**Elderly People Restricted in Their Liberty**

**Czech Office of the Public Defender of Rights**

The Czech Defender of Rights has been the national preventive mechanism pursuant to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Defender systematically visits facilities for persons restricted in their freedom either *ex officio* or as a result of dependence on care provided.

While visiting such facilities during the Covid-19 pandemic, the Defender encountered many cases of long-term ban of visits and free movement restrictions especially in social care facilities and psychiatric hospitals. There were also cases when patients if psychiatric hospitals stayed locked in their rooms to prevent the spread of the disease. Elderly people were the most affected group by these restrictions, because facilities perceived them to be at greatest risk.

Many of these people have not been able to see their beloved ones in person for months. The main legal issue concerning the ban on visits, is that facilities sometimes restrict visits at their own discretion which is beyond the scope of legal regulation. There is therefore no possibility to review such decisions before the administrative court, and inhabitants of the facilities would have to file a civil action against the facility.

The free movement of inhabitants of social care facilities was also greatly restricted. Clients of social care facilities could not leave the facility at all, except in exceptional cases. This measure was in place for many months, even after the state of emergency has ended. The Deputy Ombudsman assessed the ongoing measures of the Ministry of Health as illegal. Following her appeal, the measure was repealed in May 2021.

As for locking in rooms to prevent the spread of a contagious disease, such practice was mostly seen in psychiatric hospitals in the first half of 2021. In some facilities, patients were locked only until the test result, in others the locking lasted several days. In the Czech legal system, to lock a person is possible, but only under strict conditions. The psychiatric hospitals, however, did not always meet the requirements of the law and did not inform the patient. As the result he could not achieve any review of the decision to lock him by the public health authority.