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REPORT ON EXPULSION MONITORING

FROM: Prague-Ruzyně Remand Prison

To: Skopje Alexander the Great Airport, Macedonia

Type of monitoring: expulsion sentence

Person being expelled Mr A, date of birth: xxx, national of Macedonia (returnee):

Carried out on: 10 and 11 September 2017

Issue date of the report: 10 November 2017

Monitoring carried out by: Mgr. Veronika Sedláková

File No. 39/2017/NZ/VS

Mgr. Anna Šabatová, Ph.D.
Public Defender of Rights

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Introduction

Legal framework of expulsion monitoring

On the basis of Section 1 (6) of the Public Defender of Rights Act,¹ the Public Defender of Rights carries out monitoring of *detention of foreigners and execution of administrative expulsion, transfer or transit of detained foreigners and of the sentence of expulsion imposed on foreigners placed in expulsion custody or serving prison sentences* (hereinafter “expulsion monitoring”). The Defender’s mandate for expulsion monitoring follows from implementation of Art. 8 (6) of the Returns Directive.² The Defender’s competence in this area also follows from the Optional Protocol to the Convention against Torture,³ aimed to prevent torture and other cruel, inhuman or degrading treatment or punishment, and thus also from the exercise of her mandate as a “national preventive mechanism”. The combination of the two supervision mechanisms ensures effective preventive protection of foreigners’ rights and supervision over their treatment within the forced return process.

The objective of expulsion monitoring is to ensure respect for the rights of foreigners who have been detained and are being expelled, transferred and transited (hereinafter “foreigners being expelled”, “persons being expelled” or “returnees”), to increase the standard of treating foreigners, as well as to ensure compliance with the international commitments of the Czech Republic in this area. A further goal is to strengthen the protection of especially vulnerable persons, such as unaccompanied minors, persons with disabilities, etc.

The Defender is informed in advance of each execution of administrative or criminal expulsion, transfer or transit.⁴ The Police of the Czech Republic provides authorised employees of the Office of the Public Defender of Rights (hereinafter the “Office”) with the necessary collaboration in expulsion monitoring based on the Foreigners’ Residence Act.⁵

Authorised employees of the Defender’s Office⁶ may enter the detention facility where the person being expelled is located; the manager of the facility must be informed in advance

1 Act No. 349/1999 Coll., on the Public Defender of Rights, as amended.

2 Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (hereinafter the “Returns Directive”).

3 Memorandum of the Ministry of Foreign Affairs No. 78/2006 Coll. Int. Tr. on the adoption of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

4 In conformity with Section 21a (2) of the Public Defender of Rights Act and Section 178d (1) of Act No. 326/1999 Coll., on the residence of foreigners and amendment to certain laws, as amended.

5 In conformity with Section 178d (2) of the Foreigners’ Residence Act.

6 Under Section 25 (6) of the Public Defender of Rights Act.



about this. The employees of the Office may then put questions to persons participating in the expulsion, including especially the police escort officers and employees of the Refugee Facilities Administration of the Ministry of the Interior. They may also speak with the foreigner without presence of third parties and inspect all the documents related to the forced return, including medical records.⁷

The fundamental human rights and freedoms of the persons being expelled are guaranteed by the Charter of Fundamental Rights and Freedoms as well as a number of international conventions binding on the Czech Republic (e.g. the Convention for the Protection of Human Rights and Fundamental Freedoms⁸) and by the European Union law (e.g. the Charter of Fundamental Rights of the European Union,⁹ the Returns Directive, etc.).

The specific rules governing the rights and duties of persons being expelled are comprised especially in legal regulations establishing the competences of bodies involved in the execution of expulsion, transfer and transit of foreign nationals. These bodies include primarily the Police of the Czech Republic, who have a legal mandate to carry out expulsion of foreign nationals.¹⁰ The procedure of the Police in escorting returnees is regulated by the binding instruction of the Police President on escorts.¹¹

In assessing the actual treatment of persons being expelled, the Defender also bases her conclusions on case law of the European Court of Human Rights,¹² and on the standards formulated by the Council of Europe¹³ and by the European Committee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CPT).¹⁴

7 In conformity with Section 65 (2)(m) of Act No. 372/2011 Coll., on healthcare services and the conditions of their provision (the Healthcare Services Act), as amended.

8 Memorandum of the Federal Ministry of Foreign Affairs No. 209/1992 Coll., on the Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by subsequent protocols.

9 Charter of Fundamental Rights of the European Union signed on 12 December 2007 in Strasbourg, Official Journal 2012/C 326/391.

10 Pursuant to Section 152 and Section 163 (1)(h) of Act No. 326/1999 Coll., on the residence of foreigners, and Section 87 (7) of Act No. 325/1999 Coll., on asylum, as amended.

11 Binding instruction of the Police President No. 159 of 2 December 2009, on escorts, guarding of persons, and on police cells, as amended.

12 European Court of Human Rights. Factsheet – Collective expulsions of aliens [online]. Strasbourg ©European Court of Human Rights 2016 [retrieved on 2017-10-27]. Available at: http://www.echr.coe.int/Documents/FS_Collective_expulsions_ENG.pdf.

13 Council of Europe. Twenty Guidelines on Forced Return [online]. Strasbourg © Council of Europe 2005 [retrieved on 2017-10-27]. Available at: http://www.coe.int/t/dg3/migration/archives/Source/MalagaRegConf/20_Guidelines_Forced_Return_en.pdf.

14 European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment. CPT Standards [online]. Strasbourg © Council of Europe 2015 [retrieved on 2017-10-27]. Available at: <http://cpt.coe.int/en/documents/eng-standards.pdf>.



Report on expulsion monitoring

In her report, the Defender presents her findings, evaluation and proposals for remedial measures, and calls on the responsible bodies and facilities to provide a substantiated statement, which may concern both the findings made and the measures or deadlines for remedy. She sets a deadline for providing the statement.

If the Defender finds the statement of the bodies she addressed sufficient, she notifies them accordingly. She may also request additional statements. Explaining the errors found, documenting how the proposed remedial measures are implemented or a credible pledge of their implementation are all of crucial importance. If the Defender finds the statements provided by the relevant facilities and other authorities she addressed insufficient, she will advise the superior authority (or, in its absence, the Government) or present the case to the public.¹⁵

Proposed remedial measures

As a rule, the proposed remedial measures differ by urgency, difficulty and time required for implementation. In formulating remedial measures, the Defender also proposes a deadline for their adoption, expecting that the entity to which the measure is addressed will either observe the deadline or propose a substantiated alternative:

- **Measures with a set deadline** for adoption have to be taken by the set deadline as they usually require more time. The Defender expects that the affected entities will advise the Defender in their statement on her report whether and how exactly they will carry out the measures and whether they will do so by the set deadline or by some other specific date, or that they will suggest an alternative measure with a specific deadline for performance.
- **Ongoing measures** are formulated by the Defender where a specific working procedure or style of work should be introduced or, to the contrary, abandoned. The Defender expects these measures to be implemented without delay and continued in future. She anticipates that the affected entities will indicate in their statement on her report that the measures in question have been implemented and how; or when and how the measures will be implemented; or what alternative measures they propose.

Information on persons being expelled (returnees)

The person being expelled was Mr A, date of birth: xxx, a national of Macedonia. On 18 May 2017, Mr A was sentenced to expulsion for a period of 4 years¹⁶ and was placed in

¹⁵ These are referred to as “penalties” and the procedure taken is analogous to the procedure set out in Section 20 (2) of the Public Defender of Rights Act.

¹⁶ Criminal order issued by the District Court for Prague 8 on 18 May 2017, File No. 1T 50/2017.



expulsion custody at the Prague-Ruzyně Remand Prison.¹⁷ The sentence was imposed on Mr A because he had previously frustrated the court's decisions.¹⁸ Mr A had been repeatedly ordered to leave the country in the form of administrative expulsion, but he never respected the order and failed to leave the Czech Republic.¹⁹

On 16 August 2017, Mr A was escorted by the Prison Service of the Czech Republic from the Prague-Ruzyně Remand Prison to the Immigration Police Inspectorate in Prague with a view to carrying out the sentence of expulsion by air from Prague to Skopje, via Istanbul. The returnee was issued with a substitute travel document in his name. This substitute document was to be handed over to the representatives of the airline used by Mr A to travel to Skopje via Istanbul. However, the travel document was not found with anyone after arrival. The police at the Macedonian airport therefore attempted to verify the identity of Mr A in the information system. Since they were unable to do so, Mr A had to travel back to the Czech Republic. On 17 August 2017, Mr A flew back to the Czech Republic, where he was subsequently escorted by officers of the Directorate of the Immigration Police, Air Marshal Department (hereinafter the "Air Marshal Department") from Václav Havel Airport in Prague to the Prague-Ruzyně Remand Prison.

On 10 and 11 September 2017, Mr A was again escorted by police officers from the Air Marshal Department to Václav Havel Airport in Prague to carry out the expulsion sentence. Given the previous unsuccessful attempt at expulsion, Mr A was escorted by the police officers all the way to the border crossing at the Skopje Alexander the Great Airport in Macedonia, where he was taken over by Macedonian authorities.

Course of expulsion monitoring

The Police informed the employees of the Defender's Office in writing of the execution of the expulsion sentence by means of a notice of expulsion of 4 September 2017.²⁰ The expulsion sentence was carried out by police officers from the Air Marshal Department.

The expulsion monitoring was carried out by an authorised employee of the Defender's Office, Mgr. Veronika Sedláková, on 10 and 11 September 2017 without prior notice. The employee submitted her authorisation to the chief inspector of the guard service as the person responsible at the Prague-Ruzyně Remand Prison, and subsequently also to the police escort commander.

17 Resolution of the District Court for Prague 8 of 18 May 2017, File No. 1T 50/2017.

18 Criminal order issued by the District Court for Prague 8 on 22 April 2017, File No. 9T 52/2017.

19 Decision on administrative expulsion issued by the Police of the Czech Republic, Regional Police Directorate for the South Moravian Region, Immigration Police Department, residence control, search and escorts unit, on 25 April 2016, Ref. No. KRPK-299780-28/ČJ-2015-060022.

20 The notice of execution of the expulsion sentence was sent to the authorised employee of the Defender's Office by e-mail.



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During the expulsion monitoring, the employees of the Prague-Ruzyně Remand Prison and also the police escort provided all the necessary collaboration, which I appreciate.

The authorised employee of the Defender's Office monitored all the processes related to the release of the returnee from the Prague-Ruzyně Remand Prison, to the escort of the returnee to Václav Havel Airport in Prague and to his transport to the Skopje Alexander the Great Airport in Macedonia.



Summary

In the framework of expulsion monitoring, I examined primarily whether the returnee was prepared for execution of the expulsion sentence and whether he was sufficiently familiarised with the individual steps in the expulsion process. I also dealt with the course of the actual return operation and the way the police escort treated the returnee.

I appreciate the professional and forthcoming approach of the police escort to the foreigner being expelled and the collaboration provided during the entire course of expulsion. I also appreciate the collaboration provided by the employees of the Prague-Ruzyně Remand Prison. However, the report on expulsion monitoring also comprises findings indicating certain shortcomings that occurred during the forced return of the returnee.

The process of preparing the returnee for his return to the country of origin **also includes assistance in arranging all the personal matters**, including movable and immovable property. Within the preparation for expulsion, it is the duty of the prison to lead the prisoner to resolve his/her family, personal and property matters before the expulsion takes place.

If the person being expelled lacks sufficient funds to reach the place of residence in the country of origin, the Prison Service of the Czech Republic should provide him/her with a financial contribution towards this trip. This duty exists regardless of whether the given person is subject to an expulsion sentence or is in expulsion custody.

The body search of the returnee should always be carried out in conformity with the principle of proportionality and standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. This means that, during the search, the returnee should be allowed to first remove clothing below the waist and get dressed, and only then remove clothing above the waist. A procedure where the given person is completely naked at some point, as was the case here, is absolutely disproportionate.

I therefore call on the Police of the Czech Republic and the Prison Service of the Czech Republic to comply, as soon as possible, with the measures I proposed, and thus proceed in carrying out an expulsion sentence in conformity with the international standards and Czech legal regulations.



Preparation and course of execution of the expulsion sentence

Preparation of the returnee for departure

Preparing the returnee for his/her expulsion is the key aspect of any forced return. This enables the foreigner to inform his/her family and friends about his departure, prepare him/herself for leaving the country and arrange for the necessary matters. It is precisely a comprehensive and gradual preparation what will facilitate the foreigner's return to the country of origin and his/her subsequent re-integration in that country.

Handling the returnee's property

The process of preparing a foreigner for expulsion includes, in particular, the duty of the prison to inform the foreigner of the exact date and time of the expulsion, enable him/her to contact his/her close ones by telephone or otherwise, and generally prepare him/her for returning to the country of origin. According to the methodical guideline,²¹ the foreigner's preparation for the expulsion sentence also includes directing and leading the foreigner to already resolve his personal issues during the service of his/her sentence, especially as regards the family, children, flat, company, car, etc., rather than leaving this until the end of the sentence. To this end, the foreigner should be advised to ask for assistance from the relevant embassy or co-operate with organisations offering help to foreigners in the area of social and legal counselling, and assistance in social services.²² The prison is also required to lead a convicted foreigner to "deal before his/her expulsion with all matters regarding his/her personal belongings, including those that he/she wants to

21 Methodical Guideline 1/2013 issued by the Director of the Department of Remand in Custody and Imprisonment, setting the principles and rules of treating convicts who are not nationals of the Czech Republic during the service of imprisonment, of 4 January 2013. In: ASPI, version 2017 [legal information system]. © 2000 – 2017 Wolters Kluwer ČR, a. s. [retrieved on 2017-10-24], valid at the time of the expulsion, which was cancelled as of 1 October 2017 and replaced by Order 48/2017 of the Director General of the Prison Service setting the principles and rules of treating convicts who are not nationals of the Czech Republic during the service of imprisonment of 25 September 2017. In: ASPI version 2017 [legal information system]. © 2000 – 2017 Wolters Kluwer ČR, a. s. [retrieved on 2017-10-27].

Both the Methodical Guideline and the later Order of the Director General stipulate, in Section 1 (3), that the provisions of the Guideline (Order) shall also apply analogously to persons on remand who are not nationals of the Czech Republic. The provisions applicable to releasing foreigners from prison, which envisage the possibility of providing a financial contribution towards their trip to the place of residence, can thus be used analogously.

22 Pursuant to Section 13 (1)(e) of the Methodical Guideline; similar wording is comprised in Section 13 (1)(f) of the Order.



take with him/her (e.g. information on the weight limit for carry-on luggage when travelling by air and the fact that any excess will be subject to a fee)".²³

During his interview with the authorised employee of the Office, Mr A stated that his personal documents, property²⁴ and clothes were left at the hostel where he had stayed before he was arrested. He also asked for his driver's licence. He claimed to have previously addressed such a request to the social workers of the Prague-Ruzyně Remand Prison, but to no avail. The copy of the file we made contains no mention of any official request made by Mr A or of the fact that the social department would have dealt with such a request. Although there is no record in the file, this does not rule out that Mr A might have made a mere informal request during an interview with a social worker. After arrival of the police escort at the Prague-Ruzyně Remand Prison, the returnee again asked for his things, especially the driver's licence and birth certificate. He repeated that he had left these things at the hostel and requested that the police escort stop there to collect the things. He also complained that he had no clean clothes available. In view of the scheduled course of the escort, it was no longer possible to accommodate the request and the police escort took the returnee directly to the airport.

Mr A was arrested on 16 May 2017 and placed in expulsion custody on 18 May 2017. During the remand in custody, he was transported to the Brno University Hospital for treatment. On 1 August 2017, he was again transferred and placed in expulsion custody in the Prague-Ruzyně Remand Prison. The foreigner being expelled was continuously either in expulsion custody or in a hospital and thus had no actual opportunity to collect his belongings from the hostel. He repeatedly pointed this fact out during his remand and also during his expulsion.²⁵

The prison has the duty not only to inform a foreigner of the date and time of expulsion, but also to properly prepare the foreigner for the expulsion, i.e. actively contribute to ensuring that the foreigner resolves all his/her personal matters, including management of property located in the Czech Republic. In spite of repeated requests, the staff of the Prague-Ruzyně Remand Prison did not help Mr A to collect the property he had left at the hostel.

I am aware that the measure I ask to be adopted is already required by the legislation, but its practical implementation still causes problems, as shown by the expulsion monitoring. I therefore request that the aforesaid measure be consistently adhered to during the preparation for the execution of the expulsion sentence, and that the returnees thus be properly prepared for the expulsion.

23 Pursuant to Section 13 (1)(f) of Methodical Guideline 1/2013; pursuant to amended Section 13 (1)(g) of Order of the Director General 48/2017.

24 Mr A claimed that, at the hostel, he had his birth certificate, in which his son was also recorded, and a TV set.

25 Determined during the personal interview between the authorised employee of the Defender's Office and the returnee. Mr A also repeated this request during the expulsion process, in the release section of the Prague-Ruzyně Remand Prison.



Remedial measure addressed to the Prison Service of the Czech Republic:

- 1) Ensure that a returnee is able to arrange all his/her matters regarding property and other aspects before leaving the Czech Republic (ongoing measure).**

Provision of a financial contribution to a returnee when released from prison

The possibility of providing a financial contribution to a foreigner at the time when he/she is released from prison was laid down at the time of the relevant expulsion by Section 14 of Methodical Guideline 1/2013.²⁶ Pursuant to Section 14 (1) of the Guideline, it is important that the social worker be informed whether the foreigner to be expelled has sufficient resources (in a bank account or in the prison) to travel to his/her place of residence and whether the foreigner was able to obtain such resources during the service of his/her sentence. The social worker is obliged to familiarise a convict with the fact that "if he/she does not have sufficient resources (e.g. in a bank account or in the prison) to travel to the place of his/her residence, it is in his/her interest to seek help from his/her family or embassy, because the prison can only provide a limited amount in conformity with the legal regulations, which might not cover all the costs of travel to the place of residence abroad. At the same time, the social worker shall provide the convict with the contact details of the embassy of the country of which the convicted foreigner is a national (some embassies offer that they will arrange contact with the family or a lawyer in the home country, arrange a loan, etc.)."²⁷ The amount of the possible financial contribution is further regulated by a decree of the Ministry of Justice,²⁸ which however applies exclusively to convicts who are employed during the service of their prison sentence. The situation is more complicated in the case of persons held on remand in expulsion custody as there is currently no legislation that would explicitly lay down the amount of a contribution for foreigners placed in expulsion custody and subsequently expelled. Consequently, there exists a regulation enabling the provision of a financial contribution to a convicted foreigner when he/she is released from the prison, but its amount is not specified anywhere. A decision on whether a contribution will be provided to a person being expelled for his/her trip to the place of residence and, if so, in what amount is thus in full discretion of the prison that the foreigner is leaving.

Mr A used to live in a town about 160 km far from Skopje. The returnee repeatedly complained to the authorised employee of the Defender's Office, and then also to the

26 Currently applicable Order of the Director General 48/2017 regulates the provision of a financial contribution similarly in Section 14.

27 Pursuant to Section 14 (2) of Methodical Guideline 1/2013; analogously, see also Section 14 (2) of Order of the Director General 48/2017.

28 Pursuant to Section 7 (5) of Decree of the Ministry of Justice No. 10/2000 Coll., on deductions from remuneration of sentenced persons assigned to work during imprisonment, on enforcement of a decision by deductions from the remuneration of such persons and inmates in special educational institutions and on reimbursement of other costs, as amended.



prison service²⁹ and the police escort, about the lack of resources for his trip home in Macedonia. He had no idea whether he would be left at the Skopje airport or transported all the way home.

I therefore consider it suitable to provide such a financial contribution precisely in those cases where the foreigner does not have any money available and was placed in expulsion custody at all times, and thus could not be employed and obtain the necessary resources through his own efforts. Methodical Guideline 1/2013 and also currently applicable Order 48/2017 provides an option to make at least a limited contribution towards a foreigner's trip to the place of residence in his/her home country (i.e. abroad). In spite of his requests, Mr A was not provided with any financial contribution or contact details of an embassy or organisations he could ask for help. I consider such a procedure unreasonable and at variance with the applicable laws.

Remedial measure addressed to the Prison Service of the Czech Republic:

- 2) Provide a financial contribution to a returnee if he/she does not have sufficient money available for the trip from the place of expulsion to the place of his/her residence, also if the returnee is placed in expulsion custody (ongoing measure).**

Body search of the returnee

Pursuant to Section 111 (b) of the Police Act,³⁰ a search means a body search involving “direct physical contact or direct observation of the person's naked body, including search of the person's clothes and items carried by the person at the time of the search”. Under any circumstances, such a search must be carried out in a manner corresponding to its purpose.³¹ The relevant binding instruction of the Police President authorises a police escort to carry out a body search,³² but does not further specify its manner.

In this respect, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has issued a recommendation specifically addressed to the Czech Republic.³³ According to the recommendation, a body search

29 Ascertained within the expulsion monitoring. During his release from the Prague-Ruzyně Remand Prison and handover of his personal belongings, Mr A asked the prison for a financial contribution towards his trip to the place of residence. The returnee did not, however, file an official request.

30 Act No. 273/2008 Coll., on the Police of the Czech Republic, as amended.

31 In the sense of Section 11 of the Police Act; see further VANGELI, Benedikt. *Zákon o Policii České republiky. Komentář. (Act on the Police of the Czech Republic. Commentary.)* 2nd edition, In: *Beck – online* [online]. Prague: Nakladatelství C. H. Beck. 2014, pp. 63 – 65.

32 Pursuant to Art. 3 (1)(b) of the Binding Instruction of the Police President No. 159/2009 on escorts, guarding of persons and on police cells.

33 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) for the Government of the Czech Republic on its visit to the Czech Republic from 1 to 10 April 2014, para. 22 [retrieved on 2017-10-27]. Available at: <https://rm.coe.int/168069568d>.



should be carried out in the least invasive manner possible; primarily, the person being searched should not be asked to remove all his/her clothing at once, but should rather be allowed to first remove clothing above the waist and get dressed before removing further clothing below the waist. In this way, it would be ensured that the given person does not have to be completely naked at any point.

Although this recommendation provides merely non-binding interpretation, according to the Constitutional Court, it is still authoritative and “provided by a body established by States to strengthen the protection of persons deprived of liberty from torture and inhuman or degrading treatment or punishment (Article 1 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, No. 9/1996 Coll.). The high relevance of the CPT’s interpretations is also documented by the fact that they are often adopted by the ECtHR (see e.g. the Judgement in case *Kummer v. the Czech Republic* of 25 July 2013, No. 32133/11, para. 67). As stated above, the Constitutional Court as well as other **official bodies of the Czech Republic must take into consideration this legally non-binding, but authoritative interpretation of the legally binding prohibition of ill-treatment**. While it is possible, owing to its non-binding nature, to deviate from the CPT’s interpretation, such a deviation must be very thoroughly and convincingly reasoned. Otherwise, if a public authority ignores relevant interpretation provided by the CPT or fails to deal with it adequately, it thus endangers a constitutional value consisting, according to Art. 1 (2) of the Constitution, in the binding nature for the Czech Republic of obligations following for the country from international law”.³⁴

The body search of the returnee was carried out by the police escort from the Air Marshal Department at the Prague-Ruzyně Remand Prison. The returnee was fully naked during the search. Because of problems with his leg, Mr A was not forced to squat. According to the members of the police escort, this is a routine manner of performing a body search in case of expulsion. The reason lies in a concern about the safety of the returnee and the police escort and that the returnee could possess objects dangerous to the lives of persons involved in the escort. The members of the police escort were not familiar with the manner of performing body search of a returnee recommended by the CPT.

I do not question the importance of searching a person with a view to ensuring safety of the returnee, the police escort and other persons. Nonetheless, the search should be carried out so as to avoid as much as possible embarrassment and inconvenience on the part of the person being searched.

The procedure used by the police escort, where the foreigner to be expelled had to completely strip during the search, was not in conformity with the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

³⁴ Judgement of the Constitutional Court of 27 October 2015, File No. I. ÚS 860/15, paragraph 59. Available at: <http://nalus.usoud.cz>.



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Remedial measure addressed to the Directorate of the Immigration Police:

- 3) The search of a returnee when leaving the prison should be carried out in that the person being searched is allowed to first remove clothing below the waist and get dressed, and only then remove clothing above the waist (ongoing measure).**



Summary of remedial measures

Ongoing measures

Measures addressed to the Prison Service of the Czech Republic:

- Ensure that a returnee is able to arrange all his/her matters regarding property and other aspects before leaving the Czech Republic.
- Provide a financial contribution to a returnee if he/she does not have sufficient money available for the trip from the place of expulsion to the place of his/her residence, also if the returnee is placed in expulsion custody.

Measure addressed to the Directorate of the Immigration Police:

- The search of a returnee when leaving the prison should be carried out in that the person being searched is allowed to first remove clothing below the waist and get dressed, and only then remove clothing above the waist.