

GLOBAL **NEXTGEN** INDEX

Protecting the liberty of our next generation, today.

End Child Detention Scorecard

CZECH REPUBLIC

Published August 2018 using information compiled between November 2017 – January 2018, based on the most up-to-date reports and analysis available.



FINAL SCORE

43

The Czech Republic allows for the detention of children - the majority of whom are detained with their families.

However, the law prohibits the detention of unaccompanied children under the age of 15 who are seeking asylum.

As a result, unaccompanied children can be detained.

	Czech Republic	Possible
Treaties	18	20
National laws	0	10
Processing	12	26
Placement	4	12
Rights	11	20
Oversight	4	12
Sub Total	49	100
Points off	-9	-15
Bonus points	+3	+15

Treaties 18/20

Czech Republic has ratified five of the six Conventions and Protocols that assist in the protection of children in the context of migration.

Recommendation: The Government of the Czech Republic is encouraged to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

National laws 0/10

According to the Foreigners Act (326/1999 Coll.) of the Czech Republic, prohibition of detention only applies to unaccompanied children under the age of 15. Children who do not fit in this category are susceptible to detention and prison conditions. Additionally, this does not apply to people who are unable to lawfully claim asylum in the Czech Republic (§ 129 Foreigners Act). Hence, in practice, the so-called Dublin cases are being detained. There are no laws to prevent children who travel with their families from being detained.

Recommendation: The Government of the Czech Republic is commended for protecting unaccompanied children seeking asylum who are under 15 from detention. However, the legal framework currently enables unaccompanied children between the ages of 15 – 18 to be detained, as well as those not seeking asylum, and those who have arrived under Dublin III Regulation. The government is encouraged strengthen this legislation to protect all children, and their families, from being held in immigration detention.

Processing 12/26

Czech Republic has weak processes for integrating migrant children into the community. Specifically, there is very limited practice of child-sensitive screening, best interest determination, case management, issue documentation, or even ensuring access to legal advice during migration processes.

Recommendation: The Government of the Czech Republic is encouraged to urgently introduce and strengthen processes to ensure child-sensitive migration systems. The government is strongly encouraged to undertake efforts to ensure screening, best interest determinations, case management, documentation and legal advice are of an acceptable international standard.

Placement 4/12

Unaccompanied children seeking asylum are placed in children's homes which are institutionalised facilities, there are only limited foster care placements available. Unaccompanied children who are unable to seek asylum can be subject to immigration detention. Some conditional placements are available for children migrating with their families, with two open reception facilities.

Recommendation: The Government of the Czech Republic is commended for their efforts to provide for unaccompanied children seeking asylum, although institutional care has been shown to harm child well-being and development. The government is encouraged to immediately develop alternatives to detention for all children and their families in order to remain in alignment with international legal obligations and standards.

Rights 11/20

Access to rights is available in theory in the Czech Republic, but in practice migrants and asylum seekers face discrimination and lack of tailored resources and services to provide full access to rights.

Recommendation: The Government of the Czech Republic is commended for upholding the rights of migrant children to non-discriminatory access to education. However, the government is encouraged to provide appropriate services to address the specific needs of migrant children and their families. It is recommended the government ensure indiscriminate access to housing, social assistance and health care for all children, as well as permit parents to seek employment. Further, the government is encouraged to establish firewall protections in legislation to ensure social services are not impeded by migration control activities.

Oversight 4/12

A National Preventative Mechanism exists and is realized by the Ombudsperson's Office. However, recently the Ministry of Interior ceased publishing weekly statistics. Currently, only aggregate yearly statistics are available.

Recommendation: The Government of the Czech Republic is encouraged to improve its score by solidifying judicial control of detention decisions, boosting the powers of the detention monitoring bodies, and by publishing disaggregated detention population statistics on a monthly basis.

Points off -9/-15

According to NGO reports, it is estimated that up to 50 children were detained in 2016, for an average of 1 month. The time limit on immigration detention is 90 days. The Czech Republic does transfer children to countries where they are detained under Dublin III.

Recommendation: The Government of the Czech Republic is strongly encouraged to abolish the detention of all children, recognizing that even short periods of immigration detention are harmful to child well-being and development. Notwithstanding this recommendation, the government is encouraged to take steps to reduce the number of children who are detained, to reduce the time children spend in detention, to end transfer and return practices, and to ensure children are not detained with unrelated adults.

Bonus points +3/+15

The Minister of Justice of the Czech Republic has called for an end to child detention, and the Ministry recently organised a conference on the topic. However, there haven't been actions towards any specific law change.

Recommendation: The Government of the Czech Republic is encouraged to abide by international law and standards by preventing the detention of all children, removing reservations to the CRC, and expanding its exploration of alternatives through pilot projects.



This scorecard has been assessed by the Czech Republic NextGen Index Committee:

- Consortium of Migrants Assisting Organisations
- Organisation for Aid to Refugees

For further information regarding how this score was measured visit <http://next-gen-index.org/>

If you have any questions, please contact the Global Campaign:
media@endchilddetention.org

Additional Resources & Information

- [OHCHR Status of Ratification Dashboard](#)
- [Czech Republic Asylum Act](#)
- [Czech Republic Foreigners Act](#)
- [Czech Republic Ministry of Interior](#)