention.

Issue III: Mainstreaming gender perspectives in drug-related policies and programmes

Recommendation 1

Governments are encouraged to collect and analyse gender-disaggregated data to obtain more information about the situation and circumstances of women drug users and the various roles women assume in drug-related crime and in organized crime groups with a view to developing and implementing effective and comprehensive policies and programmes.

Any action taken YES NO

Comments:

The Prison Service of the Czech Republic administered 35 prisons in 2017. In December 2017, there were 22,159 persons in prison, of which 20,271 were sentenced and 1809 were indicted. Women accounted for 7% of the prison population.

Among clients of low-threshold programs are mainly users of methamphetamine, opioids and cannabis. The number of women drug users in services is around 30% of clients. Men were more likely to experience the use of illicit drugs in all cases, with the exception of the use of psychoactive medicines, which were more frequently reported by women.

Social services reflect the individual needs of their clients, regardless of gender, gender identity or religion. For example, in therapeutic communities, men are separated from women, have their own plans and their number depends on the capacity of the social service.

At the same time, the employees of the social services regularly attend trainings that deepen their knowledge in this issue and in connection with the development of new trends in this area.

In the Czech Republic, the collection of data is based on gender-disaggregated.

The Ministry of Justice collects gender- and age-disaggregated data on its website <https://cslav.justice.cz/InfoData/prehledy-statistickych-listu.html>

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Recommendation 2

Governments are encouraged to ensure non-discriminatory access to health-care services for women, including in prison, and to develop gender-sensitive prevention, primary care, treatment and reintegration policies and programmes, particularly for pregnant women and women with caretaking responsibilities.

Any action taken YES NO

Comments:

Data not available.

Social services reflect the individual needs of their clients, regardless of gender, gender identity or religion. All clients have compiled their individual plans that also reflect their gender. This also relates to ensuring the availability of female doctors, etc.

Social services also include prevention programs targeting different genders, different social situations, including social services in prisons.

One of prisons providing addiction treatment was intended for women (Opava) and was used for serving compulsory treatment sentences. There is no department in prisons for women for voluntary treatment.

Alcohol and gambling treatment is not available for women in prisons.

Illicit drug used 30.5% of the general population at least once in a lifetime - 38.8% of men and 22.7% of women. Use of addictive substance 17.3% of the general population in the last 12 months - 11.9% of men and 22.3% of women.

Approximately 46.8 thousand problem drug users - 30% of women.

Type of facility	Number of clients	Proportion (%)		
		women	person under 19	
Sobering up station	21 577	16	1	
Outpatient treatment	> outpatient healthcare facilities - psychiatry	36 419 (7 862)	36	4
	> addictological (medical) ambulance	690	n. a.	n. a.
	> outpatient (non-health) programs	1 471	41	n. a.
Substitution treatment	> substitution treatment register	2 266	29	0
	> annual statement from psychiatrists	2 792	32	0
	> annual statement from general practitioners	494	30	n. a.
Prisons	> drug prevention counseling	9 329	n. a.	n. a.
	> substitution treatment	67	n. a.	n. a.
	> voluntary treatment	578	–	n. a.
	> compulsory (court-ordered) treatment	213	25	n. a.
	> drug-free zones	4 014	4	n. a.
	> NGO programmes	7 090	n. a.	n. a.
Crisis centres	47	43	2	
Psychotherapeutic day care centres	39	72	5	
Special aftercare programmes	2 880	34	n. a.	

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Recommendation 3

Governments are encouraged to ensure close cooperation and collaboration among all relevant national authorities in developing and implementing gender-sensitive drug policies and programmes that take into account the specific needs and circumstances faced by women and girls with regard to the world drug problem.

Any action taken YES NO

Comments:

The Ministry of Labor and Social Affairs works closely with all relevant national authorities in developing and implementing gender equality policies and programs that take into account the specific needs and circumstances faced by women and girls in the context of the global drug problem.

The main advisory, coordination and initiating body for drug-related issues is the Government Council for Drug Policy Coordination (GCDPC). The GCDPC has established committees and working groups for specific tasks and areas of drug policy. The members of the GCDPC are the heads of the relevant ministries, other segments of the public administration, and entities involved in dealing with the issue of drug policy including the Association of Regions, Association of NGOs, professional associations of addicts or an expert nominated by the Prime minister for drug issues. The Council submits proposals for measures and activities pertaining to the drug policy to the Government, coordinates and evaluates the implementation of drug policy, and checks whether, and to what extent, the tasks ensuing from the National Strategy and the Action Plans are fulfilled.

The National Strategy on Drug Policy and Action Plans aim to address the specific gender-related risks and in general social inequalities.

As part of the Harm Reduction pillar, the Strategy is focused on establishing and ensuring the availability of prevention and specific addictological interventions to reduce harmful alcohol use in vulnerable groups and in regions with a higher incidence of vulnerable groups (particularly those with high unemployment, people at risk of social exclusion, seniors, pregnant women).

Issue IV: Money-laundering, illicit financial flows and effective countermeasures

Recommendation 1

In support of the investigation of money-laundering offences and the recovery of the proceeds of crime, Governments are encouraged to enable access by their law enforcement authorities to the information held by their financial intelligence units.

Any action taken YES NO

Comments:

Related to drug criminality the law enforcement authorities are focused on the recovery of the proceeds of crime with increasing tendency

Recommendation 2

Governments are encouraged to ensure that evidence gathered through investigations of money-laundering offences by their financial intelligence units has legal standing in their courts if used in prosecutions brought by other law enforcement agencies.

Any action taken YES NO

Comments:

Information between the Financial Investigation Unit (FIU) of the Czech Republic and the Police of the Czech Republic (PČR) are shared on the basis of legal framework - official agreement between FIU and PČR, in case of police investigation of the recovery of the proceeds of crime.

Recommendation 3

Governments are encouraged to make use of the tools available for training and building the capacity of their law enforcement authorities, financial investigators and prosecutors available through the Global Programme against Money-Laundering of the United Nations Office on Drugs and Crime (UNODC) and other training institutions.

Any action taken YES NO

Comments:

We have never heard of the Global Programme against Money-Laundering of the UNODC. The trainings of law enforcement authorities in the field of Money laundering is being arranged by CEPOL, FIU and The Police Academy of the Czech Republic

Recommendation 4

Governments are encouraged to share with UNODC the results of their national money-laundering risk assessments to facilitate a coordinated global response and to strengthen the capacity of competent authorities and financial institutions to thwart attempts at money-laundering.

Any action taken YES NO

Comments:

Data and results of money-laundering cases are shared with FIU which is a garant of the Czech Republic for the Committee of Experts – MONEYVAL.