Veřejný ochránce práv
OMBUDSMAN

Facility for Detention of Foreigners Bělá-Jezová

Report on Visit to the Facility

Address of the facility:	Jezová 1501, 294 21 Bělá pod Bezdězem
Founder:	Refugee Facilities Administration of the Ministry of the Interior
Director:	Ing. Viliam Andrássy
Type of facility:	facility for detention of foreigners
Capacity:	246 beds
Date of visit:	22 November 2016
Issue date of the report:	22 December 2016
The visit was carried out by:	Mgr. Nikola Marečková, Mgr. Pavel Doubek, Mgr. Anna Láníčková, Mgr. et Mgr. Linda Janků

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Introduction

A. Systematic visit and its aims

Pursuant to Section 1 (3) and (4) of Act No. 349/1999 Coll., on the Public Defender of Rights, as amended, the Public Defender of Rights carries out systematic visits to facilities where persons restricted in their freedom are or may be present on the basis of a decision of a public authority or as a result of dependence on care provided. The aim of the systematic visits is to strengthen the protection of persons restricted in their freedom against all forms of ill-treatment.

As a rule, the visits are unannounced and are usually carried out by the authorised employees of the Office of the Public Defender of Rights.[1] Inquiry consists of inspection of the facility, observation, interviews with the senior personnel and employees and the detained foreign nationals, study of the internal regulations of the facility and the documentation, including medical records.[2]

B. Report on the visit and statement of the facility[3]

I make a report on each visit which may include proposed remedial measures. The report serves to initiate dialogue with the relevant facility and as guidance for preventing or remedying ill-treatment.

I send the report to the facility concerned, requesting that the facility provide a statement on my findings and the proposed measures. If I conclude that the statement of the facility or other authorities addressed by me is sufficient, I advise them accordingly. I 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. In the event that I find the statement of the facility or other authorities addressed by me insufficient, I advise the superior authority (or, in its absence, the Government) or present the case to the public.[4] I may also carry out an inspection visit.

After the communication is completed, I anonymise the report on the visit to the facility including the statement obtained (except for the names of the authorised managers of the

1 In accordance with Section 25 (6) of Act No. 349/1999 Coll., on the Public Defender of Rights.

2 In accordance with Section 21 (15) in conjunction with Section 15 of the Public Defender of Rights Act.

3 I am providing an explanation of the procedure which follows from Section 21a (3) and (4) of the Public Defender of Rights Act.

4 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.

facility) and publish the report on my website in section http://www.ochrance.cz/ochrana-osob-omezenych-na-svobode/.[5]

C. Proposed remedial measures

As a rule, the proposed remedial measures differ by urgency, difficulty and time required for implementation. In formulating remedial measures, I also propose a deadline, expecting that the facility will either observe the deadline or propose a substantiated alternative.

I categorise them into measures to be implemented without delay, measures with a long deadline and ongoing measures; the measures proposed are summarised at the end of the report for ease of reference.

- As a rule, **measures to be implemented without delay** should be implemented within 7 days of receipt of the report. If they are difficult to implement, they should be performed as soon as possible. Measures to be implemented without delay are those that I regard as urgent and very important, as well as those that are objectively easy to implement. I expect the facility to indicate in its statement on the report (1) that the proposed measure has been implemented, or (2) specifically when the proposed measure will be implemented, or (3) what alternative date of implementation the facility proposes.
- **Measures with a long deadline** should be implemented by the set deadline – usually within one month, three months, six months and one year. In cases of this category, I insist that the measure be implemented while accepting that the implementation will take a long time. I expect the facility to indicate in its statement on the report (1) that the proposed measure will be implemented by the proposed deadline, or (2) specifically some other deadline when the proposed measure will be implemented, or (3) what alternative date of implementation the facility proposes.
- **Ongoing measures** are formulated by me where a specific working procedure or style of work should be introduced or, to the contrary, abandoned. I expect these measures to be implemented without delay and continued in future. I expect the facility to indicate in the statement on the report (1) that the measure in question has been implemented and how, or (2) when and how the measure will be implemented, or (3) what alternative measure the facility proposes.

D. Information on the facility

The conditions of detention at the Facility For Detention of Foreigners are regulated by Act No. 326/1999 Coll., on the residence of foreign nationals in the Czech Republic and on amendment to certain laws, as amended (hereinafter the "Residence of Foreign Nationals Act").

5 In accordance with Section 23 (2) of the Public Defender of Rights Act.

Within a facility for detention of foreigners, foreign nationals are deprived of personal freedom, in particular to ensure detention for the purposes of their transfer to a foreign country or administrative expulsion.[6] Pursuant to Section 140 of the Residence of Foreign Nationals Act, foreign nationals in respect of whom a detained foreign national has the duty of maintenance or guardianship can also be housed in a facility if they cannot be taken care of by other means.

Detention in a facility does not correspond to the service of imprisonment as punishment for a crime. The detention is rather ordered by an administrative authority and is aimed at implementing the government policy in the area of immigration (e.g. relocation of asylum-seekers to a European Union Member State competent to decide on asylum, transfer of foreign nationals to another country on the basis of a readmission agreement, or expulsion from the Czech Republic).

The Facility for Detention of Foreigners in Bělá-Jezová (hereinafter the Facility) is one of three facilities of this kind established by the Refugee Facilities Administration and falling under the responsibility of the Ministry of the Interior. It serves to accommodate detained women and families with children. The Facility is divided into several separate accommodation wards, admission ward, health centre, children's centre and central building with a cafeteria. The Facility includes kennels with several dogs. The current declared capacity of the Facility is 246 beds. At the time of the visit, 9 women – nationals of Vietnam, Russia, and Ukraine were placed in the Facility, specifically in building B. No children were placed in the Facility at the time of the visit.

E. Course of the visit

The visit took place on 22 November 2016 without prior announcement. The head of the centre was advised of the commencement of the visit in person. He and the head of the Police unit at the Facility also received a copy of the authorisation to perform the visit and were asked to provide the required documentation. I would like to appreciate that the staff encountered on site co-operated as requested.

The visit was performed by lawyers of the Office of the Public Defender of Rights (hereinafter the Office), Mgr. Nikola Marečková, Mgr. Pavel Doubek, Mgr. Anna Láníčková and Mgr. et Mgr. Linda Janků.

6 Sections 124 and 129 of the Residence of Foreign Nationals Act

Families with children

Since the Facility is intended solely for detained women and families with children, I focused my visit on the conditions the Facility provides to the accommodated families with children. I examined whether the Facility provided appropriate conditions as an environment where children are forced to stay for several days or even months.[7]

The number of persons detained in the Facility had dropped significantly since my last visit in 2015. Consequently, the accommodation conditions in the Facility had improved in many respects. Outdoor play equipment had been added in front of the accommodation buildings since the last visit. The management of the Facility is planning to carry out several restoration projects on the premises by the end of 2017. The construction of children's corners is underway in buildings A and B – double-room units furnished with children's furniture and toys. The management is also planning to establish a room with wooden furniture for accommodating families with children in every building. The management also intends to convert the existing children's centre into a classroom and paint the buildings' facades in colour.

I highly appreciate the proactive approach of all the employees. However, the findings from the visit have shown that the Facility continues to apply numerous restrictive measures which, despite the personnel's effort, make it impossible to place children in the Facility. In evaluating the findings contained in the report, I refer especially to the current case-law of the European Court of Human Rights (hereinafter the ECtHR), in which the ECtHR points out that facilities where families with children are detained should be free of any restrictive elements whatsoever.[8]

7 Under Section 125 of the Residence of Foreign Nationals Act, the time of detention may be up to 180 days or, in exceptional cases, 545 days; the time of detention of a foreign national under 18 years of age or a family with minor children may not exceed 90 days.

8 Judgement of the European Court of Human Rights No 39472/07 of 19 January 2012 in Popov v France, Judgement of the European Court of Human Rights No 11593/12 of 12 July 2016 in A. B. and Others v France, No 76491/14 in R. C. and V. C. v France, No. 68264/14 in R. K. v France, No 24587/12 in A. M. and Others v France, and No 33201/11 in R. M. and Others v France.

1. Admission building: iron bars in windows, jail doors, anxiety

In accordance with the law, the Police perform a body search and search of personal items at the time when a detained foreign national is placed in the Facility to ascertain whether the person concerned has a document attesting to his/her identity or prohibited items.[9]

1.1 Remove the bars and jail doors at the admission department

Police officers informed the Office employees that every foreign national being placed in the Facility had to pass through the admission department, which includes the above searches. The admission department is a separate building in which the Facility's Police unit is located. The access road consists in a separate alley lined with a fence with barbed wire on each side. The admission department consists of a corridor which is divided into two parts by a jail door. The windows at the admission department are secured by bars. The corridor inside includes a "waiting room" which is again separated from the corridor by a jail door. Foreign nationals together with their children must wait in the waiting room until they are invited for the admission procedure. The Police officers stated that foreign nationals usually spend 15 minutes in the "waiting room", as circumstances require (the number of persons waiting for the admission procedure, quantity of personal items, etc.). The Police officers further stated that they endeavoured to reduce the time for families with children.

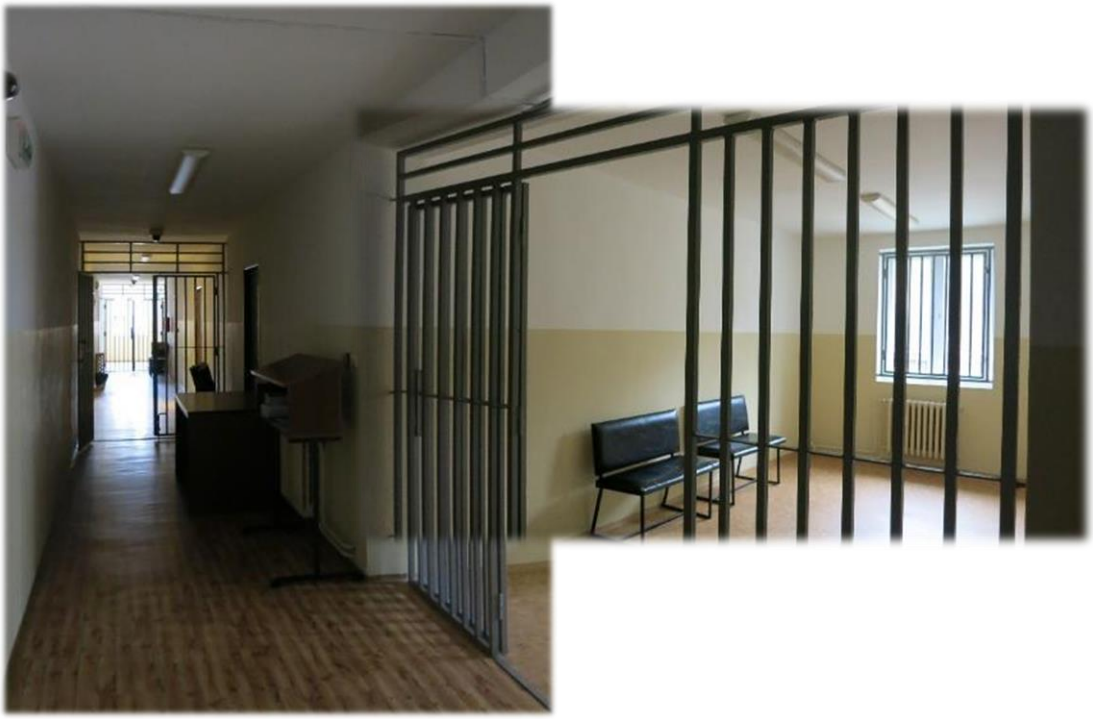

Figure No. 1: corridor at the admission department with jail doors. Figure No. 2: waiting room with barred window.

9 Section 137 of the Residence of Foreign Nationals Act.

The entire admission department resembles a prison. The bars in the windows and the jail doors create anxiety in adult people, let alone young children (see Figure No. 1: corridor at the admission department with jail doors and Figure No. 2: waiting room with barred window). As for its appearance, the waiting room resembles a Police cell. Although the Police officers endeavour to reduce the duration of searches for families with children, I consider it unacceptable that children should spend even a short time in this waiting room. The very presence of Police officers at the department has an intimidating effect. Combined with bars, jail doors and monitoring equipment, the presence of Police officers only increases children's fear and anxiety. In addition, children must pass through the admission department several times during their stay in the Facility – whenever they return to the Facility accompanied by their parents (for example, from a court or hospital). The excessive use of security elements is a relic from times when the Facility also served for detaining unaccompanied men. Considering that now, and in the future, the Facility is to serve only for women and families with children, I consider that the aforementioned security measures are unnecessary and at variance with the case-law of the ECtHR.[10]

Measure:

1) **Remove all bars from windows and jail doors at the admission department (without delay).**

1.2 Provide for a more dignified room for body searches, furnished with mats and a shelf for clothing.

Foreign nationals (except for children) are subjected to a body search every time they enter the Facility. The body searches are carried out by Police officers at the admission department. According to the information provided by the Police officers to the employees of the Office, children are not present at the body search of their parents, but they must stay with one parent in the waiting room while the other parent is subjected to a body search. Body searches are carried out in a room directly adjacent to toilets furnished with nothing more than a washbasin.

The room for body searches lacks any shelves and mats – the person being searched has no place to set aside his/her personal items, and when asked to take off his/her shoes, the person must stand on cold tiles. In the light of the above finding, I have concluded that the conditions in the room for body searches are incompatible even with the standards applicable to this kind of rooms in prisons, according to which *"body search shall be performed in a sufficiently heated room designated for this purpose, equipped with mats, counters and hangers"*.[11] Searches performed in toilet rooms can bring on and intensify feelings of shame and humiliation.

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10 I refer, in particular, to Judgement of the European Court of Human Rights No 11593/12 of 12 July 2016 in A. B. and Others v France.

11 See Section 89a (3) of Regulation No. 23/2014 of the Director General of the Prison Service of the Czech Republic on Prison and Judicial Guard.

Measure:

2) **Provide for a more dignified room for body searches, furnished with mats and a shelf for clothing (without delay).**

2. Residential premises: excess security elements

The current case-law of the ECtHR points out three factors that are relevant when assessing the stay of children in facilities for detention of foreigners: the age of the children, the duration of detention and the suitability of the facility for the placement of children.[12] The place must seem as natural as possible, should adequately inspire the child's positive psychological development and create a feeling of security. Therefore, the Facility should avoid any unnecessary security elements – a significant source of stress and anxiety in children. The best interest of the child should always be taken into consideration.

The foreigner records provided to me by the Refugee Facilities Administration indicate that 153 children were accommodated in the Facility from November 2015 to November 2016, with the duration of the stay ranging from 2 to 86 days. The average period of stay of children is 55 days approximately. The longer children stay in the Facility, the less justifiable are any restrictive measures, affecting children and their parents in the Facility.[13]

2.1 Discontinue the constant surveillance by the security guards in the residential buildings

An officer of a private security service (hereinafter "security guard") wearing a black uniform is on guard on each floor of building B, which is currently used for accommodating foreign nationals. Every security guard is equipped with a handheld transceiver. The task of the security guards is to protect the assigned floor from any unrest. Alternating with Police officers, the security guards also monitor the CCTV operating in all dayrooms. In the event of any unexpected situation that requires intervention, the security guards must call in the Police unit because they are not authorised to intervene autonomously or enter the rooms of the detained foreign nationals.

The presence of the security officers in the building has an intimidating effect. Given that all dayrooms are monitored by cameras, I consider that personal presence of the security guards in the buildings is unnecessary. Using security guards is simply an additional repressive element that is absolutely inappropriate in a facility for detention of families with children.

Measure:

3) **Discontinue the constant surveillance by the security guards in the residential buildings (without delay).**

2.2 Remove the metal stops in the windows and in the balcony doors

The Facility is gradually removing bars from the buildings' windows. Nevertheless, the management has installed metal stops in all windows that make it impossible to open any

12 Judgement of the European Court of Human Rights No 33201/11 of 12 July in R. M. and Others v France.

13 Judgement of the European Court of Human Rights No 11593/12 of 12 July 2016 in A. B. and Others v France.

window or balcony door more than 10 centimetres (see Figure No. 3), in some cases even 3 centimetres (see Figure No. 4). The detained foreign nationals and the personnel complained that the stops made it impossible to properly ventilate the rooms.

Figures Nos. 3 and 4: window stops.

While I share the personnel's concern about the safety of young children, I do not agree with the solution taken. Stops drilled in place make it virtually impossible for the accommodated parents and women to handle the windows. They also cannot enter the balconies.

There are other, less restrictive mechanisms intended specifically to protect children against falling out of a window. These include, for example, child safety chains and window restrictors that can be handled by parents. The parents can disengage the restrictor and open the window when they need to ventilate the room. If a child is present in the room, the parents can decide to put the restrictor back in place.

Measure:

4) **Remove the metal stops in the windows and in the balcony doors (within 3 months).**

2.3 Provide a refrigerator for storing food and inform the detained foreign nationals that they can use the refrigerator

Foreign nationals detained in the Facility are allowed to buy food. However, all the detained persons complained that they had no cool place to store the food they buy. All they can do is put the food through the partly opened window sash and lay it onto the ledge in cool weather (see Figure No. 6: food laid on the window ledge). The detention officers informed the personnel of the Office that a refrigerator designated for the detainees was available in their office and could be used at any time by the detainees to store their food. However, the refrigerator was empty at the time of the visit and the detained women were not aware

that the refrigerator even existed. The information package provided to the foreign nationals at the time of admission includes a vague mention of the possibility to store food in a refrigerator, *"which is kept by the operator on premises determined by the operator".* In addition, an information sign only in Czech and English is posted on the notice board in the ward, indicating that the detainees are permitted to use the refrigerator for storing or collecting food only between 9.30 - 10.00 a.m. and 6.00 p.m. - 6.30 p.m. (see Figure No. 5: detail of the notice board). However, I do not see why the detained foreign nationals should not have access to the refrigerator all day.

Figure No. 5: detail of the notice board, Figure No. 6: food laid on the window ledge.

Measure:

5) **Ensure that the detained foreign nationals have access to the refrigerator all day to store their food (without delay). Keep them informed about the fact that they can use the refrigerator.**

2.4 Remove the jail door in front of the area for leisure-time activities.

The Facility offers several activities for parents' and children's leisure-time activities. Building A comprises a ceramics studio and fitness room, building B comprises an art and craft studio, cinema, etc. The entrances to these spaces are blocked by a large jail door, despite the fact that each of the rooms can be locked. The jail door is locked outside the time designated for leisure-time activities (see Figure No. 7: jail door in front of the area for leisure-time activities). Children see the jail door repeatedly, always when entering the building and the studios.

Figure No. 7: jail door in front of the area for leisure-time activities.

I appreciate that the range of activities has become wider since the last visit. Yet all efforts of the personnel are needlessly thwarted by the excessive security elements such as the aforementioned jail door in front of the entrance to the studios. This can fuel a prison-world perception in children. In my opinion, the prison door does not serve any purpose because each of the studios can be locked and there is no risk that children would stay there unattended.

Measure:

6) **Remove the jail door in front of the area for leisure-time activities (within 3 months).**

2.5 Allow the detained foreign nationals to possess a lighter

The detained women complained that they were not allowed to possess a lighter. When they go out to smoke a cigarette, they must ask the security guard standing outside for a light.

I consider this security measure unsubstantiated and, to some extent, humiliating. It is a strict measure in comparison with prison standards that allow convicts to keep a lighter or matches.[14]

14 For example, it follows from Article 17 of Regulation No. 2/2016 of the Director General of the Prison Service that the minimum range of products sold by a prison canteen must include matches and lighters that the convicts can obtain and hence keep without limitation.

Measure:

7) **Allow the detained foreign nationals to possess a lighter (without delay).**

2.6 Ensure cheaper telecommunication services for the detained foreign nationals

The employees of the Office ascertained during the visit that the detained foreigners were allowed to use a phone card with credit worth CZK 180. They receive one card at the time of admission to the Facility and another after each 90 days. A phone call using the card is charged at the rate of CZK 15 per metering pulse.[15] The detained women complained that with prices of phone calls this high, one telephone card is sufficient maximally for one phone call to their friends and family abroad every three months; the personnel of the Facility confirmed this information.[16]

I have addressed this problem before and proposed measures in my 2014 report.[17] Since I still insist on remedy, **please inform me what progress the management of the Facility has made in this matter**. The existing system is inefficient and extremely costly for foreign nationals. What is more, the system in fact limits these people's communication with their friends and family.

Measure:

8) **Ensure cheaper telecommunication services for the detained foreign nationals (within 6 months).**

15 O2. Telefonní automaty *(Pay telephones)* [online]. Prague. O2, a. s. [retrieved on 13 December 2016]. Available at: http://www.o2.cz/osobni/203298-volani/51252-telefonni_automaty.html.

16 One metering pulse is equal to 60 seconds for calls to the networks of mobile operators in the Czech Republic. One metering pulse for calls to European countries and selected non-European countries is equal to 38 seconds and 18 seconds to other countries. When using the Xcall service, a metering pulse is charged every 90 seconds (discounted call to selected 60 world countries, activated by dialling a special prefix). Thus, for example, a pre-charged card (CZK 180) is sufficient for a call lasting about 2 minutes 30 seconds to Mongolia, Kosovo, Syria, Iran, Pakistan (countries not covered by the Xcall service).

17 Report on Visit to the Facility of 18 February 2015, File No. 24/2014/NZ/OV, available at: http://kvopap:81/KVOPEsoSearch/Nalezene/Edit/14615.

3. Outdoor spaces: omnipresent fences and guards

All detained foreign nationals must have the possibility to spend time outside. Spending time outdoors is very important especially for children.[18] In the same way as indoor premises, outdoor spaces must also meet all requirements on children's stay in the Facility. Outdoor spaces must be equipped with play equipment for children and be as natural as possible – so that children feel well and safe. Children should not be exposed to the Facility's security elements as they have an adverse impact on children's psychological condition.[19]

3.1 Remove all inner fences and barbed wire within the Facility

The entire premises of the Facility are delimited by a red security fence. In addition, three-metre high fences with barbed wire divide the premises into several parts with various regimens – residential buildings with adjacent children's playgrounds, health centre, admission department and children's centre.

The employees of the Office learned during the visit that the outdoor spaces in front of the buildings had been provided with several new climbing frames and sand boxes, which I appreciate. However, the high fences with barbed wire are immediately noticeable from the playground (see Figure No. 9: fence enclosing the children's playground). Children can see the same fences also from the ward windows (see Figure No. 8: view of a fence with barbed wire from a ward window).

Figure No. 8: view of a fence with barbed wire from a ward window, Figure No. 9: fence enclosing the children's playground.

18 Judgement of the European Court of Human Rights No 68264/14 in R. K. and Others v France, para 69, and also No. 33201/11 in R. M. and Others v France, para 73.

19 Judgement of the European Court of Human Rights No 11593/12 of 12 July 2016 in A. B. and Others v France, para 113.

This is a clear security element that is constantly present. A detained foreign national passes literally through fence alleys when moving from one building to another. The premises create an extremely depressive feeling and are absolutely unsuitable for children in view of the above case-law of the ECtHR.

The management of the Facility informed the employees of the Office that the Facility was gradually removing some barbed wires and was planning to repaint the fences to green in order to make a friendlier impression on children. Nevertheless, I am convinced that repainting alone will change nothing about the negative effect of the omnipresent fences – elements lacking any security purpose whatsoever.

Measure:

4. Remove all inner fences and barbed wire within the Facility (within 3 months)

4.1 Provide the security guards with civilian uniforms that do not appear intimidating.

Every part of the premises, separated by fences, is permanently guarded by two to three security guards who communicate with each other using handheld transceivers. They wear black uniforms resembling those of armed forces. Children are forced to play in the permanent presence of the security guards and constantly come into contact with them (see Figure No. 10: security guard in black uniform on the playground).

The uniforms appear intimidating. This is another repressive element that can be moderated by using more civilian attire combined with an element that would distinguish the security guards from other persons in the Facility without having such a negative impact. Analogously, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment condemns black uniforms of security guards e.g. in health-care facilities and points out their negative effect on the clients of the facilities concerned.[20] Making the security guards' attire more civilian was also on the agenda of my meeting with the Minister of the Interior Milan Chovanec; the Director of the Refugee Facilities Administration Mgr.

20 Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on a visit to Austria CPT/Inf (2015) 34, para 135.

Miloslav Koudelný was tasked with bringing the requirement into practice.[21]

Figure No. 10: security guard in black uniform on the playground.

Measure:

5. Provide the security guards with civilian uniforms that do not appear intimidating (without delay).

5.1 Reduce escorting of detained foreign nationals by security guards in the outdoor spaces of the premises

The visit showed that the detained foreign nationals were not allowed to move independently in the premises. If they want to visit the health centre or, for example, the children's centre, they can do so only when accompanied by a security guard. Only children are exempted from this regimen – they are collected by a tutor before visiting the children's centre. On the other hand, children accompanied by parents are always escorted by a security guard.

The security guards' job description illustrates the regimen in the Facility. In fact, however, the detained foreign nationals should be restricted in their freedom of movement within the Facility as little as possible.[22] While the foreign nationals detained in the Zastávka u Brna Reception Centre are free to move on the premises without limitation and without being escorted between the buildings, the detainees in the Bělá-Jezová Facility are not. If the Facility is to serve as a detention centre for women and families with children, it is necessary to remove this useless security element.

Measure:

6. Reduce escorting of detained foreign nationals by security guards in the outdoor spaces of the premises (without delay).

6.1 Discontinue the rounds with dogs within the premises

The employees of the Office noted that a watchdog was present at the gatehouse. The security guards informed the employees of the Office that the dog belonged to the private security service. The security guards regularly perform rounds with the dog on the outside perimeter of the premises and use the dog to check the space between the outer fence and

21 Minutes of the meeting between the Public Defender of Rights and the Minister of the Interior of 12 November 2015.

22 Safeguards for irregular migrants deprived of their liberty. Extract from the 19th General Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment CPT/Inf (2009)27, para 79.

the three-metre high fences within the premises. They usually do not bring dogs into the buildings.

I consider it problematic that children can notice the dog through the three-metre fence during the guards' rounds, for example when they play on the playground. The permanent visible presence of the dog in the Facility adds to the wide range of security elements that together erode the Facility's suitability for the stay of children.

Measure:

7. Discontinue the rounds with dogs within the premises (without delay)

Conclusion

I appreciate the endeavour to improve the conditions in the Bělá-Jezová Facility that the personnel and management have shown since my last visit. I am well aware that the employees do their best to make children's stay in the Facility more pleasant. I regard favourably the construction of children's corners, the equipment of the children's centre and the new outdoor play equipment for children. I have also noted the plans of the management for restoring the children's rooms, repainting the facades of the buildings and constructing a classroom, and I sincerely hope that these plans will be soon accomplished.

However, the above efforts of the employees of the Facility are thwarted by several distinctive security measures that make the Facility unsuitable for detaining families with children in the light of the current case-law of the ECtHR. Some of the errors pointed out in my report may not be very serious. However, when combined, they represent a significant source stress and anxiety for children. In combination with young age and the duration of the detention, these errors may in some cases result in violation of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter the Convention), as recently confirmed by the European Court of Human Rights, which granted two applications for interim relief seeking release of families with children from the Bělá-Jezová Facility.[23] It should also be noted, however, that in the light of the above-mentioned case-law of the ECtHR, detaining a minor child for several days, even in a facility which meets the required material conditions, is capable of violating Article 3 of the Convention.

Therefore, I urge the management of the Facility to perform the measures proposed by me as soon as possible in order to avoid similar steps by the European Court of Human Rights in future. If the Facility is not able to do this, using it for placing families with children is inadmissible.

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

23 A. O. and Others v Czech Republic, Application No 52274/15 of 19 October 2015, and L. P. and Others v. Czech Republic, Application No. 61025/16 of 21 October 2016.

Summary of remedial measures

Without delay	• provide for a more dignified room for body searches furnished with mats and a shelf for clothing. • discontinue the constant surveillance by the security guards in the residential buildings • provide the detained foreign nationals with a refrigerator for storing food • allow the detained foreign nationals to possess a lighter • 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 • discontinue the rounds with dogs within the premises
Within 3 months	• remove the bars and jail doors at the admission department • remove the metal stops in the windows and in the balcony doors • remove the jail door in front of the area for leisure-time activities • remove all inner fences and barbed wire within the Facility
Ongoing measures	• keep the detained foreign nationals informed about the possibility to store food in the refrigerator
Within 6 months	• ensure cheaper telecommunication services for the detained foreign nationals