

Beáta Szakacsova  
Office of the Public Defender of Rights  
Czech Republic

Ladies and Gentlemen,

By acceding to the Optional Protocol of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment the Czech Republic was obliged to establish an independent body that would perform systematic visits to facilities where persons are restricted in their freedom. On 1 January 2006 the Public Defender of Rights became that independent, so-called national preventive mechanism.

Today, I would like to address the findings of these systematic visits to the detention centre for foreign nationals conducted in years 2014, 2015 and the developments since then. In October 2014 the Public Defender of Rights and her employees conducted a systematic visit to the detention centre in Bela Jezova. At that time, it was the only detention centre for foreigners in the Czech Republic.

After the visit, the Public Defender of Rights issued a report, in which she found the conditions in the detention centre for children in breach of the prohibition of torture or other inhuman or degrading treatment or punishment.

The detention centre in Bela Jezova is located in a forest. At the time of the visit in October 2014, the detention centre was constantly guarded by the police and was surrounded by a high fence. Barbed wire fence divided also the sectors within the premises and the windows were fitted with grilles. The foreigners placed in the detention centre were apart from the time when they were in their rooms, constantly under surveillance of a private security agency, whose employees were dressed in a uniform resembling a uniform of security corps and they used transmitters for the communication with each other. Any movement within the centre (to the dining hall or to the doctor) was possible only with the escort of the police or of the members of the private security agency.

Families with children and single women were accommodated in the residential building A, while the environments of this building did not differ from the material conditions in the other buildings, where men were detained. The Defender found the activities available to children insufficient as they had access to the children' centre only for less than two hours a day and not even every day. Another thing that was criticized is that children had to witness as their parents were escorted handcuffed, while handcuffs were not used because the parents would demonstrate opposition or aggression, but handcuffs were only used as a preventive measure.

In our consequent visit to the facility in August 2015, the situation in the centre had significantly changed. While the original capacity of the centre was 270 persons, it had been gradually increased to 700 beds, which is almost three times more than the original capacity. At the time of the visit the facility housed 659 persons in the centre, while 147 (forty) of them were children. The capacity of the centre had increased by adding 33 container housing units, tents, using the gym as a housing area. However even though the number of beds was

increased in the facility, it was not prepared, in terms of its equipment, organization and personnel, to accommodate and provide services to 700 persons.

The situation in the facility was found to be critical during this visit. Besides the shortcomings found at the previous visit, further inadequacies had been detected. Even though the number of foreigners placed in the facility had increased, the number of the employees had not increased adequately. The facility's employees were therefore unable to provide the detainees with basic information on their situation and to address their individual needs. Instead of sufficient communication, demonstration of power in the form of a larger contingent of police, including a riot police unit was used.

Lack of toys, playgrounds, free time activities and conditions resembling a prison made the facility wholly unsuitable for accommodating children.

The living conditions and the detention regime differed markedly depending on the environment in which the individuals were accommodated. Two large military tents accommodated approximately 90 male detainees during admission (some of the detainees were accommodated in this area for up to 11 days). They received no personal hygiene items upon admission, had no access to a telephone (despite receiving a telephone card), had lack of shoes and sufficient clothing, were not aware of any social worker's activities and had no information of legal counselling.

Accommodation in the gym was also set up to house detainees during admission. The night before our visit – about 100 persons, during our visit – about 60 persons were accommodated in the gym. Sanitary conveniences serving the gym consisted of 2 toilets and two showers with no screens. Some of the detainees were accommodated in this area for up to 11 days.

During our following visit to the detention centre in October, the gym housed 37 persons, including 2 female detainees with their spouses and one minor child. The women were sharing the toilet with the men. The outing area to which persons housed in the gym were led contained a housing unit, where a female detainee (without her husband) was housed with her minor children. The Defender found this inappropriate and at variance with the principle of separate accommodation of men and women as required by the Residence of Foreign Nationals Act.

During our visit to the detention centre in October, minor children were also housed in the container units in the forest. The container units in the forest were arranged in a rectangular, completely closed-off area. The area closed off by the containers was caged off and covered with welded iron mesh.

Residential building A was reserved for accommodating families with children and vulnerable persons. Some of the detainees stated that they had not yet received their hygienic items package (one woman for 23 days, a Syrian family of four for 6 days), kitchens were used as bedrooms – beds were sometimes only accessible over the bed-heads, a room where a mother and her children were housed had no door.

After the systematic visits conducted in 2015, significant changes were conducted regarding the system of detention facilities in the Czech Republic. The detention centre in Bělá Jezová is intended solely for detained women and families with children and two other detention

centres function, where men are detained. The number of persons detained in the facility had dropped significantly and the accommodation conditions in the facility had improved in many respects.

Outdoor play equipment had been added in front of the accommodation buildings. The construction of children's corners was underway. While the Defender highly appreciated the proactive approach of all the employees, she still found that the facility continued to apply numerous restrictive measures, because of which children should not be placed in the facility.

The defender recommended

- to remove all bars from windows and jail doors at the admission department
- to provide for a more dignified room for body searches, furnished with mats and a shelf for clothing
- to discontinue the constant surveillance by the security guards in the residential buildings
- to remove the metal stops in the windows and in the balcony doors (as they made it impossible to ventilate the rooms)
- to remove the jail door in front of the area for leisure-time activities – the facility offers several activities for parents and children - Building A comprises a ceramic studio and fitness room, building B comprises an art and craft studio, cinema, etc.
- to remove all inner fences and barbed wire within the facility
- to provide the security guards with civilian uniforms that do not appear intimidating
- reduce escorting of detained foreign nationals by security guards in the outdoor spaces of the premises

After further communication, the Public Defender of Rights was informed by the director of the Refugee Facilities Administration of the Ministry of Interior about further improvements in the centre, which were conducted in the beginning of this year:

- the main fences were all painted green, to blend in with the surroundings as much as possible, eastern white cedars and small spruces were planted along the main fence, so as to provide shade and screen the fence in the years to come
- razor-blade and barbed wires were removed from the inner dividing fences of the moderate regime ward
- the dividing fences between residential buildings A and B were removed
- the fence around the playground at the children centre was torn down
- the jail doors and bars were removed in the admission department as well as from the entrance to the area for leisure-time activities
- employees of the newly contracted private security contractor will be wearing sportswear or street clothes

To sum up, in the last 3 years we have witnessed detention conditions that were inappropriate for accommodating children and vulnerable groups. These have dramatically worsened in 2015, when the number of detainees increased. The conditions have consequently significantly improved, but there are still areas, where there is a possibility for further improvement, such as removing all the inner dividing fences in the moderate regime ward, the possibility to move around in the facility without an escort and removing all the razor-blade and barbed wire.