

Inspection to the expulsion centre of the Police and Border Guard Board

The Chancellor of Justice announces that he has made several recommendations regarding the observation of fundamental rights and freedoms to the Police and Border Guard Board as a result of the inspection visit to the expulsion centre on 12 March 2013.

Content of recommendations made by Chancellor of Justice

The Chancellor of Justice is an independent official who has the right to make inspection visits to the expulsion centre to check how the fundamental rights and freedoms of the persons detained in the centre are protected. The Chancellor of Justice is also the national preventive mechanism stipulated in Article 3 of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Pursuant to the Chancellor of Justice Act, proceedings are completed when the Chancellor of Justice formulates his position, assessing whether the activities of the agency under supervision are legal and in compliance with good administrative practice. The Chancellor of Justice may provide criticism, suggestions and express his or her opinion in other ways or make proposals for the elimination of the violation. However, the position of the Chancellor of Justice is not legally binding for the agency.

Below are the most important recommendations made by the Chancellor of Justice to the Police and Border Guard Board which directly concern the conditions applied to those detained at the expulsion centre.

Application of security measures

1. The Chancellor of Justice explains that use of handcuffs to prevent a person from escaping when escorted outside the centre is permitted. The data characterising the specific person and the organisation of escorting must be considered when the risk of escape and the permissibility of handcuffs are considered.
2. The use of handcuffs and other security measures must be justified to the person in a language they can understand and the person must be allowed to express their opinion.
3. The implementation of security measures (e.g. placing the person in an isolated locked room or restricting the use of personal items) must be done in a purposeful manner – it is a measure designed to eliminate a threat arising from the person or their conduct, not a punishment.

Catering

1. Food rations at the expulsion centre should be increased.
2. Those held at the centre must be informed of the menu offered to them and, if necessary, the content of the menu must be additionally explained to those who are served food on the basis of a special menu for religious reasons to prevent doubts about the components of the food.
3. The option of organising catering at the centre in such a manner that those held there are offered a light meal late in the evening should be analysed.

4. The additional meal must be provided to those who need it for health reasons confirmed by a doctor.

Health services and psychological counselling

Interpreting services, if required, should be rendered during the provision of health services and psychological counselling. Also, a professional interpreter should be involved at the expense of the Police and Border Guard Board if the health service provider does not speak the language spoken by the detainee and the detainee cannot afford to pay the interpreter.

If necessary, those subject to expulsion must be given preservative dental treatment at the expense of the centre if they cannot afford to pay for dental treatment.

Special conditions for detaining minors

1. If minors are detained at the centre, they must be provided with the option of engaging in age-appropriate activities. For this purpose they must be provided with access to art supplies, age-appropriate books and language-learning games or books that could be used by people speaking different languages. Children must be provided with opportunities for physical activities – if this is not possible in the centre, they must be allowed to engage in such activities outside of the centre.
2. Educational supervision and activity instruction must be organised for unaccompanied minors detained at the centre.
3. Children detained at the centre who are of an age when attending school is compulsory must be allowed to acquire education.
4. Minors should be guaranteed, as a priority, the provision of services, incl. psychological and social counselling, in a language and manner they can understand.
5. In the case of unaccompanied minors it is necessary to turn special attention to the fact that, in addition to giving them written information materials, the internal rules of the centre and the procedure for submitting applications is explained to them verbally and in a simple manner. It must also be guaranteed that minors can communicate with staff in a language they can understand and that an interpreter is involved if necessary.
6. In addition to proceedings, a guardianship authority must also be involved in resolving issues related to the stay of persons at the centre.
7. Handcuffs should generally not be used when minors are escorted; other measures must be used to prevent escaping.

Other issues

Those detained at the centre for a long period should be offered more diverse options to fill in their time. This should be considered when the next budgets of the centre are being planned.

The procedure for responding to applications should be made more efficient so that applications for receipt of toiletries or the resolution of other issues concerning life in the centre are more promptly reviewed.