

Abstract

This thesis examines the prohibition of torture and other forms of inhuman or degrading treatment or punishment which is one of the fundamental human rights. The basic goal of this work is to determine how is the prohibition of torture and other forms of ill-treatment enshrined and guaranteed at the international and national level. For this purpose, systems of human rights instruments and mechanisms created at the universal level by the United Nations and at the regional level by the Council of Europe are examined and compared with the national legislation of the Czech Republic. The thesis provides definitions of terms of torture, inhuman and degrading treatment or punishment and focuses on the international instruments and mechanisms of protection. It explains their scope, work, and competences and compares them with each other. As an outcome of this evaluation the work detects several areas in which the national legislation of the Czech Republic is not fully satisfactory and which should be therefore amended. Further, the thesis determines obligations of the Czech Republic which arise out of the right not to be tortured or subjected to other forms of ill-treatment and investigates how these obligations are implemented at the national level and how are enshrined in the national law.

The most important goal of this thesis is to identify the current problems which the Czech authorities are facing and which might fall within the scope of the prohibition of torture and other forms of ill-treatment. Accordingly, the thesis focuses on the problems in prison system, especially overcrowding, questions of legality and legitimacy of the use of means of restraint in the healthcare facilities, medical interventions such as coerced sterilization and surgical castration on the vulnerable persons, or testing sexual orientation of the asylum seekers through phallometry. Each of these topics is thoroughly analysed from international and national perspective. Based on the analysis it is then evaluated whether these questions might pose a risk of violation of the prohibition of torture and other forms of ill-treatment. Thanks to the knowledge acquired in the course of this work, a partial goal is to offer a suggestion on how these problem areas might be solved.