

Zeid urges Czech Republic to stop detention of migrants and refugees

GENEVA (22 October 2015) – UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein on Thursday strongly criticized the detention of migrants and refugees who have arrived in the Czech Republic since August 2015, drawing particular attention to the violations of the rights of the children among them.

Over the last two months, several European countries of transit have been employing restrictive policies against migrants and refugees who are trying to reach European countries further north. However, the Czech Republic is unique in routinely subjecting these migrants and refugees to detention for 40 days, and reportedly sometimes even longer -- up to 90 days -- in conditions which have been described as degrading.

"According to credible reports from various sources, the violations of the human rights of migrants are neither isolated nor coincidental, but systematic: they appear to be an integral part of a policy by the Czech Government designed to deter migrants and refugees from entering the country or staying there," Zeid said.

"Many of these people are refugees who have suffered horrendously in their countries of origin as well as during their journey to the Czech Republic," the High Commissioner said.

"International law is quite clear that immigration detention must be strictly a measure of last resort. And as for children, the UN Committee on the Rights of the Child has emphasized that detention of children on the sole basis of their migration status, or that of their parents, is a violation, is never in their best interests, and is not justifiable."

The High Commissioner expressed concerns that the authorities continue to practice this policy, even though those detainees who have been able to challenge the detention in court have been released. He noted that most detained migrants and refugees are not in a position to swiftly challenge their detention in court – as is their right -- because they do not receive information about free legal aid and because civil society organizations that work with refugees have reportedly been receiving very restricted access to detention facilities like Bilá-Jezová (80 km north of Prague).

Zeid also expressed concern about the conditions in the detention facilities, particularly in Bilá-Jezová, which the Czech Republic's own Minister of Justice Robert Pelikán has described as being "worse than in a prison." The Justice Minister also criticized the detention policy itself, saying that the migrants "had committed only an administrative offence, for which they should not be locked up for up to 90 days."

The High Commissioner also welcomes the 13 October report by Czech Ombudsperson Anna Šabatová, who spoke of parents being treated in a degrading way in front of their children, who are traumatized by the constant presence of heavily armed personnel. At the time of her visit, there were 100 children detained in Bilá-Jezová.

The Ombudsperson, who characterized the situation as a violation of the Convention on the Rights of the Child, spoke of the confusion of both children and adults who consider themselves imprisoned without knowing why. She also criticized the fact that migrants and refugees are being systematically deprived of their cell phones, making it impossible for them to contact their families.

The High Commissioner welcomed the establishment, as follow-up to the Ombudsperson's recent report, of a regular consultation mechanism between the Ombudsperson and the Minister of Interior to assess the situation of migrants and refugees.

Zeid also referred to credible reports that migrants have been routinely strip-searched by the authorities looking to confiscate money in order to pay the 250 CZK (10 US\$) per day each person is charged for their involuntary stay in the detention centers. This payment is demanded by the authorities from all migrants, without clear legal grounds, leaving many of them destitute upon their release.

"The fact that people are being forced to pay for their own detention is particularly reprehensible," Zeid said.

Zeid also expressed alarm that the detention policy is accompanied by an increasingly xenophobic public discourse, including repeated Islamophobic statements by President Miloš Zeman, and a public petition "Against Immigration" launched by former President Václav Klaus.

While noting that some material conditions in Bilá-Jezová, including overcrowding, have reportedly improved in the last week, due mainly to the opening of other centres, the High Commissioner pointed out that the basic approach has not changed. He urged the Government to take immediate steps to ensure respect for the human rights of migrants and refugees.

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"These should include establishing alternatives to detention that are grounded in human rights, in line with the Czech Republic's international human rights obligations, and with the recommendations of the Czech Ombudsperson," Zeid said. "The authorities should also take into account the concerns expressed by the Council of Europe's Commissioner for Human Rights, civil society organizations and even several representatives of the Government itself."

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