

UPR Pre-sessions

29 November 2022

# Statelessness in Czechia

Adam Stašek

[adam.stasek@opu.cz](mailto:adam.stasek@opu.cz)



European  
Network on  
Statelessness



Institute on  
Statelessness and  
Inclusion

**Statelessness  
determination  
and access to  
rights**

**Arbitrary  
detention of  
stateless persons**

Presented issues

## Statelessness determination and access to rights

### ISSUES

- **no dedicated statelessness procedure**
- **a lack of procedural safeguards** for applicants
- **the right to residence** of recognized stateless persons **contravenes the 1954 Convention**

# Statelessness determination and access to rights

## RECOMMENDATIONS

- I. **Establish a clear and predictable statelessness determination procedure in law that guarantees basic procedural rights and safeguards during the procedure and leads to a statelessness status and rights in line with the 1954 Convention, and in conformity with SDG 10.3.**
- II. **Provide recognised stateless persons a right to residence with a route to permanent residence and naturalization, in line with UNHCR guidance.**

## Arbitrary detention of stateless persons

### ISSUES

- **not assessing statelessness before detaining**
- **using detention prior to all alternatives**
- **limited rights for stateless people upon release from detention**

# Arbitrary detention of stateless persons

## RECOMMENDATIONS

- I. Implement the obligation to **assess statelessness**, conduct **vulnerability assessments**, and ensure a **country of removal is identified prior to detaining someone**.
- II. **Ensure that all alternatives to detention are exhausted** prior to the decision to detain and include cumulative time spent in detention to count towards the maximum time limit.
- III. Take steps towards issuing **identification documents** and residence status to individuals **upon release from detention, in line with SDG 16.9**.

**Adam Stašek**

**adam.stasek@opu.cz**

Thank you!

