

COUNTRY REPORT

IMMIGRATION DETENTION IN THE CZECH REPUBLIC: "WE WILL NOT ACCEPT EVEN ONE MORE REFUGEE"

DECEMBER 2018

 GLOBALDETENTIONPROJECT



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THE GLOBAL DETENTION PROJECT MISSION

The Global Detention Project (GDP) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To promote the human rights of detained migrants, refugees, and asylum seekers;
- To ensure transparency in the treatment of immigration detainees;
- To reinforce advocacy aimed at reforming detention systems;
- To nurture policy-relevant scholarship on the causes and consequences of migration control policies.

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Front cover image: An anti-Islam protest in Prague, 2016. © Zajic/ Wikimedia Commons

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GLOSSARY

AA	Asylum Act
CAT	Committee against Torture
CEDAW	Committee on the Elimination of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRC	Committee on the Rights of the Child
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
FNA	Foreign Nationals Act
FRA	Fundamental Rights Agency
GDP	Global Detention Project
HRC	Human Rights Committee



KEY CONCERNS

- Czech legislation, including a 2017 amendment to the Law on Foreign Nationals, provides broad justification for immigration detention, prompting criticism from the UN Human Rights Committee and other observers.
- The country rarely uses non-custodial “alternatives to detention,” instead emphasising concerns that migrants will abscond to continue their journeys to other destinations in Europe.
- Families are systematically detained with their children, who are considered to be “accompanying” their parents in detention and are thus not afforded the same individual guarantees afforded to people who are officially in detention.
- Although non-citizens have the right to receive visits from lawyers or legal representatives, access is often impeded, challenging their ability to appeal detention decisions before an administrative court.
- Detainees—including children—are required to pay for their detention, and those who do not have sufficient funds are provided with a debt notice upon release.
- Observers have expressed concern over the use of private security guards in detention centres, who reportedly receive inadequate training and lack competence.



1. INTRODUCTION¹

Reflecting the anti-immigrant sentiment that swept across Europe in the wake of the “refugee crisis,” the Czech Republic (Czechia) joined a host of European Union countries that declined to sign the much-anticipated Global Compact on Migration, adopted in December 2018, citing a desire to separate “legal and illegal migration.”² As in the other Visegrad countries—[Hungary](#), [Poland](#), and [Slovakia](#)—public discourse is rife with anti-migrant rhetoric in the Czech Republic.³ In mid-2018, the Czech prime minister equated the safety of the country with preventing “illegal migration,” saying: “I promise our government will fight mainly for the safety of our people. ... We will fight against illegal migration, we will fight for our interests in Europe.”⁴

The Czech Republic has opposed refugee quotas established in 2015 by the European Commission to help alleviate pressures in front line countries like [Italy](#) and [Greece](#).⁵ Of the 2,691 asylum seekers assigned to the Czech Republic by the EU relocation scheme, only 12 Christian Iraqis were accepted (all on the basis of their religious beliefs).⁶ After the European Commission started infringement procedures against the Czech Republic for refusing to participate in the relocation scheme, the Interior Ministry claimed the country would “not accept even one more refugee.”⁷

Although the country’s Muslim population is very small, numbering less than 20,000 (0.2 percent of the population), anti-Islamic sentiment plays an out-sized role in national politics.

¹ The Global Detention Project would like to thank Romane Auzou for providing research assistance for this report.

² E. Schaart, “Czech Republic Latest EU Country to Reject UN Migration Treaty,” *Politico*, 14 November 2018, <https://www.politico.eu/article/czech-republic-migration-refugees-latest-eu-country-to-reject-united-nations-treaty/>

³ The Visegrad Group, <http://www.visegradgroup.eu>

⁴ R. Muller and J. Lopatka “New Czech Government Has Shaky Support, Strong Anti-Migration Stance” *Reuters*, 27 June 2018, <https://uk.reuters.com/article/uk-czech-government/new-czech-government-has-shaky-support-strong-anti-migration-stance-idUKKBN1JN0R1>

⁵ R. 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,” 4 August 2016, <https://euobserver.com/tickers/134574>; M. 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>

⁶ Amnesty International “Czech Republic 2017/2018,” 2018, <https://www.amnesty.org/en/countries/europe-and-central-asia/czech-republic/report-czech-republic/>

⁷ R. Basch and M. Heřmanová, “The Refugee Crisis in the Czech Republic: Government Policies and Public Response” *ARIADNE: European Funders for Social Change and Human Rights*, 2017, <http://www.ariadne-network.eu/refugees-europe-perspective-czech-republic/>

Refugee challenges are framed as an Islamic menace, which is used as a justification for blocking refugees.⁸

In 2015 and 2016, the Czech Republic became an important transit country for asylum seekers aiming to reach Western Europe. The government reacted by ramping up detention capacity and by sending police and army patrols to search trains arriving from Hungary. Asylum seekers apprehended during these patrols were placed in detention.⁹ According to the Czech interior minister, these detention measures were intended to send a “message” to refugees wishing to enter the country.¹⁰ Official statistics reveal a dramatic increase in the number of detained non-citizens in 2015, when the annual detainee population rose to 1,761, from 229 in 2014. In 2016, the number of detainees decreased to 606.¹¹ The number of apprehended irregular migrants has also begun to drop: 4,885 in 2016 and 4,360 in 2017.¹²

In August 2017, the rights of non-citizens in the Czech Republic were further curbed when an amendment to the Foreign National Act was passed, providing additional grounds for extending the length of detention and introducing stricter rules on family reunification and working permits. Despite the adoption of increasingly restrictive immigration measures, the country’s low unemployment rate has led observers, including the Chamber of Commerce, to call for significant increases in the number of foreign workers.¹³

⁸ M. Galanova, “Czechs Fear Far-Away Islam,” *EU Observer*, 19 July 2016, <https://euobserver.com/migration/134394>

⁹ R. Basch and M. Heřmanová, “The Refugee Crisis in the Czech Republic: Government Policies and Public Response,” *ARIADNE: European Funders for Social Change and Human Rights*, 2017, <http://www.ariadne-network.eu/refugees-europe-perspective-czech-republic/>

¹⁰ R. Basch and M. Heřmanová, “The Refugee Crisis in the Czech Republic: Government Policies and Public Response” *ARIADNE: European Funders for Social Change and Human Rights*, 2017, <http://www.ariadne-network.eu/refugees-europe-perspective-czech-republic/>

¹¹ Interior Ministry’s Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), “*The Effectiveness of Return in EU Member States*,” https://ec.europa.eu/home-affairs/sites/homeaffairs/files/06a_czech_returnstudy_en_0.pdf. It needs to be stressed that the GDP has found contradictory information about detention numbers, in particular police numbers are significantly higher, notably 4,822 (2014) and 8,563 (2015), *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>

¹² Eurostat “Third Country Nationals Found to be Illegally Present,” 22 August 2018, <https://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database>

¹³ R. Basch and M. Heřmanová, “The Refugee Crisis in the Czech Republic: Government Policies and Public Response,” *ARIADNE: European Funders for Social Change and Human Rights*, 2017, <http://www.ariadne-network.eu/refugees-europe-perspective-czech-republic/>



2. LAWS, POLICIES, PRACTICES

2.1 Key norms. The 1999 Act No. 326/1999 Coll. on the Residence of Foreign Nationals (Foreign Nationals Act, FNA) ([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. Amended more than 50 times since its adoption, the act regulates the conditions of entry and exit for non-citizens, including provisions on immigration detention and conditions of residence. It also defines the responsibilities of the police, the Interior Ministry, and the Ministry of Foreign Affairs.

The 1999 [Act No. 325/1999 Coll. on Asylum](#) (Asylum Act, AA) ([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 for asylum seekers in the Czech Republic, and rights and obligations. Importantly, the AA provides for the detention of applicants for international protection.

2.2 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.¹⁴ Both the 1999 FNA and the 1999 AA 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.

Section 124(1) of the FNA 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) subsequently lists the 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 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 person is recorded in the [Schengen Information System](#).

Under the FNA, the police may detain a non-citizen for transfer purposes under the [EU Dublin Regulation](#) (Section 129(1)). Detention in these circumstances can be ordered only

¹⁴ 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.

when there is a serious risk of absconding. 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. Such a risk also exists if the person who is to be transferred to a country which is not immediately adjacent to the Czech Republic cannot lawfully travel to that state independently and cannot provide the address of a place of residence in the Czech Republic (Section 129(4)).

Before Section 129(4) was inserted into Czech legislation, the FNA had not defined objective criteria for finding a risk of absconding. This legislative gap was challenged before the [Court of Justice of the European Union](#) in the *Al Chodor* case. The court ruled that in order to rely upon the Dublin Regulation's option to detain an individual liable to transfer, member states should establish objective criteria in a "binding provision of general application." The absence of such a provision renders article 28(2) of the Dublin Regulation, which sanctions detention, inapplicable.¹⁵

The FNA also lays down a separate set of grounds for the detention of unsuccessful asylum seekers. According to 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 circumstances, the person can be detained if: 1) there is a substantiated risk that they 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 they might seriously violate public order; 3) they have crossed the national border in hiding or outside a border crossing point, or have attempted to do so (Section 119(1)(a) and 119(1)(b)(6)-(7)).

In addition, under Section 124(b)(1) of the FNA, the police may detain a non-citizen who is staying without authorisation if: a) the asylum proceedings are halted because the person has not provided enough information in their 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.

In 2013, the UN [Human Rights Committee](#) (HRC) expressed concern that non-citizens can be detained on grounds that are not narrowly defined. The committee highlighted as an example a person's "failure to observe their duties during [their] stay." It also stated that alternatives to administrative detention do not seem to be systematically applied. The committee thus 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.¹⁶

2.3 Asylum seekers. The 2015 amendment to the AA, designed to transpose the [EU Reception Conditions Directive](#), expanded the list of grounds justifying the detention of

¹⁵ Court of Justice of the European Union, "*Al Chodor*, C-528/15," 15 March 2017, <http://curia.europa.eu/juris/document/document.jsf?jsessionid=C66A53273F209E6086052B499757D827?text=&docid=188907&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1039211>

¹⁶ Human Rights Committee (HRC), "Concluding Observations on the Third Periodic Report of the Czech Republic, CCPR/C/CZE/CO/3," 22 August 2013, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

asylum seekers. Under Section 46(a)(1) the Interior Ministry 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 their identify documents; c) if there is a well-founded assumption that they could threaten state security or public order; d) in the context of a 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 they will abscond. The ministry may also detain an asylum seeker who violates obligations imposed on them under alternatives to detention (AA, Section 46(a)(2)).

In 2018, the UN [Committee against Torture](#) (CAT) urged the Czech Republic to end its practice of detaining asylum seekers,¹⁷ —surpassing the UN HRC's 2013 recommendation that asylum seekers are detained only as a measure of last resort after due consideration of less invasive means.¹⁸ Three years earlier, the UN [Committee on the Elimination of Racial Discrimination](#) (CERD) also recommended that the country consider alternatives to detention of asylum seekers.¹⁹

2.4 Children. Czech law prohibits the detention of children under the age of 15 and their families, but it allows for the detention of older children in certain situations.

Under the AA, unaccompanied children and a parent or family with a minor child are categorized as vulnerable people (Section 1(i)), who should not be detained (Section 46(a)(3)).²⁰ Unaccompanied children who fall under the scope of the FNA and who are 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)), which is similar to policies in other European countries, including Poland and [Finland](#).²¹

Despite these non-detention norms for younger children and families, the GDP did not have at the time of this publication sufficient information about operations at the various institutions that have been used to accommodate foreign children to determine whether they should be considered detention centres. This has been a recurring challenge for observers in many countries who investigate the treatment of children in immigration procedures.²²

¹⁷ Committee against Torture (CAT), "Concluding Observations on the Sixth Periodic Report of Czechia, CAT/C/CZE/CO/6," 8 June 2018, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

¹⁸ Human Rights Committee (HRC), "Concluding Observations on the Third Periodic Report of the Czech Republic, CCPR/C/CZE/CO/3," 22 August 2013, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

¹⁹ Committee on the Elimination of Racial Discrimination (CERD), "Concluding Observations on the Combined Tenth and Eleventh Periodic Reports of the Czech Republic, CERD/C/CZE/CO/10-11," 25 September 2015, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

²⁰ European Agency for Fundamental Rights (FRA), "European Legal and Policy Framework on Immigration Detention of Children," 2017, <http://fra.europa.eu/en/publication/2017/child-migrant-detention>

²¹ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "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

²² For a discussion of these challenges, see: Global Detention Project, "Children in Immigration Detention: Challenges of Measurement and Definition," GDP, June 2015, <https://www.globaldetentionproject.org/children-in-immigration-detention-challenges-of-measurement-and-definition-2>

In the case of the Czech Republic, two facilities in particular have been used to accommodate undocumented children under the age of 15, the Blue School Diagnostic Institute for Foreign Minors (*Modra Skola*) and the Facility for Foreign National Children in Prague. The Blue School was used for many years for this purpose, accommodating unaccompanied children for periods of up to three months while they awaited appointment of a legal guardian.²³ After this period, children without guardians would be placed in children's shelters.²⁴ The GDP was unable to confirm the status of the Blue School at the time of this publication.

More recently, reports suggest that another facility is currently used to accommodate, exceptionally, unaccompanied minors, the Facility for Foreign National Children in Prague, where they receive social care and are provided with extracurricular activities. In 2017, 26 unaccompanied children were placed in the facility, compared to 43 in 2016, 79 in 2015, and 22 in 2014.²⁵

Because the GDP does not have adequate information about operations at the Blue School or the Facility for Foreign National Children in Prague, neither of them have been coded as "immigration detention centres" in the GDP database.

Unaccompanied children between the ages of 15 and 18 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 (FNA, Section 124(6) and Section 129(5)). The FNA provides that the government can detain children in such circumstances 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, children in the 15 to 18 age group are rarely detained.²⁶ However, if they are detained, unaccompanied children are placed in the [Bělá-Jezová centre](#), which does not have a specific section for minors. The European Committee for the Prevention of Torture (CPT) has stressed that unaccompanied children should not be detained and instead urged Czech authorities to provide them with

²³ 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," 2007.

²⁴ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "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; Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "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

²⁵ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "Member States' Approaches to Unaccompanied Minors Following Status Determination: Czech Republic," 2017. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/06a_czech_republic_uam_study_en.pdf

²⁶ 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," March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

special care and to accommodate them in an open or semi-open establishment specifically for juveniles, such as a social welfare or educational institution.²⁷

The FNA does not prohibit the detention of migrant families with. According to the [Forum for Human Rights](#) and [Organization for Aid to Refugees](#), most of the families detained have applied for asylum in another EU country and are subject to the Dublin rules. Non-custodial measures are rarely made available to migrant families who have recently arrived in the Czech Republic.²⁸ Like in Poland, children are not considered formally detained. Instead, they “accompany” their parent and are “accommodated” in the centre—and families with children are routinely detained for prolonged periods.²⁹ Authorities claim that detaining families is for the child’s best interests because it avoids separation,³⁰ and the FNA provides that children should be placed together with their parents (Section 141(3)). According to official sources, this rule is respected in practice.³¹ Families are held in the same building at the Bělá-Jezová section that is used for women.³²

Unaccompanied children aged 15 to 18, and families with children, can be detained for up to three months (FNA, Section 125(1)-(3)). In 2013, the UN HRC urged the Czech Republic to reduce this period and to ensure that the detention of children is permitted only as a measure of last resort and for the shortest appropriate period.³³ According to the Refugee Facilities Administration of the Interior Ministry, between November 2015 and November

²⁷ 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,” March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

²⁸ Forum for Human Rights and Organization for Aid to Refugees, “NGOs Information to the United Nations Committee against Torture: The Sixth Periodic Report of Czechia under the United Nations Convention Against Torture: Immigration Detention of Families with Children,” March 2018, https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/CZE/INT_CAT_CSS_CZE_30774_E.pdf

²⁹ Forum for Human Rights and Organization for Aid to Refugees, “NGOs Information to the United Nations Committee against Torture: The Sixth Periodic Report of Czechia under the United Nations Convention Against Torture: Immigration Detention of Families with Children,” March 2018, https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/CZE/INT_CAT_CSS_CZE_30774_E.pdf

³⁰ Forum for Human Rights and Organization for Aid to Refugees, “NGOs Information to the United Nations Committee against Torture: The Sixth Periodic Report of Czechia under the United Nations Convention Against Torture: Immigration Detention of Families with Children,” March 2018, https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/CZE/INT_CAT_CSS_CZE_30774_E.pdf; 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,” March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

³¹ Interior Ministry’s Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), “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

³² 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,” March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

³³ Human Rights Committee (CRC), “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>

2016, the duration for which children were detained in Bělá-Jezová varied from two to 86 days, and the average duration was 55 days.³⁴

During the 2015 visit to Bělá-Jezová, the Ombudsman found that children lacked clothes and shoes, and the food available was inadequate for young children.³⁵ Meanwhile in 2016, the Ombudsman found that due to a sharp decrease in the number of detainees, conditions in the facility had improved significantly, although the centre remained inappropriate for families with children. Restrictive elements including barred windows and doors, fences and barbed wire, and excessive surveillance by security guards created fear and anxiety amongst children, negatively impacting their psychological well-being.³⁶

The FNA also states that if education is not provided in the centre, detainees are to be allowed to leave the facility for the purpose of compulsory school attendance (Section 142). According to official sources, educational programmes are provided for detained children in the detention centre:³⁷ since 2015, teachers from the local elementary school have delivered schooling. According to the Interior Ministry, children aged six to 15 may also attend catch-up classes at the local school itself in Bělá-Jezová, although in practice this does not appear to take place and teachers provide classes in the centre instead.³⁸

The number of detained children has increased over the past few years. According to the Refugee Facilities Administration, between November 2015 and November 2016, 153 children were detained in Bělá-Jezová.³⁹ According to the CPT, 22 accompanied children were detained in Bělá-Jezová in 2013.⁴⁰ According to the Refugee Facilities Administration, 11 children were detained in 2012 (of whom none were unaccompanied); 7 were detained in

³⁴ Ombudsman, "Facility for Detention of Foreigners Bělá-Jezová: Report on Visit to the Facility," 22 December 2016, https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zarizeni_pro_cizince/Visits_of_the_Facility_for_Detention_of_Foreigners_Bela-Jezova__December_2016_.pdf

³⁵ Ombudsman, "Facility for Detention of Foreigners Bělá-Jezová: Evaluation of Systematic Visit," 9 September 2015, https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zarizeni_pro_cizince/Report_Bela-Jezova.pdf

³⁶ Ombudsman, "Facility for Detention of Foreigners Bělá-Jezová: Report on Visit to the Facility," 22 December 2016, https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zarizeni_pro_cizince/Visits_of_the_Facility_for_Detention_of_Foreigners_Bela-Jezova__December_2016_.pdf

³⁷ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "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

³⁸ European Agency for Fundamental Rights (FRA), "European Legal and Policy Framework on Immigration Detention of Children," 2017, <http://fra.europa.eu/en/publication/2017/child-migrant-detention>

³⁹ Ombudsman, "Facility for Detention of Foreigners Bělá-Jezová: Report on Visit to the Facility," 22 December 2016, https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zarizeni_pro_cizince/Visits_of_the_Facility_for_Detention_of_Foreigners_Bela-Jezova__December_2016_.pdf

⁴⁰ 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," March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

2011 (of whom none were unaccompanied); and 40 were detained in 2010 (of whom three were unaccompanied).⁴¹

The country's detention of families with children has attracted criticism from several UN treaty bodies. In 2018, the UN CAT urged the Czech Republic to end the practice of detaining child asylum seekers and to provide "alternative accommodation" to families with children.⁴² Several years earlier, the UN [Committee on the Elimination of Discrimination against Women](#) (CEDAW) 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,⁴³ and the UN CERD also recommended that the Czech Republic avoid detaining asylum seeking children.⁴⁴ According to the UN HRC, the country should ensure that the detention of children is permitted only as a measure of last resort.⁴⁵ Finally, in line with the 2011 recommendation of the UN [Committee on the Rights of the Child](#) (CRC), the Czech Republic should avoid any form of detention of child asylum seekers and consider all possible alternatives prior to detention.⁴⁶

2.5 Other vulnerable groups. Besides children and families, vulnerable people under the AA include people with disabilities or serious illnesses, individuals aged 65 or over, 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 the exception of an individual with disabilities, should not be detained. The Interior Ministry may however decide to detain such a person if they are an adult and have repeatedly violated obligations imposed on them in the context of alternatives to detention.

In 2018, the UN CAT expressed concern regarding the absence of standard operating procedures for identifying and protecting vulnerable persons, including victims of torture and ill-treatment, and urged the country to develop and implement such procedures.⁴⁷ Previously in 2016, the UN CEDAW regretted that many asylum-seeking, refugee, or irregular migrant women, including pregnant women, nursing mothers, and mothers with children, are placed in immigration. The committee urged the Czech Republic to immediately cease the detention

⁴¹ Petr Pondelicek (Refugee Facilities Administration), Response to Global Detention Project/Access Info Questionnaire, 21 March 2013.

⁴² Committee against Torture (CAT), "Concluding Observations on the Sixth Periodic Report of Czechia, CAT/C/CZE/CO/6," 8 June 2018, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

⁴³ Committee on the Elimination of Discrimination against Women (CEDAW), "Concluding Observations on the Sixth Periodic Report of the Czech Republic, CEDAW/C/CZE/CO/6," 14 March 2016, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

⁴⁴ Committee on the Elimination of Racial Discrimination (CERD), "Concluding Observations on the Combined Tenth and Eleventh Periodic Reports of the Czech Republic, CERD/C/CZE/CO/10-11," 25 September 2015, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

⁴⁵ Human Rights Committee (HRC), "Concluding Observations on the Third Periodic Report of the Czech Republic, CCPR/C/CZE/CO/3," 22 August 2013, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

⁴⁶ Committee on the Rights of the Child (CRC), "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/ENACARegion/Pages/CZIndex.aspx>

⁴⁷ Committee against Torture (CAT), "Concluding Observations on the Sixth Periodic Report of Czechia, CAT/C/CZE/CO/6," 8 June 2018, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

of asylum-seeking, refugee, or irregular migrant women and their children and to implement less coercive alternative measures.⁴⁸

2.6 Length of detention. The FNA establishes that the initial detention period cannot exceed six months (Section 125(1)). This period can be extended for up to 18 months if the person impedes return, or provides false information for the issuance of substitute travel documents—or refuses to provide the necessary information altogether. If the destination country causes a delay in the provision of necessary documents, the detention period can be extended to 12 months (Section 125 (2)-(3)). Elsewhere, according to the AA, applicants for international protection can be detained for up to 120 days (AA, Section 46(a)(5)).

Both the FNA and AA stipulate that if a person has already been detained under either one of the acts, the time they spent in detention based on grounds contained in one of them does not count toward the maximum permissible length of detention if they are subsequently detained based on grounds provided in the other act (FNA, Section 125(5); AA, Section 46(a)(4)).⁴⁹ This means that non-citizens may be subject to cumulative lengths of detention successively under both the AA and FNA. However, in April 2014, the Supreme Administrative Court ruled that the length of detention under the AA should count towards the maximum permissible length of detention under the FNA.⁵⁰

According to official sources, 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 2009.⁵¹ According to the management of the Bělá-Jezová centre, the average length of detention in the centre was approximately 80 days in 2014.⁵² Both the UN HRC and UN CERD have called upon the Czech Republic to use detention for the shortest appropriate period.⁵³

2.7 Procedural guarantees. Under Sections 124(7) and 126(b) of the FNA, the police should inform the detainee upon arrest about the possibility of filing a request for release from detention and to bring administrative judicial proceedings against the detention order or the length of their detention. This information is to be conveyed in the language that the non-citizen is able to understand. If this is not possible, the police should provide the detainee

⁴⁸ Committee on the Elimination of Discrimination against Women (CEDAW), “Concluding Observations on the Sixth Periodic Report of the Czech Republic, CEDAW/C/CZE/CO/6,” 14 March 2016, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

⁴⁹ Hana Frankova (Organization for Aid to Refugees), Email exchange with Izabella Majcher (Global Detention Project), August 2016.

⁵⁰ D. Kosar and Z. Kühn, “Completed Questionnaire for the Project Contention National Report: Czech Republic,” 2014, <http://contention.eu/country-reports/>

⁵¹ Interior Ministry’s Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), “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

⁵² 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,” March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

⁵³ Committee on the Elimination of Racial Discrimination (CERD), “Concluding Observations on the Combined Tenth and Eleventh Periodic Reports of the Czech Republic, CERD/C/CZE/CO/10-11,” 25 September 2015, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>; Human Rights Committee (HRC), “Concluding Observations on the Third Periodic Report of the Czech Republic, CCPR/C/CZE/CO/3,” 22 August 2013, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

with this information in written form in at least one of the following languages: Czech, English, French, German, Chinese, Russian, Arabic, Hindi, or Spanish.

If a detainee wishes to submit a request to the police for release from detention, the request may be filed 30 days (at the earliest) after the detention order, or decision to extend detention, enters into force. 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 a hearing (at which the detainee is entitled to present) and the police should inform the detainee about the consequences of refusing to testify or of providing false testimony. The police may also interrogate witnesses (Section 129(a)(1)-(5)). The same procedure is laid down for asylum seekers in the AA. The difference is that the application is to be submitted to the ministry or local court. If the application has been submitted to the ministry, it should submit the applicant's file to the court within five days. The court is to make a decision within seven days of receiving the file (AA, Section 46(a)(6)-(9)).

According to the FNA, detainees may also file a legal administrative action with an administrative court contesting their detention order (FNA, Section 129(a)(2)). Judicial organs thus review decisions made by administrative authorities only in response to an application submitted by the detainee.⁵⁴

In 2013, 12 detention decisions were challenged before regional courts (two of which were successful); in 2012, 27 (six successfully); and in 2011, 62 (12 successfully).⁵⁵

These two proceedings appear to be the only actions available to immigration detainees. The FNA 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 Article 144(3) of the FNA, detained non-citizens have the right to receive visits from lawyers or legal representatives who provide legal assistance to foreigners. However, according to the Organization for Aid to Refugees, full access is often impeded. For instance, with detainees required to hand over mobile phones, the opportunity to contact lawyers is limited to just once a week when NGO lawyers visit detention facilities. This can be problematic considering that detainees have just five days to challenge police detention decisions before an administrative court. A Supreme Administrative Court judgement from 2015 pointed out that the transposition of Article 13(3) of the [EU Returns Directive](#), which provides for access to legal aid, failed to ensure that non-citizens have access to legal aid and representation, as the law does not guarantee the timely provision of legal aid, especially free legal aid, for persons with limited resources.⁵⁶

⁵⁴ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), “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; D. Kosar and Z. Kühn, “Completed Questionnaire for the Project Contention National Report: Czech Republic,” 2014, <http://contention.eu/country-reports/>

⁵⁵ D. Kosar and Z. Kühn, “Completed Questionnaire for the Project Contention National Report: Czech Republic,” 2014, <http://contention.eu/country-reports/>

⁵⁶ D. Kosar, “National Synthesis Report – Czechia: Detention for the Purpose of Removal,” *Odysseus Network, Redial Project*, 2017, <http://euredial.eu/docs/publications/national-synthesis-reports/CzechiaFB.pdf>

Detainees may submit complaints regarding the violation of the provisions of Chapter 12 of the FNA, which spells out the conditions of detention (see “Regulation of detention conditions”). These are to be submitted to the Interior Ministry, which in turn has 30 days to respond (Section 148(2)).

In 2018, the UN CAT regretted that immigration detainees lack adequate access to free legal assistance, which it stated resulted in limited awareness of their rights to apply for asylum and to appeal negative decisions. The committee recommended that the Czech Republic provide free legal assistance at all detention centres.⁵⁷

2.8 Detaining authorities and institutions. The police (partly in cooperation with the Interior Ministry) order detention under the FNA, while the Interior Ministry orders detention under the AA.⁵⁸

Pursuant to Section 130(2) of the FNA, the Interior Ministry operates detention centres through a state body. In practice, the Interior Ministry’s Refugee Facilities Administration is in charge of the operation and overall management of reception and detention centres.⁵⁹ Until January 2006, the police ran detention centres, and according to official as well as non-governmental sources, the transfer of responsibility to the Refugee Facilities Administration triggered a number of positive developments. These included improvements in living conditions at detention centres, better processing procedures, and improved access to legal assistance.⁶⁰

2.9 Non-custodial measures (“alternatives to detention”). Under Section 46(a)(1) of the AA and Sections 124(1), 124(a), and 124(b)(1) of the FNA, the police may detain a non-citizen if the imposition of non-custodial measures (called “special measures”) is not sufficient. Pursuant to Section 123 of the FNA, there are three such “alternatives”: 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 within a time limit stipulated by the police on a regular basis; and 3) to provide a security deposit. Official sources have highlighted that only residence restrictions and reporting obligations are used in practice.⁶¹

⁵⁷ Committee against Torture (CAT), “Concluding Observations on the Sixth Periodic Report of Czechia, CAT/C/CZE/CO/6,” 8 June 2018, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

⁵⁸ Interior Ministry’s Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), “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

⁵⁹ Interior Ministry’s Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), “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

⁶⁰ 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.

⁶¹ Interior Ministry’s Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), “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

The Ombudsman observed that non-custodial measures are rarely applied. In 2015, they were granted in 19 cases; in 2014, in 44 cases; in 2013, in 57 cases; in 2012, in 70 cases; and in 2011, in 65 cases.⁶² The failure to widely employ “special measures” has received criticism from several human rights treaty bodies, including the CAT in 2018, CEDAW in 2016, CERD in 2015, and HRC in 2013.⁶³ According to the Interior Ministry, the reason that these measures are rarely favoured is because the Czech Republic is a transit country for most migrants, who intend to continue their journeys to countries in Western Europe. Thus, according to the ministry, there is an inherent risk of absconding.⁶⁴

2.10 Regulation of detention conditions. Section 130(1) of the FNA stipulates that detention is usually carried out in a “facility” (*zařízení*), although it does not clarify what is meant by this term.

Upon detention, a person should be informed of their rights and obligations as well as the internal rules of the facility. Such information is to be provided in their mother tongue or a language that they are able to understand (FNA, Section 131). In placing non-citizens in a detention centre, their religious, ethnic, and national background should be taken into account. Unaccompanied minors are to be held separately from adults, and women are to be held separately from unrelated men (FNA, Section 141(1)-(2)).

Detainees should be provided with food three times a day (and minors five times a day). The diet should observe the principles of good nutrition and the detainee’s condition of health, and should also take their cultural and religious beliefs and traditions into account as far as possible (FNA, Section 143). The FNA spells out several other entitlements, specifically that the facility management 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 publications if they are distributed in the Czech Republic; e) allow detainees to make applications to Czech authorities or international organisations; f) upon request, allow an interview without undue delay with the head of the facility or its agent, or the police in the establishment; and g) allow eight hours of uninterrupted sleep at night (FNA, Section 134(1)).

⁶² Ombudsman, “Statement of the Public Defender of Rights on the Sixth Periodic Report of the Czech Republic on Measures Implemented in Order to Perform its Obligations under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment for the Period 2009–2015,” 2018, https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fNHS%2fCZE%2f30773&Lang=en

⁶³ Committee against Torture (CAT), “Concluding Observations on the Sixth Periodic Report of Czechia, CAT/C/CZE/CO/6,” 8 June 2018, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>; Committee on the Elimination of Discrimination against Women (CEDAW), “Concluding Observations on the Sixth Periodic Report of the Czech Republic, CEDAW/C/CZE/CO/6,” 14 March 2016, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>; Human Rights Committee (HRC), “Concluding Observations on the Third Periodic Report of the Czech Republic, CCPR/C/CZE/CO/3,” 22 August 2013, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>; Committee on the Elimination of Racial Discrimination (CERD), “Concluding Observations on the Combined Tenth and Eleventh Periodic Reports of the Czech Republic, CERD/C/CZE/CO/10-11,” 25 September 2015, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

⁶⁴ Interior Ministry’s Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), “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

Facilities can have areas that operate under different regimes, strict or moderate (FNA, Section 130(3)). Sections with moderate regimes consist of accommodation rooms, common social and cultural facilities, and space where detainees can move freely. Sections with strict security regimes are separated from moderate sections and include accommodation rooms and space where detainees may walk (FNA, Section 132). Accommodation in moderate sections is equipped with beds, lockers, a table, and chairs. Accommodation in the strict security areas is equipped with beds, a table, chairs, and sanitary facilities, and the rooms can only be locked from the outside (FNA, Section 133). Detainees in moderate security sections can move freely within their area and contact other foreigners placed in the same section (FNA, Section 134(1)). On the other hand, detainees in strict security areas are confined to their cells all day, with the exception of a daily walk within a designated area for at least one hour (FNA, Section 134(3)). As the CPT has observed, strict security areas may essentially become solitary confinement if only one person is held there. The committee thus recommended that authorities ensure that detainees who are de facto held in solitary confinement are provided with appropriate daily contact.⁶⁵

A detainee may be placed in a strict security section if they: a) are aggressive or require close supervision for another compelling reason; b) repeatedly and seriously violate the internal rules in the facility; or c) repeatedly and seriously violate an obligation or prohibition under the FNA. Children can only be placed in the strict security section for reasons under paragraphs a) and c) (FNA, Section 135(1)-(2)). Placement in the strict security section may not exceed 30 days, but this is extendable by an additional 30 days if increased supervision of the detainee is considered necessary (FNA, Section 134(5)). Such a decision is taken by the police or is based on a request from the Refugee Facilities Administration, and the Ombudsman should be informed of such a decision. In 2014, one person was held in a strict section and in 2013, 19 persons were held.⁶⁶

2.11 Domestic monitoring. Under Section 149(2) of the FNA, representatives of an international or non-governmental organisation engaged in the protection of the rights of persons deprived of liberty should be authorised, based on a written request, to monitor facilities. Authorisation may be refused by the facility operator based on a perceived threat to the operation and safety of the facility.

The Ombudsman ([Public Defender of Rights](#)) visits detention centres. Between 2015-2016, the Ombudsman visited the Bělá-Jezová centre three times.⁶⁷

With regards to civil society organisations, the Organization for Aid to Refugees currently visits each detention centre once a week. Since legal consulting is funded by a project financed by European funds through the Interior Ministry, the Organization for Aid to Refugees has general approval for a specific lawyer to visit each of the facilities for the duration of the project period (2018-2020). In other cases, lawyers may require approval

⁶⁵ 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," March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

⁶⁶ 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," March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

⁶⁷ Ombudsman, "Reports from Visits of Facilities for the Detention of Foreigners," <https://www.ochrance.cz/en/protection-of-persons-restricted-in-their-freedom/detention-of-foreigners/>

from the Refugee Facilities Administration for each visit, but this could also be obtained for longer periods too. Due to funding gaps, the legal consultation scheme has been interrupted at times.⁶⁸ The UN CAT recommended that the Czech Republic facilitate access by NGOs providing legal assistance to detention centres.⁶⁹

2.12 International monitoring. As a State Party to the [European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#), the Czech Republic receives regular monitoring visits from the CPT. In recent years, five UN human rights treaty bodies have made immigration-detention related recommendations to the Czech Republic: CAT (2018),⁷⁰ CEDAW (2016),⁷¹ CERD (2015),⁷² HRC (2013),⁷³ and CRC (2011).⁷⁴

2.13 Criminalisation. Chapter XIV of the FNA provides for administrative offences. Under Section 156(1), failure to enter the Czech territory via border crossing points and border checks is an offence punishable with a fine of up to 10,000 CZK (approximately 370 EUR) (Section 156(4)).

According to the Organisation for Aid to Refugees, since 2015 asylum seekers arriving at Prague International Airport have often been denied access to asylum procedures and are instead imprisoned for having allegedly arrived with forged documents.⁷⁵

2.14 Privatisation. While, the police secure the perimeter of the centres and conduct body searches of newly admitted detainees, private security guards are in charge of maintaining

⁶⁸ Hana Frankova (Organization for Aid to Refugees), Email exchange with Izabella Majcher (Global Detention Project), August 2016.

⁶⁹ Committee against Torture (CAT), “Concluding Observations on the Sixth Periodic Report of Czechia, CAT/C/CZE/CO/6,” 8 June 2018, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

⁷⁰ Committee against Torture (CAT), “Concluding Observations on the Sixth Periodic Report of Czechia, CAT/C/CZE/CO/6,” 8 June 2018, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

⁷¹ Committee on the Elimination of Discrimination against Women (CEDAW), “Concluding Observations on the Sixth Periodic Report of the Czech Republic, CEDAW/C/CZE/CO/6,” 14 March 2016, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

⁷² Committee on the Elimination of Racial Discrimination (CERD), “Concluding Observations on the Combined Tenth and Eleventh Periodic Reports of the Czech Republic, CERD/C/CZE/CO/10-11,” 25 September 2015, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

⁷³ Human Rights Committee (HRC), “Concluding Observations on the Third Periodic Report of the Czech Republic, CCPR/C/CZE/CO/3,” 22 August 2013, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

⁷⁴ Committee on the Rights of the Child (CRC), “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/ENACARegion/Pages/CZIndex.aspx>

⁷⁵ Hungarian Helsinki Committee (HHC), “Pushed Back at the Door: Denial of Access to Asylum in Eastern EU Member States,” 2017, <http://www.ecre.org/poland-bulgaria-czech-republic-hungary-and-slovenia-pushed-back-at-the-door/>

internal order and are present in centres around the clock.⁷⁶ Since 2015, Securitas has provided private security guards for Bělá-Jezová centre.⁷⁷

Security staff are equipped with defensive devices, such as a tear agents and Kevlar gloves.⁷⁸ The Ombudsman's report on Bělá-Jezová, which followed a 2016 surprise visit, highlighted that the presence of private security staff in the building was excessive, intimidating, and unnecessary.⁷⁹ On a previous visit to the centre in 2015, the Ombudsman found that the private security guards, who were also the only people to have direct contact with detainees, were not competent to address the issues and needs of the detained individuals.⁸⁰ 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 that many staff members at the facility—in particular private security company employees—had received no specific training for working in a multi-ethnic environment. The CPT also expressed concern that some private security staff carried pepper spray inside the detention areas.⁸¹

2.15 Cost of detention. Detainees have to pay for their detention. Every detainee (including children) is to pay a daily fee of 112 CZK (approximately 4.30 EUR) for accommodation and 120 CZK (approximately 4.60 EUR) for meals, amounting to roughly eight to nine EUR per day. Following its visit, the CPT requested comments from the Czech authorities about the

⁷⁶ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "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; 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," March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>; Hana Frankova (Organization for Aid to Refugees), Email exchange with Izabella Majcher (Global Detention Project), November 2018.

⁷⁷ Security Magazine, "Bělá-Jezová se vzpamatovává z letošního náporu imigrantů. Aktuálně jich tu je pouhých devět [Bělá-Jezová Recovers From This Year's Onslaught of Immigrants. Currently, There Are Only Nine]," *Security Magazine*, 12 December 2015, <https://www.securitymagazin.cz/zpravy/belajezova-se-vzpamatovava-z-letosniho-naporu-imigrantu-aktualne-jich-tu-je-pouhych-devet-1404048418.html>; Nabídka Úpěr, "Bezpečnostní Pracovníci - Ostraha Suz - Bělá Jezová," <http://www.nabidkyupcr.cz/volne-misto/11509010716>

⁷⁸ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "EMN Ad-Hoc Query on Providing Security to the Civil Staff, Working in the Detention Centre," 2017, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en

⁷⁹ Ombudsman, "Facility for Detention of Foreigners Bělá-Jezová: Report on Visit to the Facility," 22 December 2016, https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zarizeni_pro_cizince/Visits_of_the_Facility_for_Detention_of_Foreigners_Bela-Jezova__December_2016_.pdf

⁸⁰ Ombudsman, "Facility for Detention of Foreigners Bělá-Jezová: Evaluation of Systematic Visit," 9 September 2015, https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zarizeni_pro_cizince/Report_Bela-Jezova.pdf

⁸¹ 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," March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

appropriateness of requiring such payment.⁸² Reportedly, 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 are consequently issued with a debt note upon release.⁸³ According to the UN High Commissioner for Human Rights, “The fact that people are being forced to pay for their own detention is particularly reprehensible.”⁸⁴ In 2018, the UN CAT urged the country to review this policy with a view to abolishing it.⁸⁵

2.16 Trends and statistics. According to the Interior Ministry, the country detained 606 non-citizens in 2016, 1,761 in 2015, 229 in 2014, 183 in 2013, and 202 in 2012,⁸⁶ In another report, the ministry provided different numbers, notably 352 in 2013 and 320 in 2012.⁸⁷ In turn, according to the Ombudsman, 2,564 non-citizens were detained in 2015, 404 in 2014, 250 in 2013, and 366 in 2012.⁸⁸ The police figures are significantly higher.⁸⁹

Eurostat data shows that the country faces diminishing migratory pressures. In 2017, 1,445 people sought asylum in the Czech Republic, a figure that was comparable to Slovenia (1,475). In 2017, the Czech Republic refused entry to 230 migrants, which was the fourth lowest in the Schengen area—only Iceland (55), Luxembourg (5), and Liechtenstein refused entry to fewer people. In 2016, with 365 refusals of entry, the Czech Republic ranked fifth. In 2017, the country apprehended 4,360 undocumented migrants, which was a figure comparable to that of Slovenia (4,180) and Cyprus (4,090). In 2016, the country apprehended 4,885 people. In 2017, the Czech Republic removed 805 people, and in 2016 530 were removed.⁹⁰

⁸² 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,” March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

⁸³ M. Rozumek, “Refugees Being Treated Like Criminals in Czech Detention Centres,” *European Council on Refugees and Exiles (ECRE)*, 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/>

⁸⁴ Office of the High Commissioner for Human Rights (OHCHR), “Zeid Urges Czech Republic to Stop Detention of Migrants and Refugees,” 22 October 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16632&LangID=E>

⁸⁵ Committee against Torture (CAT), “Concluding Observations on the Sixth Periodic Report of Czechia, CAT/C/CZE/CO/6,” 8 June 2018, <http://ohchr.org/EN/Countries/ENACARRegion/Pages/CZIndex.aspx>

⁸⁶ Interior Ministry’s Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), “The Effectiveness of Return in EU Member States: Challenges and Good Practices Linked to EU Rules and Standards,” 2017, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_return_study_synthesis_report_final_en.pdf

⁸⁷ Interior Ministry’s Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), “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

⁸⁸ Ombudsman, “Statement of the Public Defender of Rights on the Sixth Periodic Report of the Czech Republic on Measures Implemented in Order to Perform its Obligations under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment for the Period 2009–2015,” https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/CZE/INT_CAT_NHS_CZE_30773_E.pdf

⁸⁹ Notably, 4,822 in 2014 and 8,563 in 2015, 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>

⁹⁰ Eurostat “Third Country Nationals Found to be Illegally Present,” 22 August 2018, <https://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database>



3. DETENTION INFRASTRUCTURE

3.1 Summary. The Czech Republic operates three dedicated immigration detention centres, which are located in [Balková](#) (capacity of 200), [Bělá-Jezová](#) (capacity of 90), and [Vyšni Lhoty](#) (capacity of 198).⁹¹ The total capacity decreased between the end of 2016 and March 2017, from 850 to 488.⁹²

Bělá-Jezová is the Czech Republic's longest operating immigration detention centre, and for almost a decade it was the country's only such facility.⁹³ In 2015, the country opened two additional dedicated centres, in Vyšni Lhoty and Drahonice.⁹⁴ The Drahonice centre was a former prison that was briefly used as an immigration centre. In November 2016, the Drahonice facility closed and was replaced with the re-opened Balková, which had previously operated as a detention centre before being closed in 2005.⁹⁵

⁹¹ Global Detention Project and Organization for Aid to Refugees and Forum for Human Rights, "Submission to the Universal Periodic Review 28th Session of the UPR Working Group," March 2017, <https://www.globaldetentionproject.org/submission-to-the-universal-periodic-review-upr-the-czech-republic/>; Interior Ministry, "Aktuální statistiky [Current Statistics]," 2017, <http://www.mvcr.cz/migrace/clanek/aktualni-statistiky.aspx>; Hana Frankova (Organization for Aid to Refugees), Email exchange with Izabella Majcher (Global Detention Project), November 2018.

⁹² Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "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; Interior Ministry, "Aktuální statistiky [Current Statistics]," 2017, <http://www.mvcr.cz/migrace/clanek/aktualni-statistiky.aspx>

⁹³ 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," March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>; Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "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

⁹⁴ Interior Ministry, "Aktuální statistiky [Current Statistics]," 2016, <http://www.mvcr.cz/migrace/clanek/aktualni-statistiky.aspx>; M. Rozumek, "Refugees Being Treated Like Criminals in Czech Detention Centres," *European Council on Refugees and Exiles (ECRE)*, 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.

⁹⁵ Czech News Agency (CTK), "HN: Refugee Camp in Balková Opens This Week," *Prague Daily Monitor*, 16 November 2016, <http://praguemonitor.com/2016/11/18/hn-refugee-camp-balkova-opens-week>; Parliamentary Assembly of the Council of Europe, "Documents Working Papers 2007 Ordinary Session (Fourth Part), 1-5 October 2007," <https://bit.ly/2SdsVAK>

In addition to official long-term detention centres, the country operates other facilities for asylum seekers, which the GDP classifies as “secure reception centres.” In contrast to accommodation centres, which allow people to leave, secure reception centres (*Přijímací střediska*)—located in Zastavka and at the Prague airport—do not allow people to leave the premises at will. Indeed, people are placed in reception centres upon arrival for the duration of initial admission procedures and are prevented from departing, which amounts to deprivation of liberty.⁹⁶

3.2 Detention facilities. Balková, Bělá-Jezová, and Vyšni Lhoty.

3.3 Conditions in detention. Material conditions in Czech detention centres have attracted criticism from UN treaty bodies. In 2018, the UN CAT urged the country to continue its efforts to improve material conditions in detention centres, including regarding the provision of basic necessities, health-care services, and educational and recreational opportunities for children.⁹⁷ A few years earlier, the committee had also recommended that the Czech Republic review the regime and material conditions in immigration detention centres.⁹⁸ More recently, the CERD and HRC have also recommended that the country ensure that the conditions in all immigration detention centres comply with international standards.⁹⁹

In 2018, the UN CAT expressed concern over the use of excessive force, such as indiscriminate hand-cuffing.¹⁰⁰ Similar concerns were reported to the Ombudsman in October 2015 by detainees themselves who reported that security guards resorted to handcuffs, even when they simply needed to move a detainee from one area of the facility to another.¹⁰¹ Many detainees also spoke about feeling intimidated by security guards displaying a device that resembled a taser.¹⁰² In 2011, the UN CERD expressed concern at reports of non-citizens being ill-treated in detention centres and requested information on

⁹⁶ Refugee Facilities Administration, “Provoz zařízení,” <http://www.suz.cz/co-delame/provoz-zarizeni/>

⁹⁷ Committee against Torture (CAT), “Concluding Observations on the Sixth Periodic Report of Czechia, CAT/C/CZE/CO/6,” 8 June 2018, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

⁹⁸ Committee against Torture (CAT), “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/ENACARegion/Pages/CZIndex.aspx>

⁹⁹ Human Rights Committee (HRC), *Concluding observations on the third periodic report of the Czech Republic*, CCPR/C/CZE/CO/3, 22 August 2013, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>; Committee on the Elimination of Racial Discrimination (CERD), “Concluding Observations on the Combined Tenth and Eleventh Periodic Reports of the Czech Republic, CERD/C/CZE/CO/10-11,” 25 September 2015, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

¹⁰⁰ Committee against Torture (CAT), “*Concluding Observations on the Sixth Periodic Report of Czechia*, CAT/C/CZE/CO/6,” 8 June 2018, <http://ohchr.org/EN/Countries/ENACARegion/Pages/CZIndex.aspx>

¹⁰¹ Ombudsman, “Facility for Detention of Foreigners Bělá-Jezová: Evaluation of Systematic Visit,” 9 September 2015, https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zarizeni_pro_cizince/Report_Bela-Jezova.pdf

¹⁰² Ombudsman, “Facility for Detention of Foreigners Bělá-Jezová: Evaluation of Systematic Visit,” 9 September 2015, https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zarizeni_pro_cizince/Report_Bela-Jezova.pdf

such abuses in the subsequent periodic report of the Czech Republic.¹⁰³ Later, in 2014, the CPT did not receive any allegations of ill-treatment by the centre's staff.¹⁰⁴

The FNA states that public health authorities are to provide detainees with medical examinations, other necessary diagnostic and laboratory tests, and vaccinations and preventive measures (Section 134(3)). According to official sources, a medical practitioner is generally present in the Bělá-Jezová detention facility and specialised care is provided in a nearby hospital.¹⁰⁵ In 2015, the Ombudsman found that one physician and two nurses were active in the facility, and nurses were present overnight.¹⁰⁶

According to the Ombudsman, language barriers create a significant challenge in providing appropriate healthcare in the Bělá-Jezová centre. Detainees have claimed that interpretation services were never available and reportedly some physicians did not even speak English.¹⁰⁷ This concern was also raised by the CPT in 2014, following complaints from several detainees that no interpretation was available during the medical examinations—despite the CPT being informed that nurses were able to communicate in Russian, German, and English. Indeed, the CPT reported that interpretation was sometimes provided by other detainees themselves, who spoke some Czech. Such arrangements, the committee stressed, should be avoided in order to guarantee medical confidentiality and the committee thus urged authorities to provide professional interpretation when required during medical examinations.¹⁰⁸

To ensure contact with the outside world, the FNA provides that detainees are permitted to receive visits from legal representations, and they are entitled to receive one-hour visits twice a week. Centre managers may also allow more frequent and/or longer visits at their own discretion. When detainees are placed in strict security areas, visits are to take place in

¹⁰³ Committee on the Elimination of Racial Discrimination (CERD), “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>

¹⁰⁴ 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,” March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

¹⁰⁵ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), “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

¹⁰⁶ Ombudsman, “Facility for Detention of Foreigners Bělá-Jezová: Evaluation of Systematic Visit,” 9 September 2015, https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zarizeni_pro_cizince/Report_Bela-Jezova.pdf

¹⁰⁷ Ombudsman, “Facility for Detention of Foreigners Bělá-Jezová: Evaluation of Systematic Visit,” 9 September 2015, https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zarizeni_pro_cizince/Report_Bela-Jezova.pdf

¹⁰⁸ 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,” March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

the presence of the police (Section 144). Due to the remote location of the Bělá-Jezová facility, detainees held in the centre receive very few visits in practice.¹⁰⁹

Detainees are not permitted to retain their mobile phones and must instead use public telephones.¹¹⁰ According to the CPT, detainees are to receive a phone card upon arrival and should have unlimited access to telephone booths installed on each floor of the facility.¹¹¹ However, in 2016 the Ombudswoman found that detainees were given one phone card every 90 days with credit worth 180 CZK (approximately 7 EUR). Considering the cost of making calls, a telephone card suffices for just one phone call to friends and family every three months.¹¹² On top of this, as of 2014, detainees can only spend up to 300 CZK (approximately 12 EUR) each week at the centre's shop to purchase commodities, including telephone cards. The CPT thus encouraged authorities to better facilitate communication by allowing the use of modern technology.¹¹³

According to official sources, detainees have access to outdoor exercise for one hour during winter months and at least two hours during summer months.¹¹⁴ A variety of recreational activities including sports (football, basketball, and tennis among others) and cultural activities (such as cooking, painting, theatre, and handcrafts) are scheduled daily for those in detention, and English and Czech classes are available upon request. On top of this, detainees have access to a leisure room with a television, DVD player, videogames, internet access, and a library. It is reported that each detention centre employs four staff overseeing leisure activities, and these staff members also organise children's trips and excursions.¹¹⁵

In 2014, the CPT found that the regime of activities in Bělá-Jezová centre was adequate. A teacher—present for five days a week for five hours—organised language classes as well as

¹⁰⁹ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "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

¹¹⁰ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "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

¹¹¹ 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," March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

¹¹² Ombudsman, "Facility for Detention of Foreigners Bělá-Jezová: Report on Visit to the Facility," 22 December 2016, https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zarizeni_pro_cizince/Visits_of_the_Facility_for_Detention_of_Foreigners_Bela-Jezova__December_2016_.pdf

¹¹³ 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," March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

¹¹⁴ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "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

¹¹⁵ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "EMN Ad-Hoc Query on Recreational Activities and Leisure Equipment in Detention," 2018, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en

recreational and sporting activities. Table tennis and outdoor basketball was available throughout the day, and the activity rooms in the Buildings A and D were found to be well-equipped.¹¹⁶

With regards to security, police secure the perimeter of the facility, conduct body searches of all newly admitted detainees and regular searches within the centre, and may intervene inside the centre whenever requested by the Refugee Facilities Administration. The police are also responsible for placing detainees in strict security sections. In turn, private guards maintain internal order and remain in the facility around the clock.¹¹⁷ Security staff are equipped with defence means such as a tear-foaming agent and Kevlar gloves.¹¹⁸

In 2014, the CPT found that the Bělá-Jezová centre was well-staffed in general, with 62 staff employed as well as three social workers and four teachers. In addition to this, 14 private security staff were present during the day, while 11 remained overnight. However, the committee expressed concern that almost none of the members of staff in direct contact with detainees spoke any foreign languages and 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 thus urged authorities to remedy these gaps.

Noting with concern that some private security staff often carried pepper spray inside detention areas, the CPT stressed that it should never be used in enclosed spaces, and that clearly defined safeguards must be in place for its use outdoors.¹¹⁹ In 2016 meanwhile, the Ombudsman recommended that the presence of security guards should be reduced and that rounds with guard dogs should be terminated. The Ombudsperson also highlighted the centre's unnecessary levels of security and recommended removing bars from windows, inner fences, and barbed wire.¹²⁰

¹¹⁶ 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," March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

¹¹⁷ 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," March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>; Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "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; Hana Frankova (Organization for Aid to Refugees), Email exchange with Izabella Majcher (Global Detention Project), November 2018.

¹¹⁸ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), "EMN Ad-Hoc Query on Providing Security to the Civil Staff, Working in the Detention Centre," 2017, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en

¹¹⁹ 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," March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

¹²⁰ Ombudsman, "Facility for Detention of Foreigners Bělá-Jezová: Report on Visit to the Facility," 22 December 2016, https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zarizeni_pro_cizince/Visits_of_the_Facility_for_Detention_of_Foreigners_Bela-Jezova__December_2016_.pdf

3.3a Bělá-Jezová centre. The Bělá-Jezová centre opened in 2006 on the premises of what was formerly a non-secure reception centre for asylum seekers. The centre is located in a forest in the Central Bohemian Region, some five kilometres from the closest municipality. The complex is comprised of four buildings: three accommodation buildings (A, B, and D) are for detainees held under a moderate security regime and one building (No. 10) maintains a strict security regime.

Conditions at the centre have varied over time. During a 2014 visit, the CPT found conditions to be acceptable.¹²¹ Material conditions were found to be generally satisfactory, and 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 were well-equipped. At the time of the visit, all detainees were held in the moderate security area and so could move freely during the day within the building and had access to a large outdoor area.

In 2015 however, following two visits to Bělá-Jezová, the Ombudsman reported that conditions in the centre were “inhumane and degrading” and in violation of Article 3 of the ECHR. That same year, the capacity of the centre had been increased from approximately 200 to 700, and although the conditions of detention were extremely problematic and humiliating in all areas of the facility, the situation was found to be particularly concerning in three areas: s unit comprised of 22 containers located in a forested area isolated from the rest of the facility (which, during the visit, were hosting approximately 50 detainees in overcrowded conditions and with inadequate heating and running water); the gym (which hosted approximately 100 detainees during the visit, with inadequate food, access to toilets, and running water); and tents (where detainees faced similar problems as those held in the gym).¹²²

In a similar vein, in September 2015, the Organization for Aid to Refugees claimed that “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 Organization 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.”¹²³

However, upon her visit in 2016, the Ombudswoman found that conditions in the centre had significantly improved since 2015, partly because the number of detainees had decreased. Added to this, outdoor exercise equipment had been added and children’s corners were

¹²¹ 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,” March 2015, <http://www.cpt.coe.int/documents/cze/2015-18-inf-eng.pdf>

¹²² Ombudsman, “Facility for Detention of Foreigners Bělá-Jezová: Evaluation of Systematic Visit,” 9 September 2015, https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zarizeni_pro_cizince/Report_Bela-Jezova.pdf

¹²³ M. Rozumek, “Refugees Being Treated Like Criminals in Czech Detention Centres,” *European Council on Refugees and Exiles (ECRE)*, 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/>

being built. While parts of the building have been restored and improvements made to ensure that the facility is more child-friendly, the Ombudswoman expressed concern regarding the centre's prison-like character.¹²⁴

3.3b Reception centres. The Czech Republic operates two reception centres (*Přijímací střediska*), located in [Zastávka](#) and at [Prague Ruzyně Airport](#). The Global Detention Project classifies both reception centres as “secure” reception centres, indicating that they are sites of deprivation of liberty even if the language used to designate them does not specifically indicate this fact.

According to the Interior Ministry's website, newly arriving asylum applicants are required to stay at a reception centre “for the period of time stipulated by law” for initial procedures, including identification, medical examination, and initial interview. A breach of the obligation to remain at a reception centre is considered to be an offence.¹²⁵ According to the Refugee Facilities Administration, people held at these facilities are not free to leave at will.¹²⁶ The Organization for Aid to Refugees also reports that both reception centres are secure, guarded facilities.¹²⁷

The rooms in the airport facility are barred, while in Zastavka asylum seekers can walk freely between buildings, as only the external exit is guarded.¹²⁸ According to official sources, external security is guaranteed by Czech police, while internal security is guaranteed by a private security agency. Reception centre compounds are also surrounded by a fence and are under CCTV surveillance.¹²⁹

Facilities are divided into standard and protected zones—the latter are reserved for vulnerable categories such as children and single women.¹³⁰ Like detention facilities, reception centres are managed by the Refugee Facilities Administration. If the ministry does

¹²⁴ Ombudsman, “Facility for Detention of Foreigners Bělá-Jezová: Report on Visit to the Facility,” 22 December 2016, https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zarizeni_pro_cizince/Visits_of_the_Facility_for_Detention_of_Foreigners_Bela-Jezova__December_2016_.pdf

¹²⁵ Interior Ministry, “Procedure for Granting International Protection in the Czech Republic,” 2018, <http://www.mvcr.cz/docDetail.aspx?docid=126021&docType=ART&chnum=3>

¹²⁶ Refugee Facilities Administration, “Provoz zařízení,” <http://www.suz.cz/co-delame/provoz-zarizeni/>; Refugee Facilities Administration, “PřS/PoS Zastávka,” <http://www.suz.cz/co-delame/provoz-zarizeni/prs-zastavka/>; Refugee Facilities Administration “PřS Ruzyně,” <http://www.suz.cz/co-delame/provoz-zarizeni/prs-ruzyne/>

¹²⁷ Hana Frankova (Organization for Aid to Refugees), Email exchange with Izabella Majcher (Global Detention Project), August 2016.

¹²⁸ Hana Frankova (Organization for Aid to Refugees), Email exchange with Izabella Majcher (Global Detention Project), August 2016

¹²⁹ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), “EMN Ad-Hoc Query on Functioning of closed type centres for asylum-seekers under the Directive 2013/33/EU,” 2016, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en

¹³⁰ Interior Ministry's Department for Asylum and Migration Policies (Czech National Contact Point (NCP) to the European Migration Network), “EMN Ad-Hoc Query on Functioning of Closed Type Centres for Asylum-Seekers Under the Directive 2013/33/EU,” 2016, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en

not rule on an asylum request within four weeks, the person is released. The maximum length of stay at the airport reception centre is 120 days.¹³¹

3.3c Previously used detention centres. During the past ten years, the Czech Republic has used a host of additional facilities for immigration detention purposes, including centres located in Drahonice, Frýdek-Místek, Postorná, and Velké Přílepy.¹³² Although the facilities were under the authority of the Ministry of the Interior, management was shared by three state agencies: the Refugee Facilities Administration; 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.¹³³

¹³¹ Hana Frankova (Organization for Aid to Refugees), Email exchange with Izabella Majcher (Global Detention Project), August 2016.

¹³² Global Detention Project, Organization for Aid to Refugees and Forum for Human Rights, “Submission to the Universal Periodic Review 28th Session of the UPR Working Group,” March 2017, <https://www.globaldetentionproject.org/submission-to-the-universal-periodic-review-upr-the-czech-republic>; Interior Ministry, “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*, 2007.

¹³³ 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*, 2007.



www.globaldetentionproject.org