

## Czech Republic Immigration Detention Profile

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### INTRODUCTION

The Czech Republic has experienced a surge in negative public attitudes towards Muslims, reflecting trends seen across Europe in recent years. Continuing refugee challenges are framed as an Islamic menace, which the country's president says justifies blocking refugees. Despite the rhetoric, the country's Muslim population is diminishingly small, numbering less than 20,000, or 0.2 percent of the population.<sup>1</sup>

Also like its neighbours, the Czech Republic has fiercely opposed refugee quotas established in 2015 by the European Commission to help alleviate pressures in front line countries, like [Italy](#) and [Greece](#). The deputy prime minister has argued that the country should sue the EU over the quotas.<sup>2</sup>

In 2015, the number of non-citizens crossing Czech territory en route to countries like [Germany](#) or [Sweden](#) increased significantly. The Czech Republic responded by boosting detention efforts.<sup>3</sup> In 2014 and 2015, the number of detained non-citizens rose

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<sup>1</sup> Mira Galanova, "Czechs fear far-away Islam," *EU Observer*, 19 July 2016, <https://euobserver.com/migration/134394>.

<sup>2</sup> Robert Muller, "Czechs under fire for harsh, lengthy migrant detentions," *Reuters*, 18 October 2015, <http://www.reuters.com/article/us-europe-migrants-czech-idUSKCN0SC0GC20151018>; EU Observer, "Czechs should sue EU over migrant quotas, says deputy PM," *EU Observer*, 4 August 2016, <https://euobserver.com/tickers/134574>; Matt Broomfield, "Poland refuses to take a single refugee because of 'security' fears," *The Independent*, 9 May 2016, <http://www.independent.co.uk/news/world/europe/poland-refuses-to-take-a-single-refugee-because-of-security-fears-a7020076.html>.

<sup>3</sup> Mira Galanova, "Czechs fear far-away Islam," *EU Observer*, 19 July 2016, <https://euobserver.com/migration/134394>; Martin Rozumek (Organization for Aid to Refugees (OPU)), *Refugees being treated like criminals in Czech detention centres*, 14 September 2015,

dramatically.<sup>4</sup> In 2013, immigration detainees numbered in the hundreds;<sup>5</sup> however, in 2014, 4,822 people were detained; in 2015, 8,563.<sup>6</sup> In 2015, most detainees came from Syria (2,013), Ukraine (1,099), and Afghanistan (576).<sup>7</sup>

These sharp increases together with reports of inadequate detention conditions prompted the [UN High Commissioner for Human Rights](#) to target the country for particular criticism. He said, "According to credible reports from various sources, the violations of the human rights of migrants are neither isolated nor coincidental, but systematic: they appear to be an integral part of a policy by the Czech Government designed to deter migrants and refugees from entering the country or staying there."<sup>8</sup>

Many Czech detention practices have long drawn rebuke from rights groups. These include the obligation of immigration detainees to pay for their confinement and the detention of minors above 15 years with adults.

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<http://www.ecre.org/refugees-being-treated-like-criminals-in-czech-detention-centres-by-martin-rozumeck-executive-director-of-organization-for-aid-to-refugees-opu/>; Ceske Noviny, "Czech police detain 8175 illegal foreigners this year," *Ceske Noviny*, 18 December 2015, <http://www.ceskenoviny.cz/zpravy/czech-police-detain-8175-illegal-foreigners-this-year/1294611>.

<sup>4</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm); European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>5</sup> Between 2009-2013, detention numbers fluctuated. In 2013, 352 people were detained; 320 in 2012; 370 in 2011; 822 in 2010; and 1,177 in 2009. See: Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm); David Kosar and Zdeněk Kühn, *Completed Questionnaire for the project Contention National Report: Czech Republic*, 2014, <http://contention.eu/country-reports/>.

<sup>6</sup> Ceske Noviny, "Czech police detain 8175 illegal foreigners this year," *Ceske Noviny*, 18 December 2015, <http://www.ceskenoviny.cz/zpravy/czech-police-detain-8175-illegal-foreigners-this-year/1294611>.

<sup>7</sup> It is important to note that the GDP has found contradictory information about detention numbers. For example, the 2013 figure (352) provided by the Czech European Migration Network (EMN) National Contact Point (NCP) contrasts with the number provided by the management of the Bělá-Jezová detention centre, which informed a delegation from the European Committee for the Prevention of Torture that 770 non-citizens were detained in that facility in 2013, or nearly double the number reported by the EMN NCP. See: European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>8</sup> Office of the High Commissioner for Human Rights, "Zeid urges Czech Republic to stop detention of migrants and refugees," *News and Events*, 22 October 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16632&LangID=E>.

## LAWS, POLICIES, PRACTICES

**Key norms.** The 1999 [Act No. 326/1999 Coll. on the Residence of Foreign Nationals](#) (Foreign Nationals Act) (*Zákon č. 326/1999 Sb. o pobytu cizinců na území České republiky a o změně některých zákonů*) is the Czech Republic's central piece of immigration legislation. The act regulates the conditions of entry and departure of non-citizens, including provisions on immigration detention and conditions of residence. It also defines the responsibilities of the police, the Ministry of the Interior, and the Ministry of Foreign Affairs.

The 1999 [Act No. 325/1999 Coll. on Asylum](#) (Asylum Act) (*Zákon č. 325/1999 Sb. o azylu a o změně zákona č. 283/1991 Sb., o Policii České republiky, ve znění pozdějších předpisů*) regulates asylum procedures, conditions of stay of asylum seekers in the Czech Republic, and rights and obligations. Importantly, the Asylum Act provides for detention of applicants for international protection.

**Grounds for detention.** Immigration detention (called *zajištění* in Czech, literally translated as “ensuring”) was formally introduced in the Czech Republic in 1992 with the Act on the Residence of Foreigners, which permitted the detention of anyone issued an administrative removal order.<sup>9</sup> Both the 1999 Foreign Nationals Act and the 1999 Asylum Act expanded the provisions for immigration detention, laying down several detailed—and sometimes overlapping—grounds. In fact, when compared to other countries in the region, the Czech legal framework stands out because of the large number of grounds that can lead to detention.

In 2013 the UN [Human Rights Committee](#) expressed concern that non-citizens can be detained on grounds that are not narrowly defined. The committee highlighted as an example the failure to observe duties during a person's stay. It also stated that alternatives to administrative detention do not seem to be applied systematically. The committee urged the country to ensure that immigration detention is always reasonable, necessary, and proportionate with respect to a person's individual circumstances; and that detention be applied for the shortest period necessary and only if existing non-custodial measures have been duly considered.<sup>10</sup>

Section 124(1) of the Foreign Nationals Act provides that police may detain a non-citizen who is over 15 years of age in three overarching circumstances: **(1)** if he has been notified about the commencement of administrative expulsion proceedings; **(2)** if a final decision on administrative expulsion has been made; **(3)** or if a re-entry ban has been imposed by another EU member state. Section 124(1) then lists specific grounds justifying detention in the above circumstances. These include: **a)** there is a risk that the non-citizen will threaten national security or disrupt public order; **b)** there is a risk that

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<sup>9</sup> Counselling Centre for Refugees, “Czech Republic,” in Jesuit Refugee Service (ed.), *Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Positions of JRS in Europe*, Jesuit Refugee Service, 2007.

<sup>10</sup> Human Rights Committee, *Concluding observations on the third periodic report of the Czech Republic*, CCPR/C/CZE/CO/3, 22 August 2013, <http://ohchr.org/EN/Countries/ENACARRegion/Pages/CZIndex.aspx>.

the person will fail to comply with or hinder expulsion; **c)** the person has failed to leave the territory within the a specified period of time; **d)** the person breached an obligation imposed as part of an alternative to detention; or **e)** the persons is recorded in the Schengen Information System.<sup>11</sup>

Under Article 129 of the Foreign Nationals Act the police may detain a non-citizen for the purpose of readmission under the Dublin Regulation. Detention in these circumstances can be ordered only where there is a serious risk of flight. The authorities may find that such a risk exists if the person stayed irregularly on the territory, avoided earlier transfer, tried to abscond or expressed intention to disregard the final decision on his transfer, or if such intention is apparent in his actions.

The 2015 amendment to the Asylum Act, meant to transpose [the EU Reception Conditions Directive](#), expanded the list of grounds justifying detention of asylum seekers. Under Section 46(a)(1) the Ministry of Interior may detain an applicant for international protection for the following reasons: **a)** in order to determine or verify the person's identity; **b)** if the person falsified his identify documents; **c)** if there is a well-founded assumption that he could threaten state security or public order; **d)** in the context of the Dublin transfer, if there is a serious risk of absconding; **e)** if an application for international protection has been lodged at the detention facility and there are reasonable grounds to believe that it was made only to avoid deportation, extradition or surrender under the European Arrest Warrant; or **f)** if the person does not cooperate during asylum determination procedures and there is a risk that he absconds. The ministry may also detain an asylum seeker who violates obligations imposed on him under alternatives to detention (Asylum Act, Section 46(a)(2)).

The Foreign Nationals Act also lays down a separate set of grounds for the detention of unsuccessful asylum seekers. Under Section 124(a), the police may detain a non-citizen who applies for asylum after the final expulsion decision has been made or the administrative expulsion proceedings have begun. In these circumstance, the person can be detained if 1) there is a substantiated risk that he might threaten state security by using violence in asserting political aims or by performing an activity endangering the foundations of a democratic state or aimed at disrupting the integrity of the territory of the Czech Republic; 2) there is a substantiated risk that he might seriously violate public order; 3) he has crossed the national border in hiding or otherwise that through a border crossing point or attempts to do so (Section 119(1)(a) and 119(1)(b)(6)-(7)).

In addition, under Section 124(b)(1) of the Foreign Nationals Act, the police may detain a non-citizen who is staying without authorization if: **a)** the asylum proceedings were halted because the person has not provided enough information in his asylum application; **b)** the person has failed to leave the territory within the time limit specified in a removal order or within the period of 30 days; or **c)** the residence permit awarded to a person under subsidiary protection has expired.

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<sup>11</sup> When translated the last ground is termed in Section 124(1) as “the Information System of Signatory States.”

Detention sanctioned under the Foreign Nationals Act is ordered by the police (partly in cooperation with the Interior Ministry), while the Interior Ministry is empowered to order detention regulated by the Asylum Act.<sup>12</sup>

**Length of detention.** The Foreign Nationals Act establishes that the initial detention period cannot exceed six months. If the detainee obstructs his expulsion or provides false information, his detention may be extended by 12 months. Unaccompanied minors older than 15 years of age and families with minors can only be detained for up to three months (Section 125(1)-(3)).<sup>13</sup>

The applicants for international protection can be detained for up to 120 days (Asylum Act, Section 46(a)(5)).

Both the Foreign Nationals Act and Asylum Act clarify that if a person has already been detained under the either act, the time he spent in detention does not count toward the maximum permissible length of the fresh detention (Foreign Nationals Act, Section 125(5) and Asylum Act, Section 46(a)(4)).<sup>14</sup> However, in April 2014 the Supreme Administrative Court ruled that the length of detention under the Asylum Act should count towards the maximum permissible length of detention under the Foreign Nationals Act.<sup>15</sup>

According to the European Migration Network (EMN) National Contact Point (NCP) the average length of detention was 51 days in 2013; 77 days in 2012; 83 days in 2011; 79 days in 2010; and 60 days in 2009.<sup>16</sup> According to the managers of the Bělá-Jezová centre, the average length of detention in the centre was around 80 days in 2014.<sup>17</sup>

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<sup>12</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>13</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>. Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>14</sup> Hana Frankova (Organization for Aid to Refugees), *Email exchange with Izabella Majcher* (Global Detention Project), August 2016.

<sup>15</sup> David Kosar and Zdeněk Kühn, *Completed Questionnaire for the project Contention National Report: Czech Republic*, 2014, <http://contention.eu/country-reports/>.

<sup>16</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>17</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.



**Procedural guarantees.** According to Sections 124(7) and 126(b) of the Foreign Nationals Act, upon arrest the police shall inform the detainee about the possibility to file a request for release from detention and to bring administrative judicial proceedings against the detention order or the length of detention. This information is to be conveyed in the language the non-citizen is able to communicate. If this is not possible, the police should provide the detainee with this information in a written form in at least one of the following languages: Czech, English, French, German, Chinese, Russian, Arabic, Hindi, or Spanish.

The Foreign Nationals Act entitles detainees to submit a request to the police for release from detention. Such a request may be filed 30 days after the entry into force of a detention order or decision to extend detention. Upon receiving the request for release, the police shall examine the grounds for detention and extension of detention as well as conditions for the imposition of alternatives of detention and decide without undue delay. The proceedings may involve hearing of detainee. The police shall inform the detainee about the consequences of refusing to testify or of providing false testimony. The police may also interrogate witnesses. The detainee is entitled to present at such interrogation (Section 129(a)(1)-(5)).

The detainees are also entitled to file a legal administrative action with an administrative court contesting a detention order (Foreign Nationals Act, Section 129(a)(2)). Administrative courts are called upon to examine the legality of detention. Judicial organs thus review decisions made by administrative authorities only in response to an application submitted by the detainee.<sup>18</sup>

In 2013, 12 detention decisions were challenged before the regional courts (two of which were successful); in 2012, 27 (six successfully); and in 2011, 62 (12 successfully).<sup>19</sup>

These two proceedings appear to be the only ones available to immigration detainees. The Foreign Nationals Act states on several occasions that “appeal, retrial or review proceedings are not permitted” ((Sections 124(2), 124(3), 124(a)(3), 124(a)(4), 125(3), 129(3), 129(6) and 129(a)(7)).

Under the Asylum Act, a detainee may file an application against detention or extension of detention after 30 days following arrest. The application is to be submitted to the ministry or the local court. If the application has been submitted to the ministry, it must submit the applicant’s file to the court within five days. The court is to make a decision within seven days after the receipt of the file (Section 46(a)(6)-(9)).

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<sup>18</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm); David Kosar and Zdeněk Kühn, *Completed Questionnaire for the project Contention National Report: Czech Republic*, 2014, <http://contention.eu/country-reports/>.

<sup>19</sup> David Kosar and Zdeněk Kühn, *Completed Questionnaire for the project Contention National Report: Czech Republic*, 2014, <http://contention.eu/country-reports/>.

According to official sources, detainees have access to legal advice and interpretation services free of charge.<sup>20</sup> This was partly confirmed by the [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#) (CPT) during its 2014 visit. As the committee observed, detainees had weekly access to legal assistance provided by the [Organization for Aid to Refugees](#). However, access to linguistic assistance during medical examinations appeared to be cumbersome (see below under the Infrastructure).<sup>21</sup> According to the Organization for Aid to Refugee, in June 2015 the government cancelled funding for legal advice and representation for immigration detainees. Reportedly, legal advisors continued to visit the Bělá-Jezová facility on a voluntary basis. However, they claimed that their access to detainees was obstructed and they were often given misleading information by facility staff.<sup>22</sup>

**Minors and other vulnerable categories.** Under the Asylum Act, vulnerable persons include: unaccompanied minors; a parent or a family with a minor child; persons with disabilities or serious illnesses; a parent or a family with adult child with disabilities; persons aged 65 years or older; pregnant women; victims of trafficking; and victims of torture, rape, or other serious forms of psychological, physical, or sexual violence (Section 1(i)). Under Section 46(a)(3), any applicant for international protection who is a vulnerable person, with exception of person with disabilities, should not be detained. The Ministry may however decide to detain such a person if he is an adult and has repeatedly violated obligations imposed on him in the context of alternatives to detention.

The Foreign Nationals Act does not exempt from detention the same vulnerable groups identified in the Asylum Act. However, the act provides special treatment for children. Unaccompanied children under the age of 15 cannot be detained and are to be placed in a special facility for foreign children (Sections 124(1) and 124(b)(1)).<sup>23</sup> The Blue School Diagnostic Institute for alien minors (Modra Skola) houses irregular minors under the age of fifteen, where they can remain for 2-3 months while awaiting appointment of a legal guardian.<sup>24</sup> Afterwards they are housed in regular children's shelters.<sup>25</sup>

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<sup>20</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>21</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>22</sup> Martin Rozumek (Organization for Aid to Refugees (OPU)), *Refugees being treated like criminals in Czech detention centres*, 14 September 2015, <http://www.ecre.org/refugees-being-treated-like-criminals-in-czech-detention-centres-by-martin-rozumek-executive-director-of-organization-for-aid-to-refugees-opu/>.

<sup>23</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>24</sup> European Parliament, Directorate-General Internal Policies, Policy Department C, Citizens Rights and Constitutional Affairs, *The conditions in centres for third country national (detention camps, open centres as well as transit centres and transit zones) with a particular focus on provisions and facilities for persons with special needs in the 25 EU member states*, December 2007.

Unaccompanied minors between 15 and 18 years can only be detained on special grounds, notably if there is a reasonable risk that they might threaten state security or seriously disrupt public order (Section 124(6) and Section 129(5)). The Foreign Nationals Act provides that the government can detain these minors if it is deemed to be in their best interests in accordance with the [Convention on the Rights of the Child](#) and that they should be appointed a guardian (Section 124(5)-(6)). Reportedly, minors in the 15-18 age group are rarely detained but when they are they are held alongside adults at the Bělá-Jezová centre. Following its 2014 visit, the CPT urged Czech authorities to ensure that unaccompanied children are provided with special care and accommodated in an open or semi-open establishment dedicated for juveniles, such as social welfare or educational institutions.<sup>26</sup>

The Foreign Nationals Act provides that accompanied children should be accommodated together with their parents (Section 141(3)). According to official sources, this rule is respected in practice.<sup>27</sup> Families are held in the same building at the Bělá-Jezová complex that is used for women. However the CPT found that the accommodation of children with other adults in a detention centre can have a negative psychological impact on a child's development and well-being.<sup>28</sup>

In 2013, the Human Rights Committee expressed concern about the 90-day detention limit for minors. The committee urged the Czech Republic to reduce this period and to ensure that the detention of children be permitted only as a measure of last resort and for the shortest appropriate period.<sup>29</sup>

Previously, in 2011, the [Committee on the Rights of the Child](#) highlighted the situation of detained asylum-seeking families, stating that the country's provisions did not meet the required standard for asylum-seeking children's well-being and their best interests. The committee urged the country to avoid any form of detention of asylum seekers under the age of 18. It also recommended broader consideration of alternatives prior to detention,

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<sup>25</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *EMN Focussed Study 2014: Policies, practices and data on unaccompanied minors in 2014: Czech Republic*, 2015, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/unaccompanied-minors/6a\\_czech\\_republic\\_national\\_report\\_unaccompanied\\_minors\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/6a_czech_republic_national_report_unaccompanied_minors_en.pdf).

<sup>26</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>27</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>28</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>29</sup> Human Rights Committee, *Concluding observations on the third periodic report of the Czech Republic*, CCPR/C/CZE/CO/3, 22 August 2013, <http://ohchr.org/EN/Countries/ENACARRegion/Pages/CZIndex.aspx>.



emphasizing that this should not be limited to unaccompanied or separated minors, but extended to all cases involving children.<sup>30</sup>

The most recent data the GDP has found on the detention of children in the Czech Republic dates to 2013. In its report on its 2014 visit to the country, the CPT reported that 22 accompanied children has been detained in Bela-Jezova centre during the previous year.<sup>31</sup>

In response to an access to information request filed jointly by [Access Info Europe](#) and the Global Detention Project, the Czech Interior Ministry's Administration of Refugee Facilities provided statistics for the period 2010-2012: 11 children were detained in 2012 (of whom none unaccompanied); 7 were detained in 2011 (of whom none unaccompanied); and 40 in 2010 (of whom 3 unaccompanied).<sup>32</sup>

Regarding the immigration detention of woman, in 2016, the UN [Committee on the Elimination of Discrimination against Women](#) noted with concern that the State party's measures to address recent increases in the number of asylum seekers, refugees, and irregular migrants have not been in compliance with international humanitarian and human rights law. The committee expressed particular concern that many asylum-seeking, refugee or irregular migrant women—including pregnant women, nursing mothers and mothers with children—are deprived of their liberty in immigration detention by the state party. The committee urged the Czech Republic to respect the fundamental rights of migrants, asylum seekers and refugees, recalling its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. The committee also urged the country to immediately cease the detention of asylum-seeking, refugee or irregular migrant women and their children and to implement less coercive alternative measures.<sup>33</sup>

**Alternatives to detention.** Under Section 46(a)(1) of the Asylum Act and Sections 124(1), 124(a) and 124(b)(1) of the Act on the Residence of Foreign Nationals the police may detain a non-citizen if the imposition of alternative measures (called “special measures”) is not sufficient. Pursuant to Section 123 of the Foreign Nationals Act, there are three alternatives to detention: 1) the obligation to provide the address of one's place of residence to the police, to reside at that address, and to report any change of the address to the police on the following working day; 2) to report in person at a police station at a time limit stipulated by the police on a regular basis; or 3) to deposit a

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<sup>30</sup> Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 44 of the Convention: Concluding observations: Czech Republic*, CRC/C/CZE/CO/3-4, 4 August 2011, <http://ohchr.org/EN/Countries/ENACARRegion/Pages/CZIndex.aspx>.

<sup>31</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>32</sup> Petr Pondelicek (Administration of Refugee Facilities), *Response to Global Detention Project/ Access Info Questionnaire*, 21 March 2013.

<sup>33</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations on the sixth periodic report of the Czech Republic*, CEDAW/C/CZE/CO/6, 14 March 2016, <http://ohchr.org/EN/Countries/ENACARRegion/Pages/CZIndex.aspx>.

financial security. According to the official sources, only residence restrictions and reporting obligations are used in practice.<sup>34</sup>

In 2012, the UN [Committee against Torture](#) expressed concern that “the continuous practice of detention of asylum seekers, including families with children and minors accompanied by a legal guardian.” The committee recommended the Czech Republic to implement alternatives to detention of asylum seekers, in particular of families with children and asylum seeking adults who are responsible for children.<sup>35</sup>

**Criminalization.** Chapter XIV of the Foreign Nationals Act provides administrative offences. It spells out several offences that may be committed by both non-citizens and natural persons. Under Section 156(1), entering the Czech territory avoiding the border crossing points and border checks is an offence punishable with a fine up to 10,000 CZK (around 370 Euro) (Section 156(4)).

**Designated authorities and facilities.** Section 130(1) of the Foreign Nationals Act stipulates that detention is usually carried out in a “facility,” without clarifying what is meant by this term. Detention facilities are operated by the Interior Ministry (Section 130(2)). According to official sources, the Refugee Facilities Administration of the Interior Ministry is responsible for the daily management of detention facilities.<sup>36</sup> The operations of these centres were transferred to the Administration of Refugee Facilities from the police on January 2006. According to official and non-governmental sources, this transfer triggered a number of positive developments, including improvements in living conditions at detention centres, better processing procedures, and improved access to legal assistance.<sup>37</sup>

**Regulations for detention centre operations.** Chapter XII of the Foreign Nationals Act regulates the place and conditions of detention (additional details on operations are provided in the section below “Detention Infrastructure”). Detainees may complain about the violation of the provisions of this chapter to the Interior Ministry, which in turn has 30 days to respond (Section 148(2)).

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<sup>34</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>35</sup> Committee against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Concluding observations of the Committee against Torture: Czech Republic*, CAT/C/CZE/CO/4-5, 13 July 2012, <http://ohchr.org/EN/Countries/ENACARRegion/Pages/CZIndex.aspx>.

<sup>36</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>37</sup> Counselling Centre for Refugees, “Czech Republic,” in Jesuit Refugee Service (ed.), *Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Positions of JRS in Europe*, Jesuit Refugee Service, 2007; European Commission, *Monitoring Detention of Asylum Seekers in the Czech Republic: Monitoring conditions of A/S in detention: Situation analysis. Monitoring period: January-June 2006*, 2006.

**Moderate and strict regimes and solitary confinement.** Facilities can have both moderate security regimes and strict security regimes (Section 130(3)). Moderate-regime sections consist of accommodation rooms, common social and cultural facilities, and more space where detainees can move freely. Strict-regime sections are separated from moderate sections and include accommodation rooms and space designated for walks (Section 132). Accommodation rooms in moderate section are equipped with beds, lockers, a table and chairs. Accommodation rooms in the strict regime section are equipped with beds, a table, chairs and sanitary facilities. These rooms can only be locked from the outside (Section 133).

A detainee may be placed in the strict regime if he: **a)** is aggressive or requires close supervision for another compelling reason; **b)** repeatedly and seriously violated the internal rules in the facility; or **c)** repeatedly and seriously violates an obligation or prohibition under the Foreign Nationals Act. Minor detainee can only be placed in the strict regime for reasons under the paragraph a) and c) (Section 135(1)-(2)). The placement in the strict regime is not to exceed 30 days. This period can be extended by an additional 30 day-period if the increased supervision of the detainee is considered necessary (Section 134(5)). The decision is taken by the police or following a request by the Administration of Refugee Facilities. The Ombudsperson should be informed of such decision.

In 2014 there was one placement under the strict regime and in 2013 19 persons were held under the strict regime. Besides one hour of outdoor exercise per day, detainees subject to the strict regime are confined to their cells. As the CPT observed, the strict regime may become a solitary confinement if only one person is subject to it. The committee thus recommended that authorities ensure that detainees who are de facto held in solitary confinement be provided with appropriate daily contact.<sup>38</sup>

**Facility procedures.** A person is to be informed of his rights and obligations as well as the internal rules of the facility as soon as he is placed in detention. The information should be conveyed in detainee's mother language or a language he is able to communicate (Section 131). In placing non-citizens in a detention centre, account should be taken of their religious, ethnic and national background. Unaccompanied minors are to be placed separately from adults and women kept separately from unrelated men (Section 141(1)-(2)). According to the official sources, the separation principles are observed in practice.<sup>39</sup>

The Foreign Nationals Act also provides that if education is not ensured in the centre, the detainee may be allowed to leave the facility for the purpose of compulsory school attendance (Section 142). According to official sources, educational programmes are

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<sup>38</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>39</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

provided to detained children in the detention centre.<sup>40</sup> Detainees shall be provided food three times per day (and minors five times per day). The diet shall be compliant with the principles of good nutrition and health condition of detainees and should take into account as far as possible the cultural and religious traditions of detainees (Section 143).

The Foreign Nationals Act spells out several entitlements of detainees. The management of the facility should: **a)** provide a bed, chair, locker for personal belongings, food and basic hygiene products; **b)** allow detainees to receive and send written communications without limitation; **c)** allow detainees to receive visitors; **d)** whenever possible, provide books, newspapers and magazines, including foreign ones, if they are distributed in the Czech Republic; **e)** allow detainees to make applications to Czech authorities or international organizations; **f)** upon request, allow without undue delay an interview with the head of the facility or its agent, or the police in the establishment; **g)** allow eight hours of uninterrupted sleep at night time; and **h)** allow detainees to move freely within the area with moderate regime and contact with other foreigners placed in this section (Section 134(1)). The management should ensure that detainees in the strict-regime section have a daily walk within a designated area of at least one hour (Section 134(3)). According to the official sources, detainees have access to outdoor exercise of one hour during the winter period and at least two hours during the summer period.<sup>41</sup>

**Cost of detention.** Detainees have to pay for their detention. Every detainee (including minors) is to pay a daily fee of 112 CZK for accommodation and 120 CZK for meals, or roughly 8-9 Euros per day. Following its visit, the CPT requested comments from the Czech authorities about the appropriateness of requiring such payment.<sup>42</sup> As noted by the Director of the Organization for Aid to Refugees, detainees have to hand over all of their money, with which their confinement is paid. Many of them cannot pay this amount of money and consequently are issued with a debt note upon release<sup>43</sup> The UN High Commissioner for Human Rights argued that “The fact that people are being forced to pay for their own detention is particularly reprehensible.”<sup>44</sup>

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<sup>40</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>41</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>42</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>43</sup> Martin Rozumek (Organization for Aid to Refugees (OPU)), Refugees being treated like criminals in Czech detention centres, 14 September 2015, <http://www.ecre.org/refugees-being-treated-like-criminals-in-czech-detention-centres-by-martin-rozumek-executive-director-of-organization-for-aid-to-refugees-opu/>.

<sup>44</sup> Office of the High Commissioner for Human Rights, "Zeid urges Czech Republic to stop detention of migrants and refugees," *News and Events*, 22 October 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16632&LangID=E>.

**Privatisation.** While the police are charged with securing the perimeter of the Bělá-Jezová detention centre, a private security company reportedly is in charge of maintaining internal order and are present in the facility around the clock.<sup>45</sup> The GDP has been unable to find additional details about the company.

After its 2014 visit, the CPT reported that 14 private security staff were present during the day, while 11 remained on the premises over night. The committee noted many staff members at the facility—in particular the private security company employees—had received no specific training for working in a multi-ethnic environment. The CPT expressed concern that some private security staff carried pepper spray inside the detention areas.<sup>46</sup>

The country reportedly used private security guards in other facilities that it formally used for immigration detention purposes, including centres located in Frýdek-Místek, Postorná, Velké Přílepy, and Balková.<sup>47</sup>

## DETENTION INFRASTRUCTURE

Until 2015, the Czech Republic operated one dedicated immigration detention facility, located in **Bělá-Jezová pod Bezdězem**.<sup>48</sup> In 2015, the country opened two additional

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<sup>45</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>; Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm); Ministry of the Interior of the Czech Republic, Website, "Procedure for Granting International Protection in the Czech Republic," last updated 2016, <http://www.mvcr.cz/docDetail.aspx?docid=126021&docType=ART&chnum=3>.

<sup>46</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>47</sup> Counselling Centre for Refugees, "Czech Republic," in Jesuit Refugee Service (ed.), *Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Positions of JRS in Europe*, Jesuit Refugee Service, 2007.

<sup>48</sup> Ministry of the Interior of the Czech Republic, Website, "Procedure for Granting International Protection in the Czech Republic," last updated 2016, <http://www.mvcr.cz/docDetail.aspx?docid=126021&docType=ART&chnum=3>; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>; Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).



dedicated detention centres, in **Vyšni Lhoty** and **Drahonice**.<sup>49</sup> According to official sources, as of August 2016, Bělá-Jezová pod Bezdězem had a capacity of 246, Vyšni Lhoty 544, and Drahonice 240.<sup>50</sup> The premises in Vyšni Lhoty were used for confining migrants in the past. The Global Detention Project documented use of this facility as far back as 2009. Drahonice centre is intended to close down in autumn 2016 and be replaced with a new centre. However, the location of the new centre as of this writing is not yet known.<sup>51</sup>

**Conditions of detention.** Reports concerning the conditions of immigration detention in the Czech Republic have centred on the Bělá-Jezová centre, which was opened in 2006 on the premises of a former non-secure reception centre for asylum seekers. The centre is located in a forest, some five kilometres away from the closest municipality. The complex is comprised of four buildings. There are three accommodation buildings (A, B, and D) for detainees held under a moderate regime and one building (No. 10) with a strict regime.

Bělá-Jezová has received very different assessments over time. The CPT, during a 2014 visit, found conditions to be acceptable.<sup>52</sup> Just over a year later, in late 2015, the NGO Organization for Aid to Refugees reported that “detention conditions are terrible, and in no-way comply with international standards and EU regulations.”<sup>53</sup> At the time of the CPT’s visit in April 2014, the centre confined 36 non-citizens, including 17 asylum seekers, two women and one father with two young children. Building A confined only women and families, while Building D, due to the low number of detained men, was not in use.<sup>54</sup> However, by late 2015, the centre’s detainee population had skyrocketed to more than 700, mainly from Syria, Afghanistan, and Iraq.<sup>55</sup>

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<sup>49</sup> Ministry of the Interior of the Czech Republic, Website, "Aktuální statistiky," last updated 2016, <http://www.mvcr.cz/migrace/clanek/aktualni-statistiky.aspx>; Martin Rozumek (Organization for Aid to Refugees (OPU)), *Refugees being treated like criminals in Czech detention centres*, 14 September 2015, <http://www.ecre.org/refugees-being-treated-like-criminals-in-czech-detention-centres-by-martin-rozumek-executive-director-of-organization-for-aid-to-refugees-opu/>; Hana Frankova (Organization for Aid to Refugees), *Email exchange with Izabella Majcher* (Global Detention Project), August 2016.

<sup>50</sup> Ministry of the Interior of the Czech Republic, Website, "Aktuální statistiky," last updated 2016, <http://www.mvcr.cz/migrace/clanek/aktualni-statistiky.aspx>.

<sup>51</sup> Hana Frankova (Organization for Aid to Refugees), *Email exchange with Izabella Majcher* (Global Detention Project), August 2016.

<sup>52</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>53</sup> Martin Rozumek (Organization for Aid to Refugees (OPU)), *Refugees being treated like criminals in Czech detention centres*, 14 September 2015, <http://www.ecre.org/refugees-being-treated-like-criminals-in-czech-detention-centres-by-martin-rozumek-executive-director-of-organization-for-aid-to-refugees-opu/>.

<sup>54</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>55</sup> Martin Rozumek (Organization for Aid to Refugees (OPU)), *Refugees being treated like criminals in Czech detention centres*, 14 September 2015, <http://www.ecre.org/refugees-being-treated-like-criminals-in-czech-detention-centres-by-martin-rozumek-executive-director-of-organization-for-aid-to-refugees-opu/>.

During its 2014 visit, the CPT found that material conditions were generally satisfactory in the Bělá-Jezová centre. The buildings were in a good state of repair and had adequate access to natural light, lighting and ventilation. Most of the detainees were held in three-bed rooms, which were of a sufficient size and well-equipped. At the time of the visit, all detainees were held in moderate regime and so could move freely during the day within the building and had access to a large outdoor area. The regime of activities was also adequate. An teacher was present five days a week for five hours and organized language classes and recreational and sporting activities. Table tennis and outdoors basketball was available all day. The activity rooms in the Building A and D were well-equipped.<sup>56</sup>

In September 2015, the Organization for Aid to Refugees gave a starkly different report on the conditions at Bělá-Jezova, which could have been due in part to the tremendous increase in the numbers of detainees at the facility since the CPT 2014 visit. According to the Organization for Aid to Refugees, “The detention conditions are terrible, and in no-way comply with international standards and EU regulations. Only one doctor is available to all detainees. Beyond that, there are only two social workers looking after several hundred refugees. The whole complex is surrounded by a wire-netting fence, and the refugees have no possibility to move freely at all. Not even the volunteers from the Organisation for Aid to Refugees, who come to offer services such as legal advice and legal representation, are able to enter the detention centres unhindered. In some cases, they have to wait for hours at the entrance ... to finally be led by an armed guard into a small room where they communicate with refugees through a window.”<sup>57</sup>

Earlier, in 2013, the Human Right Committee urged the Czech Republic to ensure that the physical conditions in all immigration detention centres were in conformity with international standards.<sup>58</sup> Similarly, in 2012 the Committee against Torture expressed concern about the regime and material conditions of immigration detention centres and recommended the country to review the regime and material conditions in immigration detention centres.<sup>59</sup>

**III-treatment.** In 2014 the CPT did not receive any allegations of ill-treatment by staff of the centre.<sup>60</sup> Yet, in 2011, the UN [Committee on the Elimination of Racial Discrimination](#)

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<sup>56</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>57</sup> Martin Rozumek (Organization for Aid to Refugees (OPU)), *Refugees being treated like criminals in Czech detention centres*, 14 September 2015, <http://www.ecre.org/refugees-being-treated-like-criminals-in-czech-detention-centres-by-martin-rozumek-executive-director-of-organization-for-aid-to-refugees-opu/>.

<sup>58</sup> Human Rights Committee, *Concluding observations on the third periodic report of the Czech Republic*, CCPR/C/CZE/CO/3, 22 August 2013, <http://ohchr.org/EN/Countries/ENACARRegion/Pages/CZIndex.aspx>.

<sup>59</sup> Committee against Torture, *Consideration of reports submitted by States parties under article 19 of the Convention: Concluding observations of the Committee against Torture: Czech Republic*, CAT/C/CZE/CO/4-5, 13 July 2012, <http://ohchr.org/EN/Countries/ENACARRegion/Pages/CZIndex.aspx>.

<sup>60</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

expressed concern at reports of ill-treatment of non-citizens in detention centres and requested information on it in the subsequent periodic report of the Czech Republic.<sup>61</sup>

**Health care.** The Foreign Nationals Act provides that detainees are to be afforded medical examinations, other necessary diagnostic and laboratory tests, and vaccinations and preventive measures provided for by public health authorities (Section 134(3)). According to official sources, a medical practitioner is generally present in the Bělá-Jezová detention facility and specialized care is provided in a nearby hospital.<sup>62</sup> However, the CPT noted that the health-care team at Bělá-Jezová, which consisted of a doctor and four nurses, was absent at night. Thus, the committee urged Czech authorities to ensure that a health-care practitioner competent to provide first aid is always present.

During its 2014 visit, the CPT was informed that nurses were able to communicate in Russian, German, and English and that interpretation by telephone would be arranged when needed. Yet, several detainees complained to the committee that during their medical examinations, no interpretation was available. Sometimes, interpretation was provided by other detainees, who spoke some Czech. The CPT stressed that such arrangements should be avoided in order to guarantee medical confidentiality. The committee thus urged authorities to provide professional interpretation when required during medical examinations.<sup>63</sup>

**Contact with outside world.** The Foreign Nationals Act provides that detainees are entitled to receive one-hour visits twice a week. The manager of the centre may allow more frequent or longer visits. Detainees are also permitted to receive visits from legal representatives. Visits to detainees placed in the strict regime take place in the presence of the police (Section 144). In practice, however, very few detainees receive visits on a regular basis, mainly because of the remote location of the Bělá-Jezová facility. Detainees are not allowed to keep their cell phones and must use public telephones.<sup>64</sup> According to the CPT, detainees are supposed to have unlimited access to telephone booths, installed on each floor and upon arrival they receive a phone card. However, the costs of telephone calls is reportedly high and detainees can spend only up to 300 CZK (around 11 Euro) per week at the centre's shop to purchase commodities, including

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<sup>61</sup> Committee on the Elimination of Racial Discrimination, *Consideration of reports submitted by States parties under article 9 of the Convention: Concluding observations of the Committee on the Elimination of Racial Discrimination: Czech Republic*, CERD/C/CZE/CO/8-9, 14 September 2011, <http://ohchr.org/EN/Countries/ENACARRegion/Pages/CZIndex.aspx>.

<sup>62</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>63</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>64</sup> Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

telephone cards. The Committee encouraged authorities to allow the use of mobile phones and to use modern technology in facilitating communication.<sup>65</sup>

**Security.** The Interior Ministry's Administration of Refugee Facilities is responsible for the overall management and operation of the Bělá-Jezová facility. The police secure the perimeter of the facility, conduct body searches of the newly admitted detainees and regular searches within the centre and may intervene inside the centre whenever requested by the Administration of Refugee Facilities. The police are also in charge of the placement of detainees in the strict regime section. Staff of a private security company is in charge of the maintenance of internal order and are present in the facility around the clock.<sup>66</sup>

In 2014, the CPT found that the centre was general well staffed. It employed 62 staff, including three social workers and four teachers. In addition, 14 private security staff were present during the day, while 11 over night. The Committee noted that almost no members of the staff who were in direct contact with detainees spoke any foreign language. In addition, many staff members—in particular the private security company employees—had reportedly received no specific training for working in a multi-ethnic environment. The CPT urged authorities to remedy these gaps. Also, the CPT expressed concern that some private security staff usually carried pepper spray inside the detention areas.<sup>67</sup>

**Reception centres.** The Czech Republic operates two reception centres, located in **Zastávka** and at the **Prague Ruzyně** Airport. According to the Interior Ministry's website, asylum seekers "are obligated to stay at a reception centre for the period of time stipulated by law (for the purposes of performing identification processes, a medical examination, etc.). A breach of the obligation to remain at a reception centre is considered to be an offence."<sup>68</sup> The Organization for Aid to Refugees reports that both reception centres are secure, guarded facilities. The rooms in the airport facility are

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<sup>65</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>66</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>; Czech European Migration Network (MNP) National Contact Point (NCP) (the Department for Asylum and Migration Policies of the Ministry of the Interior), *The use of detention and alternatives to detention in the context of immigration policies*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm); Ministry of the Interior of the Czech Republic, Website, "Procedure for Granting International Protection in the Czech Republic," last updated 2016, <http://www.mvcr.cz/docDetail.aspx?docid=126021&docType=ART&chnum=3>.

<sup>67</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014*, CPT/Inf (2015) 18, 31 March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>.

<sup>68</sup> Ministry of the Interior of the Czech Republic, Website, "Procedure for Granting International Protection in the Czech Republic," last updated 2016, <http://www.mvcr.cz/docDetail.aspx?docid=126021&docType=ART&chnum=3>.

behind bars, while in Zastavka asylum seekers can walk freely between the buildings and only the external exit is guarded. Like the detention facilities, the reception centres are managed by the Interior Ministry's Administration of Refugee Facilities. If the Ministry does not decide on an asylum request within four weeks, the person is released. The maximum length of stay at the airport reception centre is 120 days.<sup>69</sup> The Global Detention Project classifies both reception centres as "secure" reception centres that amount to detention because asylum seekers are physically prevented from leaving the premises.

**Previously used detention centres.** During the past ten years, the Czech Republic has used a host of additional facilities for the immigration detention purposes, including centres located in Frýdek-Místek, Postorná, Velké Přílepy, and Balková.<sup>70</sup> Although the facilities were under the authority of the Ministry of the Interior, management was shared by three state agencies: the Administration of Refugee Facilities; the police, which maintained security outside and around the centres and conducted entry searches of newly detained immigrants; and the Department of Asylum and Migration Policy, which administered the processing of detained asylum seekers. A private security company maintained security within the centres.<sup>71</sup>

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<sup>69</sup> Hana Frankova (Organization for Aid to Refugees), *Email exchange with Izabella Majcher* (Global Detention Project), August 2016.

<sup>70</sup> Ministry of the Interior of the Czech Republic, *2006 Status Report on Migration in the Czech Republic*, 2007. Counselling Centre for Refugees, "Czech Republic," in Jesuit Refugee Service (ed.), *Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Positions of JRS in Europe*, Jesuit Refugee Service, 2007.

<sup>71</sup> Counselling Centre for Refugees, "Czech Republic," in Jesuit Refugee Service (ed.), *Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Positions of JRS in Europe*, Jesuit Refugee Service, 2007.



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