

## Slovenia Immigration Detention Profile

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### INTRODUCTION

In September 2015, when [Hungary](#) completed a border fence and closed crossing points with [Croatia](#) and Serbia, a key route for refugees and migrants shifted to Slovenia. Croatia subsequently began diverting refugees through Slovenia, leading to a sudden increase in border crossings in the country, with some 5,000 arrivals daily. Aggravating this situation, in November 2015, [Austria](#) and [Germany](#), the main destination countries for refugees, began implementing stricter border controls.

Slovenia responded to these pressures by effectively replicating the actions of its neighbours. Fearing that thousands of refugees would be stranded within its borders, the country set up more than 160 kilometres of wire fence at its border with Croatia.<sup>1</sup> In March 2016, the government approved a widely criticized amendment to the Act on International Protection aimed at reducing the arrival of asylum seekers and limiting their stay. The amended act provides admissibility procedures at the border and widens the scope of application of the “safe third country” principle to allow for the return of asylum

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<sup>1</sup> Euronews, “Slovenia takes the strain of Europe’s migrant influx,” *Euronews*, 18 October 2016, <http://www.euronews.com/2015/10/18/slovenia-takes-the-strain-of-europe-s-migrant-influx>; Euronews, “Slovenia witnesses ‘domino effect’ as Croatia diverts thousands of migrants,” *Euronews*, 18 October 2016, <http://www.euronews.com/2015/10/18/slovenia-witnesses-domino-effect-as-croatia-diverts-thousands-of-migrants>; Press TV, “Slovenia seals off border with higher fence,” *Press TV*, 15 March 2016, <http://www.presstv.com/Detail/2016/03/15/455811/Slovenia-border-fence-refugees-Balkan-route>; Barbara Surk, “Slovenia Builds Border Fence to Stem Flow of Migrants,” *NY Times*, 11 November 2015, [http://www.nytimes.com/2015/11/12/world/europe/slovenia-border-fence-migrants-refugees.html?\\_r=0](http://www.nytimes.com/2015/11/12/world/europe/slovenia-border-fence-migrants-refugees.html?_r=0).

seekers to transit countries, which watchdog groups argue will result in widespread violations of the rights of refugees and asylum seekers.<sup>2</sup>

The numbers of detained non-citizens has increased sharply during this period, rising from 425 in 2013 to 2,338 in 2015. Alternatives to detention are very rarely used. Until recently, unaccompanied children have been subject to detention and immigration detainees are obliged to pay for their confinement.

## LAWS, POLICIES, PRACTICES

**Key norms.** Slovenia has overhauled its legislative framework governing immigration and asylum to bring it in line with EU law. In 2011 the [Aliens Act](#) (*Zakon o tujcih*) replaced the 2006 Aliens Act. The 2011 Aliens Act transposed several EU directives, including the [Returns Directive](#), and regulates entry, stay, and departure of non-citizens.

Procedures for asylum and international protection are provided for in the 2007 [International Protection Act](#) (*Zakon o mednarodni zaščiti*). The International Protection Act replaced the 2000 Asylum Act and transposed several instruments of the EU asylum *acquis*, including the [Reception Conditions Directive](#).

Both the Aliens Act and International Protection Act provide for immigration detention, characterizing the policy as “restriction of movement” (*omejitev gibanja*) (Aliens Act, article 76; International Protection Act, article 51).

**Grounds for detention.** Immigration detention is permitted under both the Aliens Act and International Protection Act. According to article 76(1) of the Aliens Act, a non-citizen issued with return decision may be detained if he cannot be deported immediately and displays a risk of absconding or fails to leave the country within the time period ordered in return decision. In addition, article 76(2) provides that non-citizens can be detained when identity cannot be established.

Criteria for assessing the risk of absconding under the Aliens Act include unlawful entry, a previous unlawful stay, entry despite entry ban, conviction for a criminal offence, possession of forged documents, giving false information, and being unwilling to voluntarily leave Slovenia (article 68).

The International Protection Act provides for detention of asylum seekers in the following circumstances: to establish identity; in case of a suspicion that the person will mislead or abuse the procedures; to prevent threat to other persons’ life or property; or pending transfer to a “save third country” if there are reasons that he will avoid it (article 51(1)). Asylum applicants subject to Dublin proceedings may also be detained if they have visa or residence permit of another member state, have unlawfully crossed the border, or have received decision that Slovenia will not consider their application (article 59(2)).

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<sup>2</sup> Amnesty International, *Slovenia: New asylum legislation would violate the rights of refugees and asylum seekers*, March 2016, <https://www.amnesty.org/en/documents/eur68/3580/2016/en/>.

In addition the State Border Control Act ([\*Zakon o nadzoru državne meje\*](#)) allows detention at the border for maximum 48 hours. This type of detention is imposed where the person intends to or has already crossed the border and suspicion exists that he has done so unlawfully and detention is necessary for determining all relevant circumstances or the person has been refused entry into Slovenia because he did not fulfil the entry conditions cannot be immediately returned (article 32(1)).

Detention (and the imposition of alternative to detention) during asylum procedures is decided by the Sector for Accommodation, Care and Integration, which is a division of the Internal Administrative Affairs, Migration and Naturalisation Directorate of the Ministry of the Interior. In turn, the Centre for Foreigners (a division of the Police) issues detention orders during expulsion proceedings.<sup>3</sup>

According to police statistics, out of 2,338 persons detained in 2015, 2,006 (86 percent) were in return proceedings or procedures establishing identity, 316 (13 percent) were subject to readmission based on bilateral agreements, and 16 (1 percent) were asylum seekers.<sup>4</sup>

**Minors.** The Aliens Act does not prohibit the detention of children. It provides that unaccompanied children and families with children, upon consultation with special guardian assigned to them, should be accommodated in adequate institutions for accommodation of children. If this is not possible children and families with children may be placed in a designated detention centre (article 82(3)). However, as admitted by official sources, due to lack of adequate facilities, in practice unaccompanied children and families with children are systematically placed in detention.<sup>5</sup>

According to official sources, unaccompanied children and families with children are placed in the same part of detention centre, which is separate from other categories of detainees. Children are placed in elementary school and have permission to exit centre to attend the school.<sup>6</sup> Under Aliens Act, children in detention should have access to

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<sup>3</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>4</sup> Slovenian Police, "Aliens Centre - Statistics," *Website*, visited 18 October 2016, <http://www.policija.si/eng/index.php/areasofwork/bordermattersandforeigners/86-centre-for-foreigners-statistics>.

<sup>5</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm); European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *Policies, practices and data on unaccompanied minors*, October 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/25a.slovenia\\_unaccompanied\\_minors\\_en\\_version.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/25a.slovenia_unaccompanied_minors_en_version.pdf).

<sup>6</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

games and recreational activities appropriate to their age. Unaccompanied children in detention may not be subject to “strict police supervision” measures (see below under “Regulation of detention conditions”) (article 82(4)-(6)).

In 2015, Slovenia detained 449 children, constituting 19 percent of all immigration detainees.<sup>7</sup> According to the Interior Ministry, 34 unaccompanied minors were detained in 2013, 30 in 2012, 12 in 2011, 26 in 2010, and 29 in 2009.<sup>8</sup>

According to the International Protection Act (article 51(3)), unaccompanied children who apply for protection may be granted an alternative measure defined as “restriction of movement to the area of the Asylum Home” (see below “Alternatives to detention”).<sup>9</sup>

In September 2016, following the campaign by non-governmental organizations, including the [Legal Centre for the Protection of Human Rights and Environment](#) (or PIC), the government issued a decree according to which all unaccompanied children, irrespective of whether they applied for asylum or not, shall not be placed in detention but rather accommodated in dormitories in Postojna and Novogorica. However, implementation of the decree has reportedly been slow.<sup>10</sup>

**Length of detention.** According to the Aliens Act, pre-removal detention may last up to six months (article 76(4)). Detention can be extended for another six months if a detainee has not been deported within the initial period of detention for “objective reasons.” The extension of detention is possible if detainee does not cooperate in the deportation procedure, there are delays in obtaining the required documents from third country, or the identification procedures are still in progress (article 79(1)).

Under the International Protection Act, asylum seekers may be detained for up to three months. If after the lapse of this period, the grounds for detention are still valid, detention may be extended for another month (article 51(3)). Article 76(8) of the Aliens Act provides that the period of detention during asylum procedures does not count toward the maximum length of detention allowed under the Aliens Act.

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<sup>7</sup> Slovenian Police, “Aliens Centre - Statistics,” *Website*, visited 18 October 2016, <http://www.policija.si/eng/index.php/areasofwork/bordermattersandforeigners/86-centre-for-foreigners-statistics>.

<sup>8</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>9</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>10</sup> Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016.

According to the official statistics, the average length of detention for all categories of immigration detainees was 17.8 days in 2013, while the average length of detention of asylum seekers was 47.2 days.<sup>11</sup>

**Procedural guarantees.** Detention and its extension under the Aliens Act is ordered by the police (Aliens Act, article 78(1)); detention during asylum procedures is decided by the Interior Ministry (International Protection Act, article 51(3)). The non-citizen may submit a complaint to the administrative court against this decision. The non-citizen has three days to challenge a detention decision and the court has six days to decide on such a complaint under the Aliens Act (articles 78(1)-(3) and 79(2)) or three days under the International Protection Act (article 51(5)). In practice, the number of claims for judicial review is very low. In 2013 (January – May) there were two claims; in 2012, four; and in none in 2011 and 2010. Of these, only one claim was successful.<sup>12</sup>

Within three months of implementing a detention order, the Interior Ministry shall assess ex officio the reasons for detention. In cases where detention is longer than three months, this review is carried out by the administrative court. The police shall provide the Ministry or court with the documents relating to the return procedures of the person concerned. The representatives of the Ministry may visit and interview the detainee as well as police officers. The administrative court may request the participation of the non-citizen or the police officers in the hearing. If the review concludes that the reasons for detention are no longer valid, the police shall order immediate release of the detainee. If the Ministry or the court find that detention is justified the non-citizen is entitled to file a complaint to the administrative court (article 79a).

Detainees are not entitled to free legal aid in detention-relating proceedings.<sup>13</sup> In practice, free legal aid is provided by the Legal Centre for the Protection of Human Rights and Environment (PIC), which visits regularly detention centre.<sup>14</sup> According to official sources, detainees are entitled to free language support in all official procedures. However, in practice access to interpretation services may be impeded due to lack of interpreters in Slovenia.<sup>15</sup>

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<sup>11</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>12</sup> Saša Zagorc and Boštjan Zalar, *Completed Questionnaire for the project Contention National Report: Slovenia*, Contention Project, 2014, <http://contention.eu/country-reports/>.

<sup>13</sup> Saša Zagorc and Boštjan Zalar, *Completed Questionnaire for the project Contention National Report: Slovenia*, Contention Project, 2014, <http://contention.eu/country-reports/>.

<sup>14</sup> Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016.

<sup>15</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

Under the Constitution of Slovenia, every person unlawfully detained has the right to compensation. However, there have been no successful cases, mainly because of insufficient preparation of claims against immigration detention.<sup>16</sup>

**Trends and statistics.** According to police statistics, Slovenia detained 2,338 non-citizens in 2015; 337 in 2014; 425 in 2013; 359 in 2012; 250 in 2011; and 313 in 2010. Of the 2,338 detainees in 2015, approximately 29 percent were from Syria, 23 percent from Afghanistan, 12 percent from Morocco, 10 percent from Iraq, 8 percent from Iran, and 6 percent from Pakistan. Syrians were also the biggest group detained in 2014, amounting to 14 percent of all detainees. In 2015, 69 percent of all the detainees were men, 12 percent women, and 19 percent children.<sup>17</sup>

The police reported that 16 asylum seekers were detained in 2015.<sup>18</sup> Responding to a joint freedom of information request from Access Info and Global Detention Project, the Interior Ministry reported that 57 asylum seekers were detained in 2012; 42 in 2011; and 31 in 2010.<sup>19</sup> These figures broadly coincide with the statistics provided by the Interior Ministry to the European Migration Network: 49 in 2013; 43 in 2012; 39 in 2011; 27 in 2010; and 31 in 2009.<sup>20</sup>

**Alternatives to detention.** Under article 81 of the Aliens Act, the police may ex officio or at the request of the non-citizens substitute detention with less coercive measures if they can ensure removal. The Aliens Act lists the following non-custodial measures: regular reporting to the nearest police station, deposit of bail, submission of documents, or the obligation to stay at a certain location (article 73(6)).

In practice, the “alternative” to detention available during return procedures is called “residence outside the Centre.” Under this measure, the police may order the person to reside at a particular location and impose a duty to report regularly to the closest police station. Official sources have acknowledged that this measure may only be applied if the person can afford the costs of private accommodation. It is thus rarely used. In 2013,

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<sup>16</sup> Saša Zagorc and Boštjan Zalar, *Completed Questionnaire for the project Contention National Report: Slovenia*, Contention Project, 2014, <http://contention.eu/country-reports/>.

<sup>17</sup> Slovenian Police, “Aliens Centre - Statistics,” *Website*, visited 18 October 2016, <http://www.policija.si/eng/index.php/areasofwork/bordermattersandforeigners/86-centre-for-foreigners-statistics>. The figures provided by the police coincide with those provided by the Interior Ministry, according to whom 426 non-citizens were detained in 2013, 402 in 2012, 289 in 2011, 340 in 2010, and 439 in 2009, European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>18</sup> Slovenian Police, “Aliens Centre - Statistics,” *Website*, visited 18 October 2016, <http://www.policija.si/eng/index.php/areasofwork/bordermattersandforeigners/86-centre-for-foreigners-statistics>.

<sup>19</sup> Nataša Potočnik (Internal Administrative Affairs, Migration and Naturalization Directorate), *email response to the joint Access Info and Global Detention Project request*, September 2013.

<sup>20</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

only four people were granted this measure.<sup>21</sup>

During asylum procedures, asylum seekers may be subject to “restriction of movement to the area of the Asylum Home” (International Protection Act, article 51(2)). Although the act does not call this measure an “alternative to detention” nor specify conditions for its application, authorities consider this to be a detention alternative.<sup>22</sup> Additionally, while a person subject to this measure lives in the Asylum Home under the same arrangements as other asylum applicants he is not permitted to leave the Asylum Home, further undermining that notion that this measure is “alternative” or non-custodial.

In contrast to the detention centre, police do not run the Asylum Home. The Interior Ministry’s Sector for Accommodation, Care, and Integration (asylum authority) administers this facility and a private security company provides security.<sup>23</sup> Notwithstanding official designation of this measure as an alternative to detention, under the Global Detention Project’s classification, it amounts to deprivation of liberty because people subject to it are not allowed to leave the premises. The Global Detention Project considers thus the Ljubljana Asylum Home semi-secure facility, because the facility is set up to enable freedom of movement for certain segments of its population while prohibiting others from leaving. Fourteen asylum seekers were subject to the measure of “restriction of movement to the area of the Asylum Home” in 2013, 14 in 2012, three in 2011, and none in 2010 and 2009.<sup>24</sup>

**Criminalization.** The Aliens Act provides a fine of 500 - 1,200 Euros for unlawful entry and a fine of 800 - 1,200 Euros for unlawful stay (article 145).

**Regulation of detention conditions.** The Aliens Act uses the word “Centre” when referring to places of detention (article 76). The Ministry of Interior uses the expression “Centre for Foreigner.”<sup>25</sup> The International Protection Act provides that asylum seekers may be detained at the Asylum Home or other “appropriate facility” (article 51(2)).

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<sup>21</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>22</sup> Katarina Vučko, *Completed Legal Questionnaire for the project MADE REAL: Slovenia, MADE REAL*, 2015, <http://odysseus-network.eu/made-real-national-reports/>.

<sup>23</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm); Katarina Vučko, *Completed Legal Questionnaire for the project MADE REAL: Slovenia, MADE REAL*, 2015, <http://odysseus-network.eu/made-real-national-reports/>.

<sup>24</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>25</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

Article 76(3) of the Aliens Act provides that various categories of persons should be detained separately, including women, families, children, elderly, severely ill, and other vulnerable persons. Detainees are entitled to contact their legal representative, family members, and consular authorities (article 78(4)). Representatives of non-governmental and international organizations may visit the centre and detainees are to be informed of the possibility to communicate with these organizations. Detainees are to be regularly informed of the rules of the centre, as well as of their rights and obligations (article 76(7)).

The Aliens Act provides the possibility of imposing “strict police supervision,” which involves restriction of freedom of movement within the detention centre. According to official sources, detainees subject to this regime may also be monitored by video and audio surveillance.<sup>26</sup> The police may impose this measure if the detainee has attempts to avoid deportation by absconding or resisted deportation, it is evident that he intends to avoid deportation, or broke the facility rules. The strict police supervision may be imposed for up to six months (article 77) (see “Detention infrastructure”).

**Cost of detention.** Like in [Croatia](#) and the [Czech Republic](#), non-citizens are obliged to cover the costs of their detention in Slovenia unless they lack sufficient funds (Aliens Act, article 84(1)-(3)). Total daily cost of detention per person is reportedly 15 Euros and includes food, accommodation, clothes, hygienic items, running costs of facilities (heating, electricity, water) (but does not include cost of the personnel and additional costs like medical assistance).<sup>27</sup>

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<sup>26</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>27</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).



## DETENTION INFRASTRUCTURE

**Postojna Centre for Foreigners.** As of October 2016, Slovenia operated one dedicated immigration detention centre. Officially called the Centre for Foreigners<sup>28</sup> (also the Aliens Centre<sup>29</sup>), the facility is located in Postojna. The centre was opened in 2000 and is managed by the Slovenian Police under the auspices of the Interior Ministry.<sup>30</sup> Previously, the country also operated a detention facility in Prosenjakovci, which was closed in 2006.<sup>31</sup>

The Postojna centre has a capacity of 220 and is divided into several sections to accommodate unaccompanied children and families, women, men, and those under strict supervision. However, as of October 2016, the strict police supervision unit was largely unused.<sup>32</sup> According to the Interior Ministry, the rooms can accommodate six people and measure 17 square metres.<sup>33</sup> The unit for unaccompanied children and families has four rooms, each with three bunk beds, a table and two chairs. In 2014, the Slovenian National Preventive Mechanism found that the unit was not well ventilated.<sup>34</sup> The Legal Centre for the Protection of Human Rights and Environment (PIC), which

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<sup>28</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>29</sup> Slovenian Police, "Aliens Centre: Presentation," *Website*, visited 18 October 2016, <http://www.policija.si/eng/index.php/areasofwork/bordermattersandforeigners/82-centre-for-foreigners-presentation>.

<sup>30</sup> Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016; International Organization for Migration, *Mixed Migration Flows in the Mediterranean and Beyond: Compilation of available data and information*, October 2016, <http://migration.iom.int/docs/WEEKLY%20Flows%20Compilation%20No26%206%20October%202016.pdf>; European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm); Slovenian Police, "Aliens Centre: Presentation," *Website*, visited 18 October 2016, <http://www.policija.si/eng/index.php/areasofwork/bordermattersandforeigners/82-centre-for-foreigners-presentation>.

<sup>31</sup> Jesuit Refugee Service (JRS) Slovenia, "Slovenia" in *Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Position of JRS in Europe*, December 2007; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Slovenian Government on the visit to Slovenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 January to 8 February 2006*, CPT/Inf (2008)7, February 2008, <http://www.cpt.coe.int/en/states.htm>.

<sup>32</sup> Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016.

<sup>33</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>34</sup> Human Rights Ombudsman of Slovenia, *Report of the Human Rights Ombudsman of the Republic of Slovenia on the Implementation of Duties and Powers of the National Preventive Mechanism in 2014*, 2015, <http://www.theioi.org/ioi-members/europe/slovenia/human-rights-ombudsman>.

regularly visits the centre, told the Global Detention Project that material conditions at the centre are adequate, particularly in terms of cleanliness, space, and lightning.<sup>35</sup>

Detainees can move freely within their section of the centre, have free access to the common area, and once per day they can go to the outdoor yard. However, they are limited to only two hours of outdoor time, which some experts regard as insufficient.<sup>36</sup> Detainees may receive visits during a specific time period every afternoon, while legal representatives may visit detainees outside visiting hours. Detainees may use phones located in each section and have limited access to internet on some week days. Children are placed in elementary school and have permission to exit centre to attend the school.<sup>37</sup>

The centre employs 41 uniformed police officers, responsible for the security of the premises and the persons, and 17 other police employees, including medical staff, social workers (who organize accommodation, childcare, education, sport, recreation, cultural activities), administrative and logistics staff.<sup>38</sup> The centre employs four nurses and a general physician and psychiatrist can visit centre on call.<sup>39</sup> The nurses are present only on weekdays; on weekends medication is distributed by social workers.<sup>40</sup>

Following its 2006 visit in the Postojna centre, the [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#) (CPT) found that the centre offered a high standard of accommodation, including good access to natural light, artificial lighting, proper heating and ventilation. However the “strict police supervision” unit (see below “Regulation of conditions of detention”) was in “dilapidated” state of repair.<sup>41</sup> The centre had adequate outdoors facilities and provision of food (including special dietary needs) was sufficient. However, the regime of activities was poor and the sole activity available was TV watching. The cell phones were confiscated upon the admission to the centre. There was only one phone and the CPT invited the

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<sup>35</sup> Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016.

<sup>36</sup> Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016.

<sup>37</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>38</sup> Slovenian Police, “Aliens Centre: Presentation,” *Website*, visited 18 October 2016, <http://www.policija.si/eng/index.php/areasofwork/bordermattersandforeigners/82-centre-for-foreigners-presentation>.

<sup>39</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>40</sup> Human Rights Ombudsman of Slovenia, *Report of the Human Rights Ombudsman of the Republic of Slovenia on the Implementation of Duties and Powers of the National Preventive Mechanism in 2013*, 2014, <http://www.theioi.org/ioi-members/europe/slovenia/human-rights-ombudsman>.

<sup>41</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Slovenian Government on the visit to Slovenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 January to 8 February 2006*, CPT/Inf (2008)7, February 2008, <http://www.cpt.coe.int/en/states.htm>.

authorities to install additional phones. The CPT expressed also concern that all detainees except from children were obliged to wear prison-like uniforms.<sup>42</sup>

Social workers and non-governmental groups, including Slovenia Jesuit Refugee Service, provide leisure activities and language classes.<sup>43</sup> Among the NGOs that have been access to the centre in past years are Jesuit Refugee Service, PIC, *Slovenska Filantropija*, *Mozaik*, *Ključ*, and *Slovenska Karitas*.<sup>44</sup>

**Brnik Airport Holding Centre.** As of October 2016, the Brnik Airport in Ljubljana operated holding premises for aliens in the vicinity of the main airport terminal.<sup>45</sup> These facilities may be used to accommodate persons refused entry and awaiting expulsion for up to 48 hours. With a capacity of 18, the centre occupied a two-storey building and had a dormitory for men and a room for women. The CPT, during its 2006 visit noted that the lighting and heating were adequate but the living space was below the standard of minimum four square metres per person.<sup>46</sup> However, few persons are detained in these premises.<sup>47</sup>

**Ljubljana Asylum Home.** The Ljubljana Asylum Home, which is a semi-secure reception centre, previously had a secure section on its premises that operated as a detention centre.<sup>48</sup> The closed section had four rooms with a total capacity of 20. Following its visit in 2006, the CPT found that the rooms were well equipped (with tables, bunk beds, chairs, cupboards, and shelf) and adequately heated, lit, and ventilated. Each room had its own sanitary annexe, with a toilet and shower but the living space per person was rather limited. Yet, the unit did not offer any organized activities for the

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<sup>42</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Slovenian Government on the visit to Slovenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 January to 8 February 2006*, CPT/Inf (2008)7, February 2008, <http://www.cpt.coe.int/en/states.htm>.

<sup>43</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>44</sup> Jesuit Refugee Service (JRS) Slovenia, "Slovenia" in *Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Position of JRS in Europe*, December 2007; Grusa Matevzic (Hungarian Helsinki Committee), *Email exchange with Aiko Holvikivi* (Global Detention Project), May 2010.

<sup>45</sup> Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016; Grusa Matevzic (Hungarian Helsinki Committee), *Email exchange with Aiko Holvikivi* (Global Detention Project), May 2010; Grusa Matevzic (Hungarian Helsinki Committee), *Email exchange with Aiko Holvikivi* (Global Detention Project), May 2010.

<sup>46</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Slovenian Government on the visit to Slovenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 January to 8 February 2006*, CPT/Inf (2008)7, February 2008, <http://www.cpt.coe.int/en/states.htm>.

<sup>47</sup> Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016; Grusa Matevzic (Hungarian Helsinki Committee), *Email exchange with Aiko Holvikivi* (Global Detention Project), May 2010.

<sup>48</sup> Grusa Matevzic (Hungarian Helsinki Committee), *Email exchange with Aiko Holvikivi* (Global Detention Project), May 2010.

detainees.<sup>49</sup> In 2013 the Interior Ministry reported that this section had not been used since 2008.<sup>50</sup> Likewise, the Legal Centre for the Protection of Human Rights and Environment (PIC) noted in 2016 that the unit was no longer in use.<sup>51</sup>

However, the Asylum Home does not operate as a wholly “open” reception centre. While some asylum seekers housed at the facility are able to leave the facility, those who have been granted the “alternative” measure “restriction of movement to the area of the Asylum Home” cannot leave the facility. Thus, the GDP codes this facility, which employs private security guards, a “semi-secure” reception centre.<sup>52</sup>

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<sup>49</sup> Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Slovenian Government on the visit to Slovenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 January to 8 February 2006*, CPT/Inf (2008)7, February 2008, <http://www.cpt.coe.int/en/states.htm>; Jesuit Refugee Service (JRS) Slovenia, “Slovenia” in *Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Position of JRS in Europe*, December 2007; Grusa Matevzic (Hungarian Helsinki Committee), *Email exchange with Aiko Holvikivi* (Global Detention Project), May 2010.

<sup>50</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The Organisation of Reception Facilities for Asylum Seekers in different Member states*, July 2013, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/24a.slovenia\\_national\\_report\\_receptionfacilities\\_en\\_version\\_dec2013\\_final.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/24a.slovenia_national_report_receptionfacilities_en_version_dec2013_final.pdf)

<sup>51</sup> Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016.

<sup>52</sup> European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

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