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4.8. Detention during the asylum procedure

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In 2021, shortcomings in practices and conditions in detention, particularly for applicants with vulnerabilities, were scrutinised by international, European and national monitoring and judicial organisations, such as the UN Committee Against Torture (UN CAT), Council of Europe Committee for the Prevention of Torture (CPT), national Ombudspersons, the ECHR and national courts, in addition to UNHCR and civil society organisations. In addition, systemic deficiencies and using detention and arbitrary restrictions during a mass influx of third-country nationals continued to be reported.

Detention may have implications on the asylum procedure in terms of access to procedure, information provision, the personal interview and applicable timeframes. While several EU+ countries made efforts to address existing deficiencies in these areas, it was also highlighted that systemic limitations need to be addressed to fully respect applicants' right to liberty and security.

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