Slovakia Immigration Detention Profile

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- **Introduction**
- **Laws, Policies, Practices**
- **Detention Infrastructure**

INTRODUCTION

Slovakia (officially the Slovak Republic) has pursued restrictive and discriminatory immigration policies since the onset of the refugee crisis in early 2015, even though the country has not faced nearly the same pressures as its European neighbours. In August 2015, for example, the country announced that it would only accept Christians under the European Union (EU) relocation scheme, arguing that Muslins would not feel at home in Slovakia.[1] In December 2015, the country filed a lawsuit at the Court of Justice of the EU against its mandatory relocation scheme, under which it was supposed to accept 802 asylum seekers, claiming that the quotas per country were "nonsensical and technically impossible."[2]

In 2015 only 33 people applied for international protection in Slovakia, compared to 330 in 2014 and 440 in 2013. Apprehension numbers have remained largely stagnant: 1,155 undocumented persons were apprehended in 2014; 1,025 in 2013; and 1,395 in 2012. The country deported 1,230 non-citizens in 2015, 695 in 2014, and 375 in 2013.[3] According to the Clandestino Project, the estimated number of irregular migrants in Slovakia as of 2008 was 15,000-20,000.[4]

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[1] BBC World, "Migrants crisis: Slovakia 'will only accept Christians'," *BBC World*, 19 August 2015, http://www.bbc.com/news/world-europe-33986738; Davide Lerner, "Why Slovakia won't embrace migration," *Politico*, 18 August 2016, http://www.politico.eu/article/why-slovakia-wont-embrace-migration-lubos-blaha-josef-rydlo/.

[2] Umberto Bacchi, "Migrant crisis: EU relocation scheme sets country quotas as Slovakia leads revolt," *International Business Times*, 23 September 2015, http://www.ibtimes.co.uk/migrant-crisis-eu-relocation-scheme-sets-country-quotas-slovakia-leads-revolt-1520881; Hans von der Burchard and Jacopo Barigazzi, "Slovakia files lawsuit against EU's refugee relocation," *Politico*, 2 December 2015, http://www.politico.eu/article/slovakia-files-lawsuit-against-eus-refugee-relocation-september/.

[3] Eurostat, *Asylum and managed migration*, http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database.

[4] Clandestino, *Irregular migration in Slovakia,* July 2009, http://irregular-migration.net/index.php?id=171.

Although detention numbers appear to have fallen during the period 2009-2013, there was a sharp increase in 2015.[5] According to official sources, 1,058 people were placed in immigration detention in 2015; 411 in 2014; 195 (or 204) in 2013; 180 in 2012; 286 in 2011; 319 in 2010; and 582 in 2009.[6] The country appears to rarely offer alternatives to detention and routinely detains families with children for prolonged periods.[7]

LAWS, POLICIES, PRACTICES

The 2011 Act on Residence of Aliens (No. 404/2011 Coll of 21 October 2011), which entered into force in January 2012, regulates Slovakia's migration policy, including entry requirements, visa, expulsion, and immigration detention. The 2011 Act on Residence of Aliens replaced the 2002 Act on Stay of Aliens and transposed the EU Returns Directive into Slovakia's domestic legislation. The amendment to the 2011 Act, which entered into force in January 2014, introduced explicit grounds for detention of asylum seekers, modelled upon the 2013 EU Reception Conditions Directive (Recast).

Grounds for detention. Article 88 of the Act on Residence of Aliens provides grounds for immigration detention (*zaistenie*). Accordingly, police may detain non-citizens who are subject to administrative expulsion proceedings in order to ensure their departure if there is a risk of absconding or a risk of avoiding or hampering the preparation of the expulsion (article 88(1)(a)); for the purpose of execution of expulsion (article 88(1)(b)); for the purpose of the preparation or execution of the transfer under the Dublin regulation if there is a significant risk of absconding (article 88(1)(c)); for the purpose of return under an international treaty (readmission agreement) if they have unlawfully crossed the external border or are residing unlawfully in the country (article 88(1)(d)).

Following the 2013 amendment to the Act on Residence of Aliens, a new provision was inserted that explicitly lists grounds for detention of asylum seekers. Under article 88a(1) asylum seekers may be detained in order to ascertain or verify identity or nationality; in order to ascertain the facts that constitute the basis of an asylum application, which

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[5] Human Rights League (HRL) and Forum for Human Rights (FORUM), *NGO information to the United Nations Human Rights Committee on immigration detention of families with minor children and other harmful detention practices in Slovakia*, December 2015, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf.

[6] Presidium of the Police Forces: Bureau of Border and Alien Police, *Statistical Overview of Legal and Illegal Migration in the Slovak Republic 2015*, 2016, http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocenky/rok_2015/2015_rocenka_UHCP_EN.pdf; Presidium of the Police Forces: Bureau of Border and Alien Police, *Statistical Overview of Legal and Illegal Migration in the Slovak Republic 2014*, 2015, http://www.minv.sk/swift_data/source/policia/uhcp/rocenky/rok_2014/Annual_Statistical_Overview_of_Legal_and_Illegal_Migration_in_the_Slovak_Republic_2014.pdf; EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.

[7] Human Rights League (HRL) and Forum for Human Rights (FORUM), *NGO information to the United Nations Human Rights Committee on immigration detention of families with minor children and other harmful detention practices in Slovakia*, December 2015, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf.

could not be obtained without detention, especially if there is a risk of absconding; in the case of a third-country national detained under the assisted return procedure with the aim to ensure his departure to the country if there is a risk of absconding or a risk of avoiding or hampering the preparation of the execution of assisted return, or in case of a person detained for the purpose of execution of expulsion who applied for asylum if there is reasonable suspicion that the asylum application was made to delay or frustrate administrative expulsion; if it is necessary due to a threat to national security or public order; for the purpose of ensuring the preparation or execution of transfer under the Dublin Regulation, if there is a significant risk of absconding.

Detaining authorities. According to article 88(5) of the Act on Residence of Aliens police officers are empowered to issue detention orders and place non-citizen in a detention facility. Judicial authorities are involved only in the appeal phase (see below).[8] The police also operate detention centres (Act on Residence of Aliens, article 92(5)).

Statistics. According to official sources, 1,058 people were placed in immigration detention in 2015; 411 in 2014; 195 (or 204) in 2013; 180 in 2012; 286 in 2011; 319 in 2010; and 582 in 2009.[9] During 2007, a total of 1,110 detainees were held at the two detention centres, roughly the same as in 2005 (1,137), and a 20 percent increase over 2006 (884).[10]

Responding to a joint freedom of information request from Access Info Europe and Global Detention Project, the Interior Minister reported that 47 asylum seekers were placed in detention in 2012; 52 in 2011; and 90 in 2010.[11]

In 2014, of the 411 people placed in immigration detention, 93 were from Kosovo, 61 from Syria, and 50 from Afghanistan.[12]

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[8] EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.

[9] Presidium of the Police Forces: Bureau of Border and Alien Police, *Statistical Overview of Legal and Illegal Migration in the Slovak Republic 2015*, 2016, http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocenky/rok_2015/2015_rocenka_UHCP_EN.pdf; Presidium of the Police Forces: Bureau of Border and Alien Police, *Statistical Overview of Legal and Illegal Migration in the Slovak Republic 2014*, 2015, http://www.minv.sk/swift_data/source/policia/uhcp/rocenky/rok_2014/Annual_Statistical_Overview_of_Legal_and_Illegal_Migration_in_the_Slovak_Republic_2014.pdf; EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.

[10] Bureau of Border and Aliens Police (BBAP), *Yearbook: 2007*, 2008, http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocenky/rok_2007/2007-rocenka-uhcp-en.pdf.

[11] Global Detention Project and Access Info Europe, *THE UNCOUNTED: The Detention of Migrants and Asylum Seekers in Europe*, 2015, http://www.globaldetentionproject.org/publications/special-report/uncounted-detention-migrants-and-asylum-seekers-europe.

[12] Presidium of the Police Forces: Bureau of Border and Alien Police, *Statistical Overview of Legal and Illegal Migration in the Slovak Republic 2014*, 2015, http://www.minv.sk/swift_data/source/policia/uhcp/rocenky/rok_2014/Annual_Statistical_Overview_of_Legal_and_Illegal_Migration_in_the_Slovak_Republic_2014.pdf.

Length of detention. Like a number of other EU countries (including Greece and Italy), Slovakia increased the maximum length of immigration detention when it adopted the Returns Directive. Under the previous Act on Stay of Aliens (2002) the maximum period of detention was 180 days. The 2011 Act on Residence of Aliens provides a maximum initial length of detention of six months, which can be extended by 12 additional months in cases where expulsion procedures are extended due to lack of cooperation or delays by country of destination to issue travel documents.

The 12-month extension does not apply to families with children, vulnerable persons, and applicants for asylum detained on grounds other than threat to national security or public order (Articles 88(4) and 88a(2)). Vulnerable persons include minors, people with disabilities, victims of trafficking in human beings, persons older than 65 years, pregnant women, single parents with an underage child, and victims of torture, rape or other serious forms of psychical, physical or sexual violence (Act on Residence of Aliens, article 2(7)).

Procedural standards. Article 90(1) of the Act on Residence of Aliens establishes that police must inform detainees in a language they understand the reasons for their detention, the possibility of contacting consular representation, the right to inform people about their detention, and the possibility to challenge the legality of their detention.

According to article 88(7), detainees have the right to appeal detention decisions. The proceedings by which the court decides appeals are governed by the Civil Procedure Code (Act on Residence of Aliens, article 88(8)). The decision of the regional court may be appealed at the Supreme Court.[13]

Independent sources have reported that the lack of judicial review of detention carried out ex officio is a disadvantage for detainees. Without legal assistance, detainees are generally unable to submit appeals within the limited timeframe (15 days) established in law and to have their detention reviewed by a judicial body.[14]

The Legal Aid Centre, a state organization, provides legal assistance free of charge in the detention centres. The Legal Aid Centre reportedly makes regular visit to detention facilities, at least every two weeks, more often if needed. Detainees are informed about the possibility to receive free legal aid and can apply for it suing a standard form.[15]

Minors and other vulnerable persons. When deciding whether to place individuals in detention, authorities must take into consideration age, health condition, family relations, as well as religious and ethnic background and nationality (Act on Residence of Aliens, art. 94).

Families with children may be detained only when it is strictly necessary and only for the shortest time possible. The law establishes a maximum length of six months detention for families (Act on Residence of Aliens, article 88(4) and (9)).

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[13] EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.

[14] Martin Skamla, *Completed Questionnaire for the project Contention: National Report – Slovakia*, 2014, http://contention.eu/docs/country-reports/SlovakiaFinal.pdf.

[15] Martin Skamla, *Completed Questionnaire for the project Contention: National Report – Slovakia*, 2014, http://contention.eu/docs/country-reports/SlovakiaFinal.pdf.

According to the Human Rights League and Forum for Human Rights, families are routinely detained for several months and alternatives are rarely granted.[16] Families are to be confined together. However, in cases of separation, detaining authorities area to ensure that the consequences of the separation are proportionate to the needs (Act on Residence of Aliens, article 94(3)).

The law prohibits immigration detention of unaccompanied minors (Act on Residence of Aliens, article 88(9)). However the legislation enshrines the presumption of majority. Age determination procedures in Slovakia rely on bone analysis and are unreliable, especially with respect to children between 16-18 years old. A 2013 study discussing these procedures reported cases in which the age determination proceedings led to results that were later contradicted by personal documents. In 2012, 85 age assessment procedures were conducted of which 56 concerned Somalis and 12 Afghans.[17]

Unaccompanied minors are placed in a special shelter located in Medzilaborce. If they apply for asylum, unaccompanied children are transferred to the reception centre of the Migration Office and later to the accommodation centre for vulnerable groups, where they are accommodated together with other adult asylum seekers.[18] According to the Human Rights League, around 140-200 unaccompanied children are apprehended every year in Slovakia, of whom around 90 percent disappear from the shelters.[19]

In the past Slovakia used a specific orphanage to house unaccompanied minors. The Horené Orechové orphanage for unaccompanied minors, which was described as an "open" facility in a 2007 European Parliament study, operated under the authority of the Ministry of Employment, Social Affairs, and the Family.[20] It operated between 2009 and January 2014.[21]

Alternatives to detention. Slovakia's immigration legislation provides for two non-custodial measures, including release on bail and reporting obligations. Alternatives to detention can be granted only in cases where non-citizens can prove they have

[16] Human Rights League (HRL) and Forum for Human Rights (FORUM), *NGO information to the United Nations Human Rights Committee on immigration detention of families with minor children and other harmful detention practices in Slovakia*, December 2015, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf.

[17] Katarína Fajnorová and Zuzana Števulová, *DIEŤA ALEBO DOSPELÝ?*, 2013, http://www.hrl.sk/sites/default/files/publications/hrl_dieta_alebo_dospely.pdf.

[18] . EMN Contact point for Slovakia, *Policies, practices and data on unaccompanied minors in 2014: contribution of the Slovak Republic*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/24a_slovakrepublic_uams_study_english.pdf.

[19] Human Rights League, *Disappearing children*, Website, 2016, http://www.hrl.sk/projekty/miznuce-deti-disappearing-children.

[20] European Parliament, *The conditions in centres for third country national (detention camps, open centres as well as transit centres and transit zones) with a particular focus on provisions and facilities for persons with special needs in the 25 EU member states*, IP/C/LIBE/IC/2006-181, December 2007, http://www.aedh.eu/plugins/fckeditor/userfiles/file/Asile%20et%20immigration/Study_of_European_Parliament_about_detention_and_enferment_in_Europe.pdf.

[21] EMN Contact point for Slovakia, *Policies, practices and data on unaccompanied minors in 2014: contribution of the Slovak Republic*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/24a_slovakrepublic_uams_study_english.pdf.

accommodation and financial means. Non-custodial measures are not available during expulsion proceedings for cases involving threats to national security, public order, or public health. Police are to decide on alternatives taking into account the person's background and the level of risk that. The decision cannot be appealed. Breaches of the reporting obligation or avoidance of deportation are sanctioned with detention (Act on Residence of Aliens, article 89)

NGOs contend that alternatives are rarely used in practice because people usually cannot meet all the requirements to be eligible. There are also no support services or special shelters for migrant families in Slovakia. This leads to routine detention of families.[22] The European Commission has also noted that alternatives are not applied in practice.[23]

According to the EMN National Contact Point for Slovakia, only two people were granted non-custodial alternatives to detention in 2013 and none in 2012.[24]

Criminalization. Unauthorised entry and stay do not appear to lead to criminal prosecution in Slovakia. However, the Act on Residence of Aliens provides fines of up to 1,600 Euros for these breaches (Act on Residence of Aliens, art. 116 and 118).[25]

Regulation of conditions of detention. Under the Act on Residence of Aliens, non-citizens are to be placed in a designated "facility" (*zariadeni*e). During the first seven days following apprehension, non-citizens may be detained in a police station if readmission proceedings have started they (Act on Residence of Aliens, art. 88(5)-(6)).

There are a number of provisions concerning operations and conditions at immigration detention centres. Men and women are to be detained separately. Facilities are to correspond to the purpose for which they were established, meet hygienic standards, and be equipped adequately to prevent life threatening situations. They must have cells (called "accommodation rooms"), visitation rooms, and areas where detainees can move about freely. Cells are to be equipped with lighting, table, chairs, and beds (Act on Residence of Aliens, art. 92).

Detention centres can also have isolation areas, which are characterized as a "separated detention regime." Detainees are placed in these areas if there is cause to think they will undermine the purpose of detention, if they become aggressive, if it is deemed necessary to protect their health and well-being or that of other detainees, or if they breach internal rules of

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[22] Human Rights League (HRL) and Forum for Human Rights (FORUM), *NGO information to the United Nations Human Rights Committee on immigration detention of families with minor children and other harmful detention practices in Slovakia*, December 2015, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf.

[23] European Commission, *COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT on EU Return Policy*, COM(2014)199, March 2014, http://www.europarl.europa.eu/meetdocs/2009_2014/documents/com/com_com%282014%290199_/com_com%282014%290199_en.pdf.

[24] EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.

[25] European Union Agency for Fundamental Rights (FRA), *Criminalisation of migrants in an irregular situation and of persons engaging with them*, 2014, http://fra.europa.eu/en/publication/2014/criminalisation-migrants-irregular-situation-and-persons-engaging-them.

the centre. These areas are to be equipped with separate sanitary facilities as well as space for walking (Act on Residence of Aliens, art. 93).

Food provisions, which are to be paid for by detainees, must meet nutrition standards as well as the specific age, health, and religious requirements of each detainee. If a detainee cannot cover food expenses, the state will do so (Act on Residence of Aliens, art. 93). Detainees are to undergo medical examination. If a detainee requires medical attention that cannot be provided at the centre, the centre shall organize care at a health care facility (Act on Residence of Aliens, art. 95).

Visits must be requested by detainees and receive the permission of the facility director. All visits are to take place in the presence of a guard. Detainees are entitled to receive visits by up to two persons once every three weeks for a maximum duration of 30 minutes.[26] Human rights advocates noted that the mobile phones are confiscated and have to use telephone machines, for which they have to pay by themselves.[27]

Privatisation and outsourced services. A variety of private actors, including both for-profit and non-profit entities, provide services in Slovakia's detention system. The secure reception centre at Humenné is reportedly guarded by private security companies.[28] In addition, the Slovak Humanitarian Council provides a variety of services in both of the country's main detention centres in Medved'ov and Sečovce, including social and psychological counselling, leisure and educational activities, supplementary material assistance, and medical care.[29]

Costs of detention. According to EMN Contact Point for Slovakia, the total cost of immigration detention in Slovakia in 2012 was 2,639,147 Euros and 2,140,160 in 2013. The biggest share of this cost is personnel: 2,449,124 Euros in 2012 and 1,879,783 Euros in 2013. In 2012, Slovakia spent Euro 107,500 on medical care and 92,206 on food and accommodation.[30]

DETENTION INFRASTRUCTURE

Non-citizens detained for immigration related reasons in Slovakia can be confined in various facilities. The law provides that during the initial week after apprehension, migrants can be confined in police stations. As of August 2016, the country had two long-term dedicated immigration detention centres, which were located in **Medved'ov**

[26] EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.

[27] Human Rights League (HRL) and Forum for Human Rights (FORUM), *NGO information to the United Nations Human Rights Committee on immigration detention of families with minor children and other harmful detention practices in Slovakia*, December 2015, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf.

[28] Barbora Messova (Human Rights League), *Email correspondence with Izabella Majcher* (Global Detention Project), August 2016.

[29] Barbora Messova (Human Rights League), *Email correspondence with Izabella Majcher* (Global Detention Project), August 2016.

[30] EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.

and **Sečovce**.[31] Called "police detention facilities for aliens"[32]—or *Útvary policajného zaistenia pre cudzincov*[33] (literally "Custody services for foreigners")—the centres are operated by the Bureau of Border and Aliens Police (BBAP PFP) of the Ministry of Interior.[34] In mid-2016 the Interior Ministry announced plans to build a third centre, which it claims would adapted to the needs of children and their parents.[35]

Established in 1997, the dedicated immigration **detention centre in Medved'ov** is located southwestern Slovakia, near the Hungarian border. It has a capacity of 152 (112 men and 40 women) detainees, with the possibility to increase by 40 detention places. The maximum number of detainees confined in a single room is four.[36]

The **Sečovce detention centre**, which began operating in 2000, is located in eastern Slovakia, close to the Ukrainian border. It has a capacity of 176 (104 men and 72 women), and the surge capacity of 184.[37] The rooms can confine up to eight persons. Reportedly it has a better layout and thus women, families with children and other vulnerable groups tend to be detained in that facility.[38]

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[31] Barbora Messova (Human Rights League), *Email correspondence with Izabella Majcher* (Global Detention Project), August 2016.
[32] EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.
[33] Ministry of Interior, *Útvary policajného zaistenia pre cudzincov*, Website, http://www.minv.sk/?upzc, accessed 6 April 2016.
[34] EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.
[35] Barbora Messova (Human Rights League), *Email correspondence with Izabella Majcher* (Global Detention Project), August 2016.
[36] Human Rights League (HRL) and Forum for Human Rights (FORUM), *NGO information to the United Nations Human Rights Committee on immigration detention of families with minor children and other harmful detention practices in Slovakia*, December 2015, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf; EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.
[37] Human Rights League (HRL) and Forum for Human Rights (FORUM), *NGO information to the United Nations Human Rights Committee on immigration detention of families with minor children and other harmful detention practices in Slovakia*, December 2015, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf; EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.
[38] EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.

According to the Human Rights League and Forum for Human Rights, both Sečovce and Medved'ov have prison-like characteristics. The centres are surrounded by barbed-wire and are under strict police surveillance.[39]

All cells reportedly have both electrical lighting and natural light. They are equipped with tables, chairs, beds, lockers. The facilities also have outdoor areas and detainees have a right to two outdoor walks of up to one hour per day.[40] Following its 2009 visit to Slovakia, the European Committee for the Prevention of Torture (CPT) found both centres to be generally in a good state of repair and clean. On the other hand, there were few activities aside from table-tennis.[41]

The Sečovce centre has a section that is intended to be used to detain families. This section is separated from the rest of the facility and includes an open-air area, playground, play rooms, and common rooms. However, in 2014-2015, this section was at capacity, forcing authorities to place families in other sections and to convert common rooms into cells. The Human Rights League has reported that when the centre runs at capacity, multiple families have been placed together in a single room, in breach of the children's right not to be confined with unrelated adults.[42]

In summer 2015, families with children were also confined at the Medved'ov centre, which does not have special arrangements for this purpose. To assist in the care and management of detained families at the facility, authorities reportedly outsourced part of the care and management to private charities. These non-governmental assistants helped set up one of the sections of the detention centre so that it could operate for families, including setting up play areas. Despite this assistance, rights groups argued that the open-air area remained unsuitable for children.[43]

Slovak Humanitarian Council has been active providing forms of assistance in both detention centres, including social and psychological counselling, leisure and educational activities,

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[39] EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.

[40] EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.

[41] European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Government of the Slovak Republic on the visit to the Slovak Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 24 March to 2 April 2009*, CPT/Inf (2010) 1, February 2010, http://www.cpt.coe.int/documents/svk/2010-01-inf-eng.pdf.

[42] Human Rights League (HRL) and Forum for Human Rights (FORUM), *NGO information to the United Nations Human Rights Committee on immigration detention of families with minor children and other harmful detention practices in Slovakia*, December 2015, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf.

[43] Human Rights League (HRL) and Forum for Human Rights (FORUM), *NGO information to the United Nations Human Rights Committee on immigration detention of families with minor children and other harmful detention practices in Slovakia*, December 2015, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf.

supplementary material assistance and medical care.[44] However, in summer 2015, when Sečovce was at capacity, leisure activities for children were organized on an ad-hoc and voluntary basis.[45]

Children who are kept in detention centres for less than three months do not have access to education.[46]

A nurse visits every working day and there are regular visits by a doctor. Detainees have complained about communication problems with medical staff because interpreters are rarely present. Following a 2009 visit to Medved'ov centre, the CPT expressed concerns about the shortcomings in the confidentiality of medical consultations, reporting that police officers remained present during medical consultations.[47]

According to non-governmental sources, there is no psychological care and thus psychosocial support must be provided by NGOs.[48] A 2007 European Parliament study found that immigration detainees in Slovakia suffer from a number of psychological disorders linked to their imprisonment and that these problems are not dealt with appropriately because of insufficient psychological care.[49]

At the Sečovce detention centre, there have been complaints about the lack of transparency in the confiscation of property and money of detainees. Detainees reportedly do not receive a certificate of their seized property.[50]

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[44] Barbora Messova (Human Rights League), *Email correspondence with Izabella Majcher* (Global Detention Project), August 2016.

[45] Human Rights League (HRL) and Forum for Human Rights (FORUM), *NGO information to the United Nations Human Rights Committee on immigration detention of families with minor children and other harmful detention practices in Slovakia*, December 2015, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf.

[46] Human Rights League (HRL) and Forum for Human Rights (FORUM), *NGO information to the United Nations Human Rights Committee on immigration detention of families with minor children and other harmful detention practices in Slovakia*, December 2015, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf.

[47] European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Government of the Slovak Republic on the visit to the Slovak Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 24 March to 2 April 2009*, CPT/Inf (2010) 1, February 2010, http://www.cpt.coe.int/documents/svk/2010-01-inf-eng.pdf.

[48] Human Rights League (HRL) and Forum for Human Rights (FORUM), *NGO information to the United Nations Human Rights Committee on immigration detention of families with minor children and other harmful detention practices in Slovakia*, December 2015, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf.

[49] European Parliament, *The conditions in centres for third country national (detention camps, open centres as well as transit centres and transit zones) with a particular focus on provisions and facilities for persons with special needs in the 25 EU member states*, IP/C/LIBE/IC/2006-181, December 2007, http://www.aedh.eu/plugins/fckeditor/userfiles/file/Asile%20et%20immigration/Study_of_European_Parliament_about_detention_and_enferment_in_Europe.pdf.

[50] European Commission against Racism and Intolerance (ECRI), *ECRI Report on Slovakia*, CRI(2009)20, 2009, http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Slovakia/SVK-CbC-IV-2009-020-ENG.pdf; United Nations High Commissioner for Refugees (UNHCR), *Age, Gender and Diversity*

Detainees at the Medved'ov centre have at times complained about excessive sanctions for breaking the facility's rules, including prolonged isolation.[51]

Reception and accommodation centres for asylum seekers. As of 2016, Slovakia operated a reception centre in Humenné and accommodation centres in Opatovská Nová Ves and Rohovce.[52] The centres are run by staff from the Migration Office of the Interior Ministry and guarded by private security companies.[53] Asylum seekers can move freely within the premises but the permission to leave them depends on the stage of the proceedings. All asylum seekers are first placed in the Humenné reception centre, where they undergo medical screening and entry interview. During this initial phase, lasting up to up to three weeks depending on the availability of medical staff and the health status of asylum seekers, non-citizens are not allowed to leave the premises. During this phase, they are thus kept in secure regime. Afterwards, they are allowed to ask for the permission to leave during the day before they are transferred to Nová Ves or Rohovce accommodation centres. The Global Detention Project qualifies the Humenné centre as mixed regime reception centre, combining both secure and semi-secure forms of detention. Because deprivation of liberty can last for more than two days, the facility qualifies as a detention site.

In Nová Ves and Rohovce accommodation centres asylum seekers can leave the premises during the day but need to obtain permission in advance. Yet, the permission can only be refused on public securing grounds.[54] These centres do not appear to operate as detention facilities although they reportedly have restrictive regimes.[55] In 2014, official sources stated that in the event of a significant increase of detained migrants and a potential lack of space in Medved'ov and Sečovce centres, the authorities may use other facilities for this purpose, some of which could have used in the past as accommodation or reception centres, including accommodation centres in Gabčíkovo and Brezová pod Bradlom or reception centres in Adamov-Gbely and Vlachy.[56]

Mainstreaming Participatory Assessment in the Slovak Republic, 2007, http://www.unhcr-budapest.org/slovakia/images/stories/pdf/engagdm07.pdf.

[51] United Nations High Commissioner for Refugees (UNHCR), *Age, Gender and Diversity Mainstreaming Participatory Assessment in the Slovak Republic*, 2007, http://www.unhcr-budapest.org/slovakia/images/stories/pdf/engagdm07.pdf.

[52] Human Rights League, *Legal Aid to Refugees*, Website, 2016, http://www.hrl.sk/en/projects/legal-aid-refugees; Ivana Bachtíková, *Organisation of Asylum and Migration Policies in the Slovak Republic*, Study of the National Contact Point of the European Migration Network in the Slovak Republic, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-studies-24a_slovakia_information_on_voluntary_return_english.pdf.

[53] Barbora Messova (Human Rights League), *Email correspondence with Izabella Majcher* (Global Detention Project), August 2016.

[54] Barbora Messova (Human Rights League), *Email correspondence with Izabella Majcher* (Global Detention Project), August 2016.

[55] Miroslava Šnírerová (Human Rights League), *Email message to Alex MacKinnon* (Global Detention Project), 14 July 2009.

[56] EMN National Contact Point for the Slovak Republic, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: EMN Focussed Study 2014*, 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm.

Global Detention Project
3 rue de Varembé
1202 Geneva, Switzerland
globaldetentionproject.org
+41 (0) 22 733 08 97
admin@globaldetentionproject.org