

# COUNTRY REPORT

## IMMIGRATION DETENTION IN **SLOVAKIA:** PUNITIVE CONDITIONS PAID FOR BY THE DETAINEES

*JANUARY 2019*

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# THE GLOBAL DETENTION PROJECT MISSION

The Global Detention Project (GDP) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To promote the human rights of detained migrants, refugees, and asylum seekers;
- To ensure transparency in the treatment of immigration detainees;
- To reinforce advocacy aimed at reforming detention systems;
- To nurture policy-relevant scholarship on the causes and consequences of migration control policies.

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# CONTENTS

<b>Glossary</b>	<b>5</b>
<b>Key Concerns</b>	<b>6</b>
<b>1. Introduction</b>	<b>7</b>
<b>2. Laws, Policies, Practices</b>	<b>9</b>
2.1 Key norms	9
2.2 Grounds for detention	9
2.3 Asylum seekers	9
2.4 Children	10
2.5 Other vulnerable groups	13
2.6 Length of detention	13
2.7 Procedural guarantees	14
2.8 Detaining authorities and institutions	15
2.9 Non-custodial measures	15
2.10 Regulation of detention conditions	16
2.11 Domestic monitoring	17
2.12 International monitoring	17
2.13 Criminalisation	18
2.14 Cost of detention	18
2.15 Trends and statistics	18
<b>3. Detention Infrastructure</b>	<b>20</b>
3.1 Summary	20
3.2 Detention facilities	20
3.3 Conditions in detention	21
3.3a Medved'ov Detention Centre	22
3.3b Sečovce Detention Centre	23



## **GLOSSARY**

<b>CERD</b>	Committee on the Elimination of Racial Discrimination
<b>CPT</b>	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
<b>CRC</b>	Committee on the Rights of the Child
<b>CRPD</b>	Committee on the Rights of Persons with Disabilities
<b>FORUM</b>	Forum for Human Rights
<b>FRA</b>	Fundamental Rights Agency
<b>GDP</b>	Global Detention Project
<b>HRC</b>	Human Rights Committee
<b>HRL</b>	Human Rights League



## KEY CONCERNS

- Detention centres are reported to resemble punitive environments, with barred windows and uniformed policeman carrying truncheons.
- In cases of age disputes, unaccompanied children are considered adults during the assessment and are at risk of being detained alongside adults until bone tests prove otherwise.
- Families with children are frequently detained, sometimes for several months.
- Complaints against detention orders must be lodged within seven days following the delivery of a decision.
- Interpretation assistance is rarely provided in detention centres.
- Non-custodial “alternatives” to detention may only be granted if the individual has accommodation and sufficient financial measures, which results in alternatives rarely being afforded.
- Detainees must cover the costs of their detention, including food and transport.



## 1. INTRODUCTION

Like its Visegrad group counterparts—the [Czech Republic](#), [Hungary](#), and [Poland](#)—Slovakia has pursued extremely restrictive immigration policies and employed anti-migrant rhetoric since the onset of the “refugee crisis” in 2015. Former Slovak Prime Minister Robert Fico once described EU migration policy as “ritual suicide” because it failed to halt the influx of irregular migrants.<sup>1</sup> Despite the fact that Muslims make up only 0.1 percent of the population, Slovakia has witnessed a surge in Islamophobic discourse and hate crimes.<sup>2</sup> Extremist groups have established paramilitary groups called “Slovak Reserves” to protect the country from “enemies,” including refugees.<sup>3</sup>

Slovakia filed a lawsuit at the [Court of Justice of the European Union](#) challenging the EU’s mandatory relocation scheme—under which Slovakia was expected to accept 802 asylum seekers—claiming that the quotas per country were “nonsensical and technically impossible.”<sup>4</sup> The lawsuit was eventually dismissed by the Court.<sup>5</sup>

The country’s hostile attitude towards refugees is belied by the fact that Slovakia has been largely shielded from migration pressures because it is not located on the main migration routes into western Europe, especially after Hungary sealed its border with Serbia and the March 2016 EU-Turkey deal came into effect.<sup>6</sup>

In 2017 Slovakia registered just 160 asylum applications, the lowest number in the EU that year (with 190 applications, [Estonia](#) was ranked second). In 2017, 2,590 undocumented migrants were apprehended (a similar figure to that in [Bulgaria](#)), and in 2016, 2,035 were

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<sup>1</sup> Euractiv, “Fico: EU’s Migration Policy is ‘Ritual Suicide,’” *Euractiv*, 26 January 2016, <https://www.euractiv.com/section/central-europe/news/fico-eu-s-migration-policy-is-ritual-suicide/>

<sup>2</sup> Islamic Foundation in Slovakia, “Islamophobia in Slovakia: Alternative Report for the 94th Session of the Committee on the Elimination of Racial Discrimination (CERD),” October 2017, [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/SVK/INT\\_CERD\\_NGO\\_SVK\\_29437\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/SVK/INT_CERD_NGO_SVK_29437_E.pdf)

<sup>3</sup> DW, “A Paramilitary Unit ‘Protects’ Slovakia | Focus on Europe,” *DW*, 28 April 2016, [https://www.youtube.com/watch?v=\\_gzVXfitUpY](https://www.youtube.com/watch?v=_gzVXfitUpY)

<sup>4</sup> U. 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>; H. von der Burchard and J. 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/>

<sup>5</sup> E. Zalan “EU Court Overrules Hungary and Slovakia on Migrants,” *EU Observer*, 6 September 2017, <https://euobserver.com/migration/138904>

<sup>6</sup> R. Cuprik, “Asylum Seekers Avoid Slovakia,” *Spectator*, 11 July 2017, <https://spectator.sme.sk/c/20579285/asylum-seekers-avoid-slovakia.html>

apprehended. In 2017, 1,740 non-citizens were expelled from the country, of whom 80 percent left “voluntarily.”<sup>7</sup> After a peak in detention rates in 2015, rates have gradually dropped: 1,058 in 2015, 412 in 2016, and 269 in 2017.<sup>8</sup>

Economic motives have spurred Slovakia to adopt a more Euro-friendly posture as the refugee “crisis” has subsided, distancing itself from its closest neighbours.<sup>9</sup> In 2018, Slovakia opted not to vote on the [Global Compact for Safe, Orderly and Regular Migration](#) while the Czech Republic, Poland, and Hungary voted against it.<sup>10</sup>

Between 2016 and 2018, four [UN human rights treaty bodies](#) criticised Slovak immigration detention practices. In general, the most problematic aspects of the country’s laws and practices include detention centres’ prison-like environments, the fact that the presumption in favour of majority is applied to unaccompanied children, stringent conditions concerning eligibility for non-custodial alternatives to detention resulting in infrequent granting of alternatives, systematic detention of families with children, and the requirement for detainees to pay the costs of their own detention.

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<sup>7</sup> Eurostat, “Asylum and Managed Migration,” <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database>

<sup>8</sup> Presidium of the Police Force - Bureau of Border and Alien Police, “Statistical Overview of Legal and Illegal Migration in the Slovak Republic: 2016,” 2017, <https://www.minv.sk/?year-2016>; Presidium of the Police Force - Bureau of Border and Alien Police, “Statistical Overview of Legal and Illegal Migration in the Slovak Republic: 2015,” 2016, <https://www.minv.sk/?year-2015>; Presidium of the Police Force - Bureau of Border and Alien Police, “Statistical Overview of Legal and Illegal Migration in the Slovak Republic: 2014,” 2015, <https://www.minv.sk/?year-2014>

<sup>9</sup> T. Jancarikova, “Slovakia's Future is with Core EU, not Eurosceptic Eastern Nations: PM,” *Reuters*, 15 August 2017, <https://www.reuters.com/article/us-slovakia-politics-eu-idUSKCN1AV1YY>; Euractiv, “Fico Ends Coalition Crisis, Insists Slovakia Should Stick to EU’s Core,” *Euractiv*, 16 August 2017, <https://www.euractiv.com/section/central-europe/news/fico-ends-coalition-crisis-insists-slovakia-should-stick-to-eus-core/>

<sup>10</sup> G. Gotev, “Slovakia Becomes 8th EU Country to Oppose Global Migration Pact,” *Euractiv*, 26 November 2018, <https://www.euractiv.com/section/future-eu/news/slovakia-becomes-8th-eu-country-opposing-the-global-migration-pact/>





## 2. LAWS, POLICIES, PRACTICES

**2.1 Key norms.** Act No. 404/2011 on Residence of Aliens and Amendment and Supplementation of Certain Acts (*Zákon č. 404/2011 Z.z. o pobyte cudzincov a o zmene a doplnení niektorých zákonov*), which entered into force in January 2012, regulates Slovakia's migration policy, including entry requirements, visas, 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 the detention of asylum seekers, modelled upon the [EU Reception Conditions Directive](#).

**2.2 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 there is a risk that the person will avoid or hamper preparation for expulsion (Article 88(1)(a)); to ensure a transfer under the Dublin Regulation can be prepared or executed if there is a significant risk of absconding (Article 88(1)(c)); or for the purpose of return under an international treaty (readmission agreement) if they have unlawfully crossed an external border or are residing unlawfully in the country (Article 88(1)(d)).

Under Article 88(2), there is a risk of absconding when, on the basis of reasonable concern or direct threat, it can be concluded that the person may abscond, in particular if his identity cannot be immediately established, he has not been granted a residence permit, or if he would be banned from re-entry for a period of more than three years.

**2.3 Asylum seekers.** Following the 2013 amendment to the Act on Residence of Aliens, which transposed the EU Reception Conditions Directive, a new provision was inserted that explicitly lists grounds for the detention of asylum seekers. Under Article 88a(1), asylum seekers may be detained in order to ascertain or verify their identity or nationality; in order to ascertain the facts that constitute the basis of an asylum application, which could not be obtained without detention, especially if there is a risk of absconding; to ensure the departure of a third-country national under the assisted return procedure if there is a risk of absconding, or a risk they will avoid or hamper the preparation of the assisted return's execution, or when an individual is due to be expelled having applied for asylum when there is reasonable suspicion that the asylum application was made to delay or frustrate the administrative expulsion; when the individual represents a threat to national security or public order; to ensure the preparation or execution of a transfer under the Dublin Regulation, if there is a significant risk of absconding.

According to the [Human Rights League \(HRL\)](#) and [Forum for Human Rights \(FORUM\)](#), since June 2016—when Hungary decided to suspend all Dublin transfers—all asylum

seekers arriving from Hungary are systematically detained based on the administrative decision to return them to their home countries, including Afghanistan, Iran, and Pakistan.<sup>11</sup>

In 2017, 47 people applied for asylum during their detention, 49 in 2016, and 20 in 2015.<sup>12</sup> Conversely, 47 asylum seekers were placed in detention in 2012; 52 in 2011; and 90 in 2010.<sup>13</sup>

In 2018, the [UN Committee on the Elimination of Racial Discrimination \(CERD\)](#) urged Slovakia to provide alternatives to the detention of asylum seekers,<sup>14</sup> while two years earlier, the [UN Human Rights Committee \(HRC\)](#) recommended that Slovakia ensure that the detention of asylum seekers is justified as reasonable, necessary, and proportionate in light of each case's circumstances.<sup>15</sup>

**2.4 Children.** Slovakian law prohibits immigration detention of unaccompanied children (Act on Residence of Aliens, Article 88(8)). However, legislation (Article 127) enshrines the presumption of majority: in cases of age disputes, applicants are considered adults and, hence, can be detained, alongside other adults, until the results of an age assessment prove otherwise.<sup>16</sup> (As the GDP has previously reported, this is also the case in neighbouring Hungary.) Both the UN HRC and [UN Committee for the Rights of the Child \(CRC\)](#) have urged Slovakia to remove the presumption of majority from its legislation.<sup>17</sup>

Age determination procedures in Slovakia rely on bone analysis, and decisions based on such analysis cannot be appealed. However, bone analysis is reportedly unreliable, particularly with respect to children between the ages of 16 and 18. A 2013 study discussing these procedures reported cases in which the age determination proceedings led to results

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<sup>11</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), "NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia," September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en)

<sup>12</sup> Presidium of the Police Force - Bureau of Border and Alien Police, "Statistical Overview of Legal and Illegal Migration in the Slovak Republic: 2017," 2018, <https://www.minv.sk/?year-2017>; Presidium of the Police Force - Bureau of Border and Alien Police, "Statistical Overview of Legal and Illegal Migration in the Slovak Republic: 2016," 2017, <https://www.minv.sk/?year-2016>; Presidium of the Police Force - Bureau of Border and Alien Police, "Statistical Overview of Legal and Illegal Migration in the Slovak Republic: 2015," 2016, <https://www.minv.sk/?year-2015>

<sup>13</sup> Global Detention Project and Access Info Europe, "The Uncounted: The Detention of Migrants and Asylum Seekers in Europe," 2015, <https://www.globaldetentionproject.org/the-uncounted-the-detention-of-migrants-and-asylum-seekers-in-europe>

<sup>14</sup> UN Committee on the Elimination of Racial Discrimination (CERD), "Concluding Observations on the Combined Eleventh and Twelfth Periodic Reports of Slovakia, CERD/C/SVK/CO/11-12," 12 January 2018, <https://www.ohchr.org/EN/Countries/ENACARRegion/Pages/SKIndex.aspx>

<sup>15</sup> UN Human Rights Committee (HRC), "Concluding Observations to the Fourth Report on Slovakia, CCPR/C/SVK/CO/4," 22 November 2016, <https://www.ohchr.org/EN/Countries/ENACARRegion/Pages/SKIndex.aspx>

<sup>16</sup> European Agency for Fundamental Rights (FRA), "European Legal and Policy Framework on Immigration Detention of Children," 2017, <http://fra.europa.eu/en/publication/2017/child-migrant-detention>

<sup>17</sup> UN Human Rights Committee (HRC), "Concluding Observations to the Fourth Report on Slovakia, CCPR/C/SVK/CO/4," 22 November 2016, <https://www.ohchr.org/EN/Countries/ENACARRegion/Pages/SKIndex.aspx>; UN Committee for the Rights of the Child (CRC), "Concluding Observations on the Combined Third to Fifth Periodic Reports of Slovakia, CRC/C/SVK/CO/3-5," 20 July 2016, <https://www.ohchr.org/EN/Countries/ENACARRegion/Pages/SKIndex.aspx>

that were later contradicted by personal documents.<sup>18</sup> The UN HRC and UN CRC have therefore urged the country to conduct age assessment procedures only in cases where serious doubt concerning the age of the individual exists, to ensure that they are conducted by experts in the field, and are based on the informed consent of the child and are in the child's best interests.<sup>19</sup>

Unaccompanied children are placed in a special shelter located in Medzilaborce<sup>20 21</sup> or in foster homes.<sup>22</sup> If they apply for asylum, unaccompanied children are transferred to the reception centre for asylum seekers and later to the accommodation centre for vulnerable groups, where they are accommodated together with adult asylum seekers.<sup>23</sup> According to the HRL, between 140 and 200 unaccompanied children are apprehended every year in Slovakia. Of these, approximately 90 percent disappear from shelters.<sup>24</sup>

In contrast to unaccompanied children, the detention of children migrating with their families is not outlawed. Families with children may be detained only when it is strictly necessary and only for the shortest time possible. The maximum length of their detention is six months (Act on Residence of Aliens, Article 88(4) and (8)). Families are to be confined together, and in cases of separation, detaining authorities are to ensure that the consequences of the separation are proportionate to needs (Act on Residence of Aliens, Article 94(3)).

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<sup>18</sup> K. Fajnorová and Z. Številová, "Dieťa Alebo Dospelý? [Child or Adult?]," *Human Rights League*, 2013, [https://www.hrl.sk/assets/files/obsah/76-hrl\\_dieta\\_alebo\\_dospely.pdf](https://www.hrl.sk/assets/files/obsah/76-hrl_dieta_alebo_dospely.pdf)

<sup>19</sup> UN Human Rights Committee (HRC), "Concluding Observations to the Fourth Report on Slovakia, CCPR/C/SVK/CO/4," 22 November 2016, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/SKIndex.aspx>; UN Committee for the Rights of the Child (CRC), "Concluding Observations on the Combined Third to Fifth Periodic Reports of Slovakia, CRC/C/SVK/CO/3-5," 20 July 2016, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/SKIndex.aspx>

<sup>20</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), "The Immigration Detention of Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia, Alternative Report to the United Nations Committee on the Rights of the Child," April 2016, [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/SVK/INT\\_CRC\\_NGO\\_SVK\\_23779\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/SVK/INT_CRC_NGO_SVK_23779_E.pdf)

<sup>21</sup> Between 2009 and January 2014, Slovakia used a specific orphanage to house unaccompanied children - Horené Orechové orphanage, see: EMN Contact Point for Slovakia, "Policies, Practices and Data on Unaccompanied Minors in 2014: Contribution of the Slovak Republic," 2014, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/unaccompanied-minors/24a\\_slovakrepublic\\_uams\\_study\\_english.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/24a_slovakrepublic_uams_study_english.pdf)

<sup>22</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), "NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia," September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en)

<sup>23</sup> EMN Contact point for Slovakia, "Policies, Practices and Data on Unaccompanied Minors in 2014: Contribution of the Slovak Republic," 2014, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/unaccompanied-minors/24a\\_slovakrepublic\\_uams\\_study\\_english.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/24a_slovakrepublic_uams_study_english.pdf)

<sup>24</sup> Human Rights League (HRL), "Disappearing Children," 2016, <http://www.old.hrl.sk/projekty/miznuce-deti-disappearing-children>

Despite these safeguards, according to the HRL and FORUM, families with children are routinely detained for several months and alternatives are rarely granted.<sup>25</sup> The HRL reported that on several occasions, the detention of families with children has been ordered for five or six months at the outset—hence not for the shortest possible period of time.<sup>26</sup>

In line with the findings of the [EU Fundamental Rights Agency \(FRA\)](#), on the 1<sup>st</sup> of September 2016, 24 accompanied children were found in detention, and three months later, 17 were found.<sup>27</sup> In 2015, when the rate of detention peaked, over 300 children were detained in Slovakia, most of whom were held in [Sečovce Detention Centre](#).<sup>28</sup>

With regards to conditions in detention, both the HRL and FORUM have noted that neither of the two immigration detention centres in Slovakia are suitable for accommodating families with children. Although the [Sečovce centre](#) has child-friendly rooms, both it and [Medveďov Detention Centre](#) apply a strict regime, are surrounded by barbed wire and feature barred windows, and staff wear uniforms and carry truncheons. Children can go outdoors twice a day for just one hour under the supervision of uniformed officers and they are escorted with their parents at mealtimes. Meaningful activities for children are lacking and education is only provided after three months in detention. In 2016, the Interior Ministry announced plans to establish a third detention centre, which would operate as a community-based family detention facility. However, no further details on the timeframe, location, or budget allocations for the establishment of such centre have been given.<sup>29</sup>

In 2016, the UN HRC urged Slovakia to ensure that children are not deprived of their liberty, except as a measure of last resort, for the shortest possible period of time, and always with the child's best interests taken into consideration.<sup>30</sup> That same year, the CRC urged the country to “expeditiously and completely” cease detaining children on the basis of their or their parents’ immigration status, and to instead provide alternatives to detention that allow children to remain with their family members or guardians in non-custodial, community-

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<sup>25</sup> 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](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf)

<sup>26</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), “NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia,” September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en)

<sup>27</sup> European Agency for Fundamental Rights (FRA), “European Legal and Policy Framework on Immigration Detention of Children,” 2017, <http://fra.europa.eu/en/publication/2017/child-migrant-detention>

<sup>28</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), “The Immigration Detention of Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia, Alternative Report to the United Nations Committee on the Rights of the Child,” April 2016, [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/SVK/INT\\_CRC\\_NGO\\_SVK\\_23779\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/SVK/INT_CRC_NGO_SVK_23779_E.pdf)

<sup>29</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), “NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia,” September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en)

<sup>30</sup> UN Human Rights Committee (HRC), “Concluding Observations to the Fourth Report on Slovakia, CCPR/C/SVK/CO/4,” 22 November 2016, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/SKIndex.aspx>

based contexts, without requiring proof that unreasonably high daily subsistence funds are available.<sup>31</sup> (See 2.9 Non-custodial measures.)

**2.5 Other vulnerable groups.** According to Article 2(7) of the Act of Residence of Aliens, vulnerable people include those with disabilities, victims of trafficking, torture, rape, or other serious forms of psychological or sexual violence, people over 65 years old, pregnant women, and single parents with children.

Victims of trafficking who are included in the Interior Ministry's support and protection programme are not to be detained (Article 88(9)), but other vulnerable people are not excluded from detention—instead, they can be detained only when necessary, for the shortest time possible, and for no longer than six months (Article 88(4) and 88(8)). Under Article 94(1), when deciding whether to place individuals in detention, authorities must take into consideration the individual's age, health condition, and family relations, as well as religious and ethnic background and nationality. Regarding health care, Article 95(1) vaguely establishes that particular attention should be paid to vulnerable people.

According to the HRL and FORUM, single women are generally placed in the Medved'ov centre, although the facility is deemed unsuitable for accommodating women and other vulnerable persons. Reportedly, none of the staff are trained in how to deal with trauma or other mental health issues, and access to psychological services is limited. Although women are placed in a separate part of the centre, they share communal premises (e.g. during meals) with men. In addition, reports have highlighted instances when women were held on their own for several weeks in the female section.<sup>32</sup>

In 2016, the [UN Committee on the Rights of Persons with Disabilities](#) (CRPD) expressed concern that detained asylum seekers with disabilities do not receive appropriate support and accommodation, and urged the country to ensure that the detention of individuals with disabilities is in line with the [Convention on the Rights of Persons with Disabilities](#).<sup>33</sup>

**2.6 Length of detention.** Like a number of other EU countries (including [Greece](#) and [Italy](#)), Slovakia increased the maximum length of immigration detention when it transposed the Returns Directive into its legislation. Under the previous 2002 Act on Stay of Aliens, the maximum period of detention was 180 days. Mirroring the Directive, the 2011 Act on Residence of Aliens provides a maximum initial length of pre-removal 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 from the country of destination in issuing travel documents (Article 88(4)). Similarly, asylum seekers can be detained for six

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<sup>31</sup> UN Committee for the Rights of the Child (CRC), "Concluding Observations on the Combined Third to Fifth Periodic Reports of Slovakia, CRC/C/SVK/CO/3-5," 20 July 2016, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/SKIndex.aspx>

<sup>32</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), "NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia," September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en)

<sup>33</sup> UN Committee on the Rights of Persons with Disabilities (CRPD), "Concluding Observations on the Initial Report of Slovakia, CRPD/C/SVK/CO/1," 17 May 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/SVK/CO/1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/SVK/CO/1&Lang=en)

months. This period can be extended by 12 months if the person is detained on account of their posing a threat to national security or public order (Article 88a(2)).

The 12-month extension does not apply to families with children and vulnerable persons (Article 88(4)).

Reportedly, re-detention is possible in practice but the total length of detention may not exceed the maximum permissible limit of detention.<sup>34</sup>

**2.7 Procedural guarantees.** The power to decide on detention lies with the police, and the non-citizens concerned should be heard before a detention order is adopted.<sup>35</sup> If authorities opt for detention, the non-citizen should immediately be issued a detention order (Article 88(5)). The police must inform the detainee in a language that they can understand about the reasons for their detention, the possibility of contacting consular representation, the right to inform people about their detention, and the possibility for challenging the legality of their detention (Article 90(1)).

Judicial authorities are involved only in the appeal stage of the proceedings. Since the new Administrative Procedures Code's (APC) (*Zákon č. 162/2015 Z. z. Správny súdny poriadok*) entry into force, appeals are regulated by the APC, rather than by the Residence Act. Detainees have to lodge complaints before an administrative court within seven days of receiving their detention order or the decision to extend detention. Complaints against ongoing detention, rather than the detention decision itself, can be submitted every 30 days (APC, Articles 6(1)(d) and 225). Regional Court decisions can be challenged at the Supreme Court (cassation complaint) within seven days of the decisions' delivery.<sup>36</sup>

Slovakian law provides that detainees should receive free legal aid in appeal proceedings. Such aid is provided by the Legal Aid Centre, a state organisation, which has the power by law to represent detainees in judicial procedures. Detainees are informed of the possibility to receive free legal aid and can apply for it by filling in a standard form.<sup>37</sup> In theory, the Legal Aid Centre should visit detention facilities at least once every two weeks. However, as the HRL has observed, while visits to the Sečovce centre are frequent, visits to the Medved'ov centre are rare and detainees have reportedly complained that they lack knowledge of the available procedures.<sup>38</sup>

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<sup>34</sup> M. Skamla, "Completed Questionnaire for the Project Contention: National Report – Slovakia," 2014, <http://contention.eu/docs/country-reports/SlovakiaFinal.pdf>

<sup>35</sup> 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, <https://bit.ly/2HFj4CY>

<sup>36</sup> Zuzana Stevulova (Human Rights League), Email exchange with Izabella Majcher (Global Detention Project), January 2019; M. Skamla, "National Synthesis Report – Slovakia: Detention for the Purpose of Removal," *Odysseus Network, Redial Project*, 2017, <http://euredial.eu/publications/national-synthesis-reports/>

<sup>37</sup> M. Skamla, "National Synthesis Report – Slovakia: Detention for the Purpose of Removal," *Odysseus Network, Redial Project*, 2017, <http://euredial.eu/publications/national-synthesis-reports/>

<sup>38</sup> Zuzana Stevulova (Human Rights League), Email exchange with Izabella Majcher (Global Detention Project), January 2019.

As regards linguistic assistance in Slovakia's detention centres, in practice, interpretation assistance is reportedly rarely ensured.<sup>39</sup>

Victims of unlawful detention have the right to compensation. They need to lodge a complaint to the court and may sue the country's government for damages.<sup>40</sup>

**2.8 Detaining authorities and institutions.** According to Article 88(5) of the Act on Residence of Aliens, the police are empowered to issue detention orders and place non-citizens in a detention facility, while judicial authorities are only involved in the review phase.<sup>41</sup> The police are also responsible for the operation of detention centres (Act on Residence of Aliens, Article 92(5))—specifically, facilities fall under the remit of the Bureau of Border and Aliens Police (BBAP) of the Interior Ministry's Police Force Presidium (PFP).<sup>42</sup>

**2.9 Non-custodial measures.** Under Article 89(1), instead of detention, the police may impose reporting obligations or a duty to lodge a financial guarantee. However, this provision does not spell out an obligation for the police to consider non-custodial alternatives to detention in the first place. Since the new Administrative Court Code entered into force in July 2016, the courts, when considering complaints against detention, are authorised to order alternatives to detention.<sup>43</sup> Previously only the police could decide on the application of such measures.

The Act on Residence of Aliens provides for a number of conditions to be met before a non-custodial alternative to detention can be granted. Specifically, alternatives to detention can be granted only in cases where non-citizens can prove they have their own accommodation and financial means (56 EUR per day). Non-custodial measures are not available during expulsion proceedings for cases involving threats to national security, public order, or public health. Decisions in which alternatives to detention are refused cannot be appealed, and individuals who breach their reporting obligations or who avoid deportation face detention (Act on Residence of Aliens, Article 89).

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<sup>39</sup> 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, <https://rm.coe.int/1680697da3>; Human Rights League (HRL) and Forum for Human Rights (FORUM), "NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia," September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en)

<sup>40</sup> M. Skamla, "Completed Questionnaire for the Project Contention: National Report – Slovakia," 2014, <http://contention.eu/docs/country-reports/SlovakiaFinal.pdf>

<sup>41</sup> M. Skamla, "National Synthesis Report – Slovakia," *Redial Project, Odysseus Network*, 2017, <http://euredial.eu/publications/national-synthesis-reports/>

<sup>42</sup> 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, <https://bit.ly/2HFj4CY>

<sup>43</sup> M. Skamla, "National Synthesis Report – Slovakia," *Redial Project, Odysseus Network*, 2017, <http://euredial.eu/publications/national-synthesis-reports/>

Reportedly, alternatives are rarely used in practice because non-citizens can rarely meet the eligibility criteria, i.e. accommodation and financial resources. In addition, detention is favoured in the case of Dublin returnees.<sup>44</sup>

According to the EMN National Contact Point for Slovakia, only two people were granted non-custodial alternatives to detention in 2013, and none were granted alternatives in 2012.<sup>45</sup>

In 2018, the UN CERD urged Slovakia to employ alternatives to detention for asylum seekers and to only use detention as a measure of last resort.<sup>46</sup>

**2.10 Regulation of detention conditions.** Under the Act on Residence of Aliens, non-citizens are to be placed in a designated “facility” (*zariadenie*) (Article 88(5)). A derogation of this, however, is that a person in readmission proceedings to a neighbouring country under an international treaty may be placed in a police station for up to seven days (Article 88(6)). This occurs at the border with Ukraine.

The Act on Residence of Aliens provides for a number of rules regarding the operation of, and conditions in, immigration detention centres. Facilities are to correspond to the purpose for which they were established, meet hygienic standards, and be adequately equipped 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, a table, chairs, and beds. Men and women are to be detained separately while families should be placed together (Articles 92 and 94). Upon admission and during detention, detainees are subject to personal searches (Article 100).

Detention centres can also have isolation areas, which are characterised as a “separated detention regime.” Detainees are placed in these areas if they become aggressive, breach internal rules of the centre, or because of infectious diseases or other medical reasons. Rooms are lockable only from outside. These areas are to be equipped with separate sanitary facilities as well as space for walking (Article 93).

Food, which is to be paid for by detainees, must meet nutritional standards as well as the specific requirements of each detainee according to their age, health, and religious requirements. If a detainee cannot cover food expenses, the state will do so (Article 91). Detainees should undergo a medical examination, as prescribed by the physician, including necessary diagnostic and laboratory examinations, vaccinations, and other precautionary measures, and if a detainee requires medical attention that cannot be provided at the centre, the centre should organise care at a health care facility (Article 95). In practice, a nurse is present in the centres on working days and a doctor visits the centres on a regular basis. However, according to reports, communication problems frequently arise because the

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<sup>44</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), “NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia,” September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en)

<sup>45</sup> 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, <https://bit.ly/2HFj4CY>

<sup>46</sup> UN Committee on the Elimination of Racial Discrimination (CERD), “Concluding Observations on the Combined Eleventh and Twelfth Periodic Reports of Slovakia, CERD/C/SVK/CO/11-12,” 12 January 2018, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/SKIndex.aspx>



medical staff do not speak English and interpreters are rarely employed by the centres during medical visits.<sup>47</sup>

Detainees are entitled to continuous eight hours of sleep and to two hours when they can walk outdoors. Children have the right to three hours of walking outside, access to training, and recreational activities. Vulnerable detainees and families with children should have access to psychological and social services and counselling (Article 96). Visitors are permitted, but detainees must request such visits and receive permission from the facility's director before they can go ahead, and 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 two weeks, and they can last no longer than 30 minutes (Article 98).<sup>48</sup> Mobile phones are confiscated and detainees have to instead use telephone machines, which they have to pay for themselves. Detainees can rarely use the internet, and when they are granted access, they may only use it for searches rather than communication, and only in the presence of an NGO representative or under the supervision of the centre's staff.<sup>49</sup>

**2.11 Domestic monitoring.** Slovakia is one of just four EU countries that have not ratified the [Optional Protocol to the Convention against Torture \(OPCAT\)](#)<sup>50</sup> and has consequently not established a National Preventive Mechanism to monitor places of detention. However, the Ombudsman ([Public Defender of Rights](#)) can visit the centres and conduct inquiries into the functioning of the facilities. The Ombudsman carried out an inquiry in 2015 on the use of solitary confinement in the Medved'ov centre and concluded that the system was penal-like due to constant monitoring, full lighting of the cell around the clock, and constant camera recording.<sup>51</sup> As regards civil society organisations, the HRL regularly visits both detention centres.<sup>52</sup>

**2.12 International monitoring.** As a State Party to the [European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#), Slovakia receives regular monitoring visits from the [European Committee for the Prevention of Torture \(CPT\)](#). In just the past three years, four UN human rights treaty bodies have made

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<sup>47</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), "NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia," September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en)

<sup>48</sup> 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, <https://bit.ly/2HFj4CY>

<sup>49</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), "NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia," September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en); 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, <https://bit.ly/2HFj4CY>

<sup>50</sup> The other three countries are [Belgium](#), [Ireland](#), and [Latvia](#).

<sup>51</sup> Public Defender of Rights - Website, <http://www.vop.gov.sk/spravy-z-prieskumov-a-priority-za-rok-2015>; 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, <https://bit.ly/2HFj4CY>

<sup>52</sup> Human Rights League (HRL), "Detention of Foreigners," 2019, <https://www.hrl.sk/en/our-work/issues/detention-of-foreigners>

immigration detention related recommendations to Slovakia: the CERD (2018),<sup>53</sup> the HRC (2016),<sup>54</sup> the CRC (2016),<sup>55</sup> and the CRPD (2016).<sup>56</sup>

**2.13 Criminalisation.** Unauthorised entry and stay are not sanctioned with a criminal sentence. However, the Act on Residence of Aliens provides fines of up to 800 and 1,600 EUR respectively for these acts (Articles 116 and 118).<sup>57</sup>

**2.14 Cost of detention.** According to the EMN Contact Point for Slovakia, the total cost of immigration detention in Slovakia in 2012 was 2,639,47 EUR, and 2,140,160 EUR in 2013. The biggest share of this cost is personnel: 2,449,124 EUR in 2012 and 1,879,783 EUR in 2013. In 2012, Slovakia spent 107,500 EUR on medical care and 92,206 EUR on food and accommodation.<sup>58</sup>

The Act on Residence of Aliens provides that non-citizens should bear the costs of their own detention, food, and transport (Articles 80(1)-(2) and 91(3)). In practice, this provision is systematically used and non-citizens are charged with these costs upon release. On top of this, although the law provides that detainees are covered by public health insurance, they are still required to pay for some medical interventions and medication.<sup>59</sup>

**2.15 Trends and statistics.** The Bureau of Border and Aliens Police (BBAP) of the Presidium of the Police Force publishes yearly migration-related statistics, including those related to detention. Accordingly, 269 people were placed in detention in 2017,<sup>60</sup> of whom 131 were placed in Medved'ov and 138 in Sečovce.<sup>61</sup> This represents a decrease compared to previous years. According to the same source, a total of 412 non-citizens were placed in

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<sup>53</sup> UN Committee on the Elimination of Racial Discrimination (CERD), "Concluding Observations on the Combined Eleventh and Twelfth Periodic Reports of Slovakia, CERD/C/SVK/CO/11-12," 12 January 2018, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/SKIndex.aspx>

<sup>54</sup> UN Human Rights Committee (HRC), "Concluding Observations to the Fourth Report on Slovakia, CCPR/C/SVK/CO/4," 22 November 2016, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/SKIndex.aspx>

<sup>55</sup> UN Committee on the Rights of the Child (CRC), "Concluding Observations on the Combined Third to Fifth Periodic Reports of Slovakia, CRC/C/SVK/CO/3-5," 20 July 2016, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/SKIndex.aspx>

<sup>56</sup> UN Committee on the Rights of Persons with Disabilities (CRPD), "Concluding Observations on the Initial Report of Slovakia, CRPD/C/SVK/CO/1," 17 May 2016, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/SKIndex.aspx>

<sup>57</sup> 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>

<sup>58</sup> 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, <https://bit.ly/2HFj4CY>

<sup>59</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), "NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia," September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en)

<sup>60</sup> This figure relates precisely to the number of detention orders in 2017. There were more people detained during that year in Slovakia (321) as 52 people who were detained in 2016 remained in detention in 2017.

<sup>61</sup> Presidium of the Police Force - Bureau of Border and Alien Police, "Statistical Overview of Legal and Illegal Migration in the Slovak Republic: 2017," 2018, <https://www.minv.sk/?year-2017>

detention in 2016,<sup>62</sup> 1,058 in 2015,<sup>63</sup> 411 in 2014, and 195 in 2013.<sup>64</sup>

According to police statistics, 47 people applied for asylum during their detention in 2017, 49 in 2016, and 20 in 2015.<sup>65</sup> Responding to a joint freedom of information request from [Access Info Europe](#) and the Global Detention Project, the Interior Minister reported that 47 asylum seekers were placed in detention in 2012, 52 in 2011, and 90 in 2010.<sup>66</sup>

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<sup>62</sup> Presidium of the Police Force - Bureau of Border and Alien Police, "Statistical Overview of Legal and Illegal Migration in the Slovak Republic: 2016," 2017, <https://www.minv.sk/?year-2016>

<sup>63</sup> Presidium of the Police Force - Bureau of Border and Alien Police, "Statistical Overview of Legal and Illegal Migration in the Slovak Republic: 2015," 2016, <https://www.minv.sk/?year-2015>

<sup>64</sup> Presidium of the Police Force - Bureau of Border and Alien Police, "Statistical Overview of Legal and Illegal Migration in the Slovak Republic: 2014," 2015, <https://www.minv.sk/?year-2014>

<sup>65</sup> Presidium of the Police Force - Bureau of Border and Alien Police, "Statistical Overview of Legal and Illegal Migration in the Slovak Republic: 2017," 2018, <https://www.minv.sk/?year-2017>; Presidium of the Police Force - Bureau of Border and Alien Police, "Statistical Overview of Legal and Illegal Migration in the Slovak Republic: 2016," 2017, <https://www.minv.sk/?year-2016>; Presidium of the Police Force - Bureau of Border and Alien Police, "Statistical Overview of Legal and Illegal Migration in the Slovak Republic: 2015," 2016, <https://www.minv.sk/?year-2015>

<sup>66</sup> Global Detention Project and Access Info Europe, "The Uncounted: The Detention of Migrants and Asylum Seekers in Europe," 2015, <https://www.globaldetentionproject.org/the-uncounted-the-detention-of-migrants-and-asylum-seekers-in-europe>



### 3. DETENTION INFRASTRUCTURE

**3.1 Summary.** Slovakia has two long-term dedicated immigration detention centres, which are located in **Medved'ov** and **Sečovce**. Referred to as “police detention facilities for aliens”<sup>67</sup>—or *Útvary policajného zaistenia pre cudzincov*<sup>68</sup> (literally “custody services for foreigners”)—the centres are operated by the Bureau of Border and Aliens Police (BBAP PFP) of the Interior Ministry.<sup>69</sup> People in readmission proceedings to neighbouring countries under an international treaty may be placed in a police station for up to seven days (Article 88(6)).

The country also operates several facilities that are, in principle, intended to accommodate asylum seekers in non-secure environments. As of 2019, Slovakia operated a reception centre in **Humenné** and accommodation centres in **Opatovská Nová Ves** and **Rohovce**.<sup>70</sup> These facilities do not appear to operate as detention facilities although they reportedly have restrictive regimes.<sup>71</sup> However, in 2014 official sources stated that in the event of a significant increase in the number of detained migrants and a potential lack of space in Medved'ov and Sečovce centres, the authorities may use other facilities for detention purposes, some of which were previously used as accommodation or reception centres, including in **Gabčíkovo** and **Brezová pod Bradlom**, and reception centres in **Adamov-Gbely** and **Vlachy**.<sup>72</sup>

**3.2 Detention facilities.** Medved'ov and Sečovce detention facilities.

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<sup>67</sup> 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, <https://bit.ly/2HFj4CY>

<sup>68</sup> Ministry of Interior, “*Útvary policajného zaistenia pre cudzincov [Police Units for Foreigners]*” <http://www.minv.sk/?upzc>

<sup>69</sup> 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, <https://bit.ly/2HFj4CY>

<sup>70</sup> Human Rights League, “Legal Counseling for Asylum Seekers,” 2019, <https://www.hrl.sk/en/our-work/projects/projects/legal-counselling-for-asylum-seekers>; I. 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, <https://bit.ly/2SpXpmt>

<sup>71</sup> Miroslava Šnírerová (The Human Rights League), Email message to Alex MacKinnon (Global Detention Project), 14 July 2009.

<sup>72</sup> 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, <https://bit.ly/2HFj4CY>

**3.3 Conditions of detention.** Following its 2009 visit to Slovakia, the CPT found both centres to be generally in a good state of repair and clean.<sup>73</sup> According to the EMN, all cells reportedly have both electrical lighting and natural light. They are equipped with tables, chairs, beds, and lockers. The facilities also have outdoor areas and detainees have a right to two outdoor walks of up to one hour per day.<sup>74</sup> During the day, detainees can move freely within their unit. Yet, the CPT expressed concern at the lack of organised activities for detainees.<sup>75</sup>

On the other hand, according to civil society organisations, both centres have prison-like characteristics. The centres are surrounded by barbed-wire and are under strict surveillance by uniformed police officers.<sup>76</sup> Detainees are also supervised during visits.<sup>77</sup> The layout of the facilities is compounded by systematic and excessive use of handcuffing in both detention centres.<sup>78</sup>

In 2009, the CPT applauded the health care arrangements at both centres, which relied on full-time nurses and doctors coming two to three times per week. The facilities were well-equipped. Yet, communication problems are recurrent because medical staff do not speak English and interpreters are rarely present.<sup>79</sup>

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<sup>73</sup> 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, <https://www.coe.int/en/web/cpt/slovak-republic>

<sup>74</sup> 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, <https://bit.ly/2HFj4CY>

<sup>75</sup> 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, <https://www.coe.int/en/web/cpt/slovak-republic>

<sup>76</sup> 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, <https://bit.ly/2HFj4CY>; Human Rights League (HRL) and Forum for Human Rights (FORUM), "NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia," September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en)

<sup>77</sup> 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, <https://bit.ly/2HFj4CY>

<sup>78</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), "The Immigration Detention of Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia, Alternative Report to the United Nations Committee on the Rights of the Child," April 2016, [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/SVK/INT\\_CRC\\_NGO\\_SVK\\_23779\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/SVK/INT_CRC_NGO_SVK_23779_E.pdf)

<sup>79</sup> 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, <https://www.coe.int/en/web/cpt/slovak-republic>; Human Rights League (HRL) and Forum for Human Rights (FORUM), "NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia," September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en)

Further, only one social worker is present in each centre.<sup>80</sup> Social and psychological counselling, as well as leisure and education activities, are organised by NGOs and financed through EU funds. When these projects are not implemented (as was the case between July and November 2015) they are rarely replaced by the government.<sup>81</sup>

In 2018, the UN CERD urged Slovakia to ensure that conditions of detention conform to international standards.<sup>82</sup> Two years earlier, the UN HRC recommended that the country ensure that detention takes place in appropriate, sanitary, and non-punitive facilities.<sup>83</sup>

**3.3a** Established in 1997, the dedicated immigration **detention centre in Medved'ov** is located in southwestern Slovakia, near the Hungarian border. It has a capacity of 152 detainees (112 men and 40 women), with the possibility to increase by 40 places. The maximum number of detainees confined in a single room is four.<sup>84</sup>

Following a 2009 visit to Medved'ov centre, the CPT found detention conditions generally acceptable: the rooms were clean and adequately furnished, with sufficient living space and good access to natural and artificial light. On the other hand, certain common areas were dirty and in a poor state of repair. The CPT also expressed concern about the shortcomings in the confidentiality of medical consultations, reporting that police officers remained present during medical consultations.<sup>85</sup>

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<sup>80</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), "NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia," September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en)

<sup>81</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), "NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia," September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en)

<sup>82</sup> UN Committee on the Elimination of Racial Discrimination (CERD), "Concluding Observations on the Combined Eleventh and Twelfth Periodic Reports of Slovakia, CERD/C/SVK/CO/11-12," 12 January 2018, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/SKIndex.aspx>

<sup>83</sup> UN Human Rights Committee (HRC), "Concluding Observation to the Fourth Report on Slovakia, CCPR/C/SVK/CO/4," 22 November 2016, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/SKIndex.aspx>

<sup>84</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), "NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia," September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en); 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, <https://bit.ly/2HFj4CY>

<sup>85</sup> 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, <https://www.coe.int/en/web/cpt/slovak-republic>

In the past, detainees at the Medved'ov centre also complained about excessive sanctions for breaking the facility's rules, including in some cases prolonged isolation.<sup>86</sup>

In the summer of 2015, when Sečovce was at capacity, families with children were confined at the Medved'ov centre, despite the fact that it does not have appropriate arrangements for this purpose. NGOs 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.<sup>87</sup>

**3.3b** 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 a surge capacity of 184<sup>88</sup>—and rooms can confine up to eight persons. Reportedly, women, families with children, and other vulnerable groups tend to be detained in the facility.<sup>89</sup> In 2009, the CPT found the centre to be in a very good state of repair and the layout of the premises avoided the impression of a carceral environment.<sup>90</sup>

The centre has a section that is intended for accommodating 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 HRL 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.<sup>91</sup>

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<sup>86</sup> 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>

<sup>87</sup> 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](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf)

<sup>88</sup> Human Rights League (HRL) and Forum for Human Rights (FORUM), "NGO Information to the United Nations Human Rights Committee on Islamophobia, Immigration Detention Including Single Women, Vulnerable Persons and Families with Minor Children and the Situation of Unaccompanied Minors in Slovakia," September 2016, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fSVK%2f25229&Lang=en); 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, <https://bit.ly/2HFj4CY>

<sup>89</sup> 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, <https://bit.ly/2HFj4CY>

<sup>90</sup> 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, <https://www.coe.int/en/web/cpt/slovak-republic>

<sup>91</sup> 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](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SVK/INT_CCPR_ICS_SVK_22722_E.pdf)



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