



Monitoring of Forced Returns in the Czech Republic

The Implementation of the Return Directive: challenges and good practices from the perspective of the Central and Eastern European countries

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Public Defender of Rights

- Established by Act No. 349/1999 Sb., on the Public Defender of Rights
- Elected by the Chamber of Deputies for a six-year term (max. for two consecutive terms) and accountable to the Chamber of Deputies
- > Mrs. Anna Šabatová, elected in 2014





Mandate of the Defender

1. Public Administration

Protection against unlawful or incorrect conduct or inactivity

Since 2000

3. Discrimination

Promotion of the right to equal treatment and protection against discrimination

Since 2009

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2. Protection of Persons Restricted in their Freedom

Preventive systematic visits Since 2006

4. Monitoring of Forced Returns

Exercise of administrative expulsion, transfers, transits and penalty of expulsion of foreigners.

Since 2011





Statistical Data

- > Total number of complaints since 2000
 - received: 92 700 complaints
- Most common fields of the complaints within mandate:
 - Social security
 - Construction and regional development
 - The army, police and the prison service
- > Most common complaints out of mandate:
 - · Civil law matters
 - > Number of employee:
 - 130 (80 lawyers in 8 departments)
 - Budget
 - € 350 000





Monitoring of forced returns

In connection with the so-called "Return Directive" of the European Parliament and of the Council

- > Monitoring of decisions
- > Monitoring of detention
- Monitoring of expulsions, transfers, transits

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Monitoring of decisions

> Systematic monitoring of administrative and court decisions related to forced returns of foreigners

	Decisions on administrative expulsion	Decisions on detention or extension thereof	Decisions on placements under strict regime	Judgments of administrative courts
2011	1 715	334	3	71
2012	2 346	366	0	43
2013	2 193	258	9	13
2014	2 583	489	11	40





Monitoring of decision

> Inquiries and findings

- Decision-making on expulsion at the Prague-Ruzyně airport and access to legal aid
- · Use of alternatives to detention
- Issuing of binding standpoints by the Ministry of the Interior in the proceedings on administrative expulsion + compliance of the decision-making on expulsion with Art. 31(1) of the Refugee Convention

For more information check annual reports (http://www.ochrance.cz/en/reports/)

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Monitoring of detention

- Covered by national preventive mechanism (NPM)
- > Systematic visits (without prior notice) of facilities where persons are resctricted in their freedom:
 - Prisons
 - Police cells
 - · Facilities for detention of foreigners
 - Social care institutions
 - Facilities of institutional and protective education
 - · Healthcare Facilities etc.
- Aim: to strengthen the protection of persons placed in various facilities against ill-treatment, to ensure that their fundamental rights are respected
- > Formulation of standards of treatment





Monitoring detention

- > Recomendation 2014 (facility for detention of foreigners)
 - Detention of families with children treatment and conditions
 - Systematic preparation for a force return + reintegration
 - Health care service translation/interpreter
 - Using modern tecgnologies internet, Skype etc.

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Monitoring of expulsions, transfers, transits

- Monitoring of enforcement of administrative expulsions
- Monitoring of transfers and transit of foreigners across the Czech Republic
- Monitoring of enforcement of penalties of expulsion of foreigners who were placed in pre-expulsion custody or are serving imprisonment





> Authorization

- · enter to the facility/place
- speak with returnee (in private)
- check documentation (inc. medical files)
- be in escort vans/buses
- service passports
- access to the airport (Security Restricted Area)
- camera (images)

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Monitoring of expulsions, transfers, transits

> System of work

- 5 monitoring operations a year
- 1 − 2 monitors
- without an announcement
- monitoring full/part of a forced return



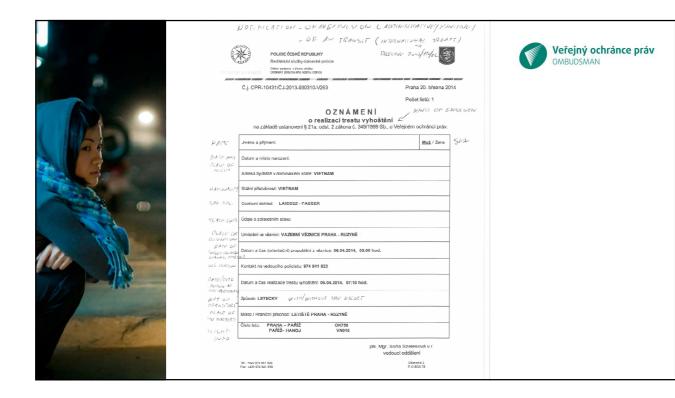


> Informing about return operation

- Police
- · Ministry of the Interior
- 654 announcements of forced returns in 2014

> Provided information

- Personal data
- · Health condition
- Date, time and place, where the return operation starts
- way of transport
- · flight information
- · etc.









- > Topics to be monitored
 - Pre-return/pre-departure phase
 - · Operation and transit phase
 - Arrival and reception phase





> Checklist

- Documents
- Conditions
- Treatment

> Inspiration

- CPT standards
- Twenty guidelines of forced return
- Expectations Criteria for assessing the conditions for and treatment of immigration detainees (HM'S INSPECTORATE OF PRISONS FOR ENGLAND AND WALES)
- Etc.

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Monitoring of expulsions, transfers, transits

- > A report (findings + recommendation)
- Last reports about:
 - systematic preparation for a forced return
 - information about the date/time of exercise of the return decision
 - medical examination before flight ("Dublin case" asylum seeker)
 - routine handcuffing during a escort





Monitoring of forced returns

Thank you!

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