

COUNTRY REPORT

IMMIGRATION DETENTION IN

SLOVENIA: WHERE THEY CALL DETENTION A "LIMITATION OF MOVEMENT"

FEBRUARY 2019



GLOBALDETENTIONPROJECT





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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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Front cover image: Postojna Centre for © Veronika Rupnik Ženko

This report is also available online at www.globaldetentionproject.org

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GLOSSARY

AA	Aliens Act
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
FRA	Fundamental Rights Agency
GDP	Global Detention Project
IPA	International Protection Act
PIC	Legal-Informational Centre for NGOs



KEY CONCERNS

- Non-citizens may be re-detained if the duration of their detention has not yet exceeded the maximum legal length of detention.
- Due to a shortage of space in specially equipped facilities, unaccompanied children and families are placed in detention.
- Domestic legislation refers to immigration detention as a “restriction of movement.”
- Detainees have only three days to appeal detention or its extension.
- To be granted an “alternative to detention,” migrants must be able to pay for private accommodation, making it unaffordable.
- The government calls the holding of asylum seekers in an “Asylum Home” an “alternative to detention” even though the Constitutional Court has determined that the practice amounts to *de facto* detention.
- Detainees are required to cover the costs of their detention.



1. INTRODUCTION

Since its independence in 1991, Slovenia has been an important destination for nationals of other ex-Yugoslav countries—particularly [Bosnia and Herzegovina](#), [Serbia](#), Kosovo, and [Macedonia](#)—as well as nationals from both [Russia](#) and [China](#). More recently, Slovenia became a transit and (to a lesser degree) destination country for asylum seekers and migrants travelling in an undocumented manner during the “refugee crisis.”¹

In September 2015, when [Hungary](#) completed a border fence and closed crossing points with [Croatia](#) and Serbia, refugees and migrants travelling the “Balkan Route” were diverted through Slovenia, leading to a sudden increase in border crossings—with some 5,000 arriving daily. Two months later, [Austria](#) and [Germany](#)—the main destination countries for refugees—began implementing their own stricter border controls, prompting concerns that thousands would become stranded in Slovenia. Worried that up to 30,000 migrants would be stuck in the country, Slovenia’s prime minister said: “It’s a big number. If we don’t act now, we could have a humanitarian catastrophe on the territory of Slovenia.”²

The country responded by building more than 160 kilometres of wire fence along its border with Croatia³ and passing a widely criticised amendment to the Act on International Protection aimed at reducing the arrival of asylum seekers and limiting their stay. The amended act provides admissibility procedures at the border and widens the scope of application of the “safe third country” principle to allow for the return of asylum seekers to transit countries, which watchdog groups argue leads to violations of refugees’ and asylum

¹ International Organization for Migration (IOM), “Slovenia,” <https://www.iom.int/countries/slovenia>

² B. Suck, “Slovenia Builds Border Fence to Stem Flow of Migrants,” *New York Times*, 11 November 2015, https://www.nytimes.com/2015/11/12/world/europe/slovenia-border-fence-migrants-refugees.html?_r=0

³ Euronews, “Slovenia Takes the Strain of Europe’s Migrant Influx,” 18 October 2016, <http://www.euronews.com/2015/10/18/slovenia-takes-the-strain-of-europe-s-migrant-influx>; Euronews, “Slovenia Witnesses ‘Domino Effect’ as Croatia Diverts Thousands of Migrants,” 18 October 2016, <http://www.euronews.com/2015/10/18/slovenia-witnesses-domino-effect-as-croatia-diverts-thousands-of-migrants>; Press TV, “Slovenia Seals Off Border with Higher Fence,” 15 March 2016, <http://www.presstv.com/Detail/2016/03/15/455811/Slovenia-border-fence-refugees-Balkan-route>; B. Surk, “Slovenia Builds Border Fence to Stem Flow of Migrants,” *NY Times*, 11 November 2015, http://www.nytimes.com/2015/11/12/world/europe/slovenia-border-fence-migrants-refugees.html?_r=0

seekers' rights.⁴ In 2017, the Slovenian National Assembly passed amendments to the Aliens Act that allow the state to adopt emergency measures during times of mass arrivals (Article 10b). According to experts, the new measures allow for the effective closure of borders and increased police powers when there is a "changed migration situation" that ostensibly threatens the country's security.⁵

While the number of migrants and asylum seekers in Slovenia has increased in the past few years, it may be misleading to characterise the situation as a "mass influx." In 2017, the country apprehended 4,180 non-citizens without a right to stay (a figure comparable to [Cyprus](#)) and in 2016 2,475 were apprehended. By comparison, during 2014-2015, the number of apprehensions was between 1,000 and 1,500.

The number of asylum applications has also increased. In 2018, 2,875 people applied for asylum; in 2017, 1,475 applied; and in 2016, 1,310 applied. This all stands in contrast to the approximate 300 or 400 applications in previous years. On the other hand, the number of returns have decreased over the past few years: in 2017, 250 people were expelled and 330 in 2016, compared to 840 in 2015. A considerable proportion of returnees leave as part of a "voluntary return" scheme, notably 150 in 2017 and 155 in 2016.⁶

As with apprehensions and asylum applications, the numbers of detainees have also increased during the "crisis." In 2016, 1,482 non-citizens were detained; in 2015, 2,338. By comparison, in 2014, 337 were detained; in 2013, 425; and in 2012, 359.⁷

The country operates one long-term detention centre, the [Postojna Centre for Foreigners](#), as well as one reception centre (or "Asylum Home") that in practice partially functions as a detention facility. The material conditions in the Postonja detention centre are generally considered adequate. However, several shortcomings in relation to detention have been observed, including the accommodation of asylum seekers upon arrival in an "Asylum Home" pending registration for a few days on average in conditions that may amount to *de facto* detention (because they are held in the reception area of the building without access to

⁴ Amnesty International, "Slovenia: New Asylum Legislation Would Violate the Rights of Refugees and Asylum Seekers," March 2016, <https://www.amnesty.org/en/documents/eur68/3580/2016/en/>

⁵ This amendment was criticised by Saša Zagorc and Neža Kogovšek "Slovenia: Amendments to the Aliens Act Enable the State to Activate Closure of the Border for Asylum Seekers," *EU Immigration and Asylum Law and Policy*, 30 March 2017, <http://eumigrationlawblog.eu/slovenia-amendments-to-the-aliens-act-enable-the-state-to-activate-closure-of-the-border-for-asylum-seekers/>; UNHCR, "Changes to the Aliens Act Would Jeopardize the Right to Asylum," January 2017, <http://www.unhcr.org/ceu/9031-unhcr-changes-to-the-aliens-act-would-jeopardize-the-right-to-asylum.html>; Commissioner for Human Rights Council of Europe, "Slovenia: Parliament Must Ensure that Legislative Reform on Migrants Complies with Human Rights Obligations," 17 January 2017, <https://www.coe.int/en/web/commissioner/-/slovenia-parliament-must-ensure-that-legislative-reform-on-migrants-complies-with-human-rights-obligations>; Amnesty International, "Slovenia: Proposals to Strip Refugees and Asylum-Seekers of their Rights Must be Rejected," January 2017, <https://www.amnesty.org/en/latest/news/2017/01/slovenia-proposals-to-strip-refugees-and-asylum-seekers-of-their-rights-must-be-rejected/>; The Peace Institute, "Ten Reasons Why the Draft Amendments to the Aliens Act Violate Slovenian Constitution and International law," January 2017, <http://www.mirovni-institut.si/en/ten-reasons-why-the-draft-amendments-to-the-aliens-act-violate-slovenian-constitution-and-international-law/>

⁶ Eurostat, "Asylum and Managed Migration," <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database>

⁷ Slovenian Police, "*Statistika*," <https://www.policija.si/o-slovenski-policiji/organiziranost/generalna-policijska-uprava/uprava-uniformirane-policije/center-za-tujce/statistika-ct>

its other parts).⁸ Also notably, children and families are often placed in immigration detention, detainees are obliged to pay for the costs of their detention, and migrants are rarely offered non-custodial “alternatives to detention” because they cannot afford the costs, which include paying for private accommodation.

⁸ Legal-Informational Centre for NGOs (PIC), “AIDA Country Report: Slovenia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>; For more information about *de facto* detention practices in other EU countries, see Hungarian Helsinki Committee, Global Detention Project, Greek Council for Refugees, Italian Council for Refugees and Foundation for Access to Rights, “Crossing a Red Line: How EU Countries Undermine the Right to Liberty by Expanding the Use of Detention of Asylum Seekers upon Entry,” February 2019, <https://www.globaldetentionproject.org/crossing-red-line>



2. LAWS, POLICIES, PRACTICES

2.1 Key norms. Slovenia adopted its first migration-related laws in 1999, the Aliens Act and the Asylum Act.⁹ Since then, a number of new versions of both acts have been adopted, partly to bring Slovenia's legislation in line with EU law.

The current [Aliens Act](#) (AA) ([Zakon o tujcih](#)) was adopted in 2011 and replaced the 2006 Aliens Act. The AA transposed the [EU Returns Directive](#) and regulates the entry, stay, and departure of non-citizens. Procedures for asylum and international protection are provided for in the 2016 [International Protection Act](#) (IPA) ([Zakon o mednarodni zaščiti](#)), which transposed the EU asylum *acquis*, including the [Reception Conditions Directive](#). The previous IPA was adopted in 2007.

Both the AA and IPA provide for immigration detention, though they characterise this measure using euphemistic language: "restriction of movement" (*omejitev gibanja*) (AA, Article 76; IPA, Article 84).

2.2 Grounds for detention. According to Article 76(1) of the AA, a non-citizen issued with a return decision may be detained if they cannot be deported immediately and display a risk of absconding or fail to leave the country within the time period ordered in the return decision. In addition, Article 76(2) provides that non-citizens can be detained when their identity cannot be established.

Criteria for assessing the risk of absconding under the AA include unlawful previous stay, entry despite entry ban, conviction for a criminal offence, possession of forged documents, giving false information or not cooperating, and behaviour indicating that the person will not voluntarily leave the country (Article 68(1)). Like the [Netherlands](#), Slovenia's legislation also lists several milder criteria, such as unauthorised entry and exceeding legal stay for less than 30 days (Article 68(2)).

In addition, the State Border Control Act ([Zakon o nadzoru državne meje](#)) allows detention at the border for a maximum of 48 hours. This measure can be imposed when a person intends to or has already crossed the border and suspicion exists that they have done so

⁹ Slovenian Police, "Predstavitev," <https://www.policija.si/o-slovenski-policiji/organiziranost/generalna-policijska-uprava/uprava-uniformirane-policije/center-za-tujce/predstavitev-ct>

unlawfully and detention is necessary for determining all relevant circumstances of the border crossing. Detention in such circumstances can also be imposed if the person has been refused entry into Slovenia because they did not fulfil the entry conditions and they cannot be immediately returned (Article 32(1)).

According to police statistics, of the 1,482 non-citizens detained in 2016, 1,140 (or 77 percent) were in return or identification procedures, 265 (or 18 percent) were subject to return based on a readmission agreement, and 77 (or 5 percent) were in asylum procedures.¹⁰

2.3 Asylum seekers. Under Article 84(1) of the IPA, asylum seekers can be detained in order to establish their identity in cases of obvious doubt; to establish the facts on which an asylum application is based (which could not be established without detention) and there is a well founded risk that the person will escape; when the person placed in pre-removal detention applies for international protection to hinder their removal; on account of the threat to state or public security; and during transfer proceedings based on the [EU Dublin Regulation](#).

According to the [Legal-Informational Centre for NGOs \(PIC\)](#), asylum seekers are rarely detained in regular procedures. Instead, most asylum seekers are detained pending a Dublin transfer.¹¹

In 2017, out of 1,476 applicants for international protection, only 48 were detained (of whom 47 were held in the detention centre and one in the Asylum Home).¹² In 2016, out of the 1,308 persons that applied for asylum, 82 were held in detention (of whom 77 were placed in the detention centre).¹³

According to the PIC, in practice, asylum seekers are confined upon arrival at a reception area of the Asylum Home, though the extent to which this situation amounts to detention remains unclear. Reportedly, applicants are locked in the reception area of the building while awaiting registration and can leave this area when the security guards allow them.¹⁴ The Migration Office reportedly began locking the reception area due to a significant number of people absconding before lodging their asylum application and giving their fingerprints. Until

¹⁰ Slovenian Police, “Statistika,” <https://www.policija.si/o-slovenski-policiji/organiziranost/generalna-policijska-uprava/uprava-uniformirane-policije/center-za-tujce/statistika-ct>

¹¹ Legal-Informational Centre for NGOs (PIC), “AIDA Country Report: Slovenia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>

¹² Legal-Informational Centre for NGOs (PIC), “AIDA Country Report: Slovenia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>

¹³ Legal-Informational Centre for NGOs (PIC), “AIDA Country Report: Slovenia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>; Slovenian Police, “Statistika,” <https://www.policija.si/o-slovenski-policiji/organiziranost/generalna-policijska-uprava/uprava-uniformirane-policije/center-za-tujce/statistika-ct>

¹⁴ Legal-Informational Centre for NGOs (PIC), “AIDA Country Report: Slovenia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>; Urša Regvar (Legal-Informational Centre for NGOs (PIC)), *Email exchange with Izabella Majcher* (Global Detention Project), February 2019 ; For more information about *de facto* detention practices in other EU countries, see Hungarian Helsinki Committee, Global Detention Project, Greek Council for Refugees, Italian Council for Refugees and Foundation for Access to Rights, “Crossing a Red Line: How EU Countries Undermine the Right to Liberty by Expanding the Use of Detention of Asylum Seekers upon Entry,” February 2019, <https://www.globaldetentionproject.org/crossing-red-line>

2017, people were rarely held there for more than one day, but recently the procedure has significantly slowed down and asylum seekers, including families with children, are held for an average of five or six days. Although there appears to be a lack of clarity concerning the extent of deprivation of liberty at this facility, the GDP codes the Ljubljana Asylum Home as a dual facility, containing both secure and non-secure sections.

2.4 Children. The AA does not prohibit the detention of children. It provides that upon consultation with a special guardian assigned to them, unaccompanied children and families with children should be placed in facilities that are adequately equipped for accommodating minors. If this is not possible, children and families with children may be placed in the detention centre (Article 82(3)).

As admitted by official sources, due to the lack of adequate facilities, unaccompanied children and families with children are normally placed in detention.¹⁵ The [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#) (CPT) urged the country to take necessary measures to ensure that unaccompanied children are always accommodated in open or semi-open child-specific facilities and to amend the law accordingly. With regards to families with children, the CPT recommended that they be detained only as a last resort and, if in exceptional circumstances such placement cannot be avoided, that its duration is as short as possible.¹⁶

Between 1 January 2017 and 20 November 2017, 39 children aged between 11 and 17 were held in the detention centre, of whom four were girls. On average, they were detained for 11 days.¹⁷ According to the police, in 2016 289 children (or 19 percent of all detainees) were detained in the detention centre, of whom 135 were unaccompanied.¹⁸ In 2015, Slovenia detained 449 children, constituting 19 percent of all immigration detainees.¹⁹ According to the Interior Ministry, 135 unaccompanied children were detained 2016, 66 in 2015, 31 in

¹⁵ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm; European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), "Policies, Practices and Data on Unaccompanied Minors," October 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/25a.slovenia_unaccompanied_minors_en_version.pdf

¹⁶ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27," September 2017, <https://rm.coe.int/pdf/168074adf9>

¹⁷ Human Rights Ombudsman, "Report of the Human Rights Ombudsman of the Republic of Slovenia on the Implementation of Tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for 2017," April 2018, http://www.varuh-rs.si/fileadmin/user_upload/pdf/DPM/Porocila/DPM_2017_ANG.pdf; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27," September 2017, <https://rm.coe.int/pdf/168074adf9>

¹⁸ Slovenian Police, "Statistika," <https://www.policija.si/o-slovenski-policiji/organiziranost/generalna-policijska-uprava/uprava-uniformirane-policije/center-za-tujce/statistika-ct>

¹⁹ Slovenian Police, "Aliens Centre - Statistics," <http://www.policija.si/eng/index.php/areasofwork/bordermattersandforeigners/86-centre-for-foreigners-statistics>

2014, 34 in 2013,²⁰ 30 in 2012, 12 in 2011, 26 in 2010, and 29 in 2009.²¹ In 2016, the country detained 67 families, 14 in 2015, 5 in 2014, 10 in 2013, and 9 in 2012.²²

The detention centre has a specific unit for unaccompanied children. However, at times when occupancy rate is low, unaccompanied children may be held with other vulnerable people, to preclude their isolation. According to reports, this is always done with the children's consent, however the CPT has expressed misgivings about this practice.²³ Children are placed in elementary school and have permission to exit the centre in order to attend the school.²⁴ Under the AA, children in detention should have access to games and recreational activities appropriate to their age. Unaccompanied children in detention may not be subject to "strict police supervision" measures (see below under "Regulation of detention conditions") (Article 82(4)-(6)).

Children in asylum proceedings, however, cannot be detained in the detention centre but are to be detained in the Asylum Home, which is considered an alternative to detention (see 2.9 "Non-custodial measures") (IPA, Article 84(2)).²⁵

In July 2016, following a campaign by non-governmental organisations including the PIC, the Slovenian government issued a decree valid for one year ordering that all unaccompanied children, irrespective of whether they applied for asylum or not, are placed in student dormitories in Postojna and Novogorica. This pilot project (as regards the Postojna dormitory) was then extended until the end of 2018. However, in December 2017, the Ombudsman noted that unaccompanied children were still detained in the detention centre because the Postojna dormitory lacked adequate health services.²⁶

²⁰ Legal-informational Centre for NGOs (PIC) and European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), "The Effectiveness of Return in EU Member States: Challenges and Good Practices Linked to EU Rules and Standards," 2017, https://ec.europa.eu/homeaffairs/sites/homeaffairs/files/25a_slovenia_return_study_2017_en.pdf

²¹ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

²² Legal-informational Centre for NGOs (PIC) and European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), "The Effectiveness of Return in EU Member States: Challenges and Good Practices Linked to EU Rules and Standards," 2017, https://ec.europa.eu/homeaffairs/sites/homeaffairs/files/25a_slovenia_return_study_2017_en.pdf

²³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27," September 2017, <https://rm.coe.int/pdf/168074adf9>

²⁴ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

²⁵ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

²⁶ Human Rights Ombudsman, "Report of the Human Rights Ombudsman of the Republic of Slovenia on the Implementation of Tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for 2017," April 2018, http://www.varuh-rs.si/fileadmin/user_upload/pdf/DPM/Porocila/DPM_2017_ANG.pdf

2.5 Other vulnerable groups. Under the AA, women, families, children, elderly, seriously ill individuals, and other vulnerable people should be detained separately, ensuring adequate privacy (Article 76(3)). In turn, the IPA provides that vulnerable asylum seekers may be detained but states that authorities should ensure health care, including mental health care, regular monitoring, and appropriate assistance, taking into account the specific circumstances of the individual (Article 84(8)).

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

Under the IPA, asylum seekers may be initially detained for up to three months. If, after the lapse of this period, the grounds for detention are still valid, detention may be extended for an additional month (Article 84(5)). Article 76(8) of the AA clarifies that the period of detention during asylum procedures does not count towards the maximum length of detention permitted under the AA.

After release from detention, non-citizens can be re-detained if the total duration of their time in detention has not yet exceeded 12 months.²⁷

As of April 2017, the average length of detention in the Postojna detention centre was 14 days.²⁸ According to official statistics, the average length of detention for all categories of immigration detainees was 17.8 days in 2013, while the average length of detention of asylum seekers was 47.2 days.²⁹

2.7 Procedural guarantees. Detention and its extension under the AA are ordered by the police (Article 78(1)), while detention during asylum procedures is decided by the Interior Ministry (IPA, Article 84(3)). A detention order is pronounced orally and the person receives a record of the pronounced measures, which contains the reasons for their detention. The written decision is issued by the Interior Ministry within 48 hours of the oral decision and is served within three working days (Article 84(4)).³⁰

A non-citizen may appeal their detention or its extension to the administrative court within three working days following their notification of a decision (AA, Articles 78(1)-(3) and 79(2); IPA, Article 84(6)). In practice, the number of claims for judicial review is very low. In 2013

²⁷ S. Zagorc, “National Synthesis Report: Slovenia: Detention for the Purpose of Removal,” *Odysseus Network, Redial Project*, 2017, <http://euredial.eu/docs/publications/national-synthesis-reports/SloveniaFB2.pdf>

²⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27,” September 2017, <https://rm.coe.int/pdf/168074adf9>

²⁹ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), “The Use of Detention and Alternatives to Detention in the Context of Immigration Policies,” November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

³⁰ S. Zagorc, “National Synthesis Report: Slovenia: Detention for the Purpose of Removal,” *Odysseus Network, Redial Project*, 2017, <http://euredial.eu/docs/publications/national-synthesis-reports/SloveniaFB2.pdf>

(January to May) there were just two claims; in 2012 there were four; and there were none in 2011 and 2010. Of these, only one claim was successful.³¹

Regarding the automatic review of pre-removal detention, the Interior Ministry should assess ex officio the reasons for detention within three months of implementing the detention order. In cases where detention is longer than three months, this review is carried out by the administrative court, and is conducted every three months.³² If the Ministry or the court find that detention is justified, the non-citizen may appeal to the high administrative court (Article 79a).

The police should provide the Ministry or court with the person's return procedure documents, and the representatives of the Ministry may visit and interview the detainee and police officers. The administrative court may request the participation of the non-citizen or the police officers in the hearing, however the non-citizen is very rarely heard in person.³³ In 2017, the CPT noted this issue and recommended that Slovenia amend legal provisions to ensure that non-citizens are always heard in the course of juridical review of their detention.³⁴

Detainees are not entitled to free legal aid in detention-relating proceedings,³⁵ yet they are entitled to such aid in asylum proceedings.³⁶ In practice, free legal aid is provided by the PIC and International Organization for Migration Slovenia.³⁷ The CPT has consequently recommended that detainees have access to legal counsellors and that those who cannot pay for a lawyer themselves benefit from an effective system of legal aid.³⁸ According to official sources, detainees are entitled to free language support in all official procedures. In

³¹ S. Zagorc and B. Zalar, "Completed Questionnaire for the Project Contention National Report: Slovenia," *Contention Project*, 2014, <http://contention.eu/country-reports/>

³² Legal-informational Centre for NGOs (PIC) and European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), "The Effectiveness of Return in EU Member States: Challenges and Good Practices Linked to EU Rules and Standards," 2017, https://ec.europa.eu/homeaffairs/sites/homeaffairs/files/25a_slovenia_return_study_2017_en.pdf

³³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27," September 2017, <https://rm.coe.int/pdf/168074adf9>

³⁴ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27," September 2017, <https://rm.coe.int/pdf/168074adf9>

³⁵ S. Zagorc and B. Zalar, "Completed Questionnaire for the Project Contention National Report: Slovenia," *Contention Project*, 2014, <http://contention.eu/country-reports/>

³⁶ Legal-Informational Centre for NGOs (PIC), "AIDA Country Report: Slovenia 2017," *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>

³⁷ Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016; Legal-Informational Centre for NGOs (PIC), "AIDA Country Report: Slovenia 2017," *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>; S. Zagorc, "National Synthesis Report: Slovenia: Detention for the Purpose of Removal," *Odysseus Network, Redial Project*, 2017, <http://euredial.eu/docs/publications/national-synthesis-reports/SloveniaFB2.pdf>

³⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27," September 2017, <https://rm.coe.int/pdf/168074adf9>

practice however, access to interpretation services may be impeded due to a lack of interpreters in Slovenia.³⁹ The CPT thus urged the country to provide for appropriate interpretation assistance, whenever necessary.⁴⁰

Under the Constitution of Slovenia, every person unlawfully detained has the right to compensation. However, there have been no successful cases, largely because claims against immigration detention are generally insufficiently prepared.⁴¹

2.8 Detaining authorities and institutions. The police (precisely the Centre for Foreigners which is a division of the police) order the detention of non-citizens in return procedures (AA, Articles 76(1) and 78(1)),⁴²

Meanwhile, the detention of asylum seekers is ordered by the “competent authority,” which refers to the Interior Ministry (IPA, Articles 2 and 84(1)). More precisely, the power to order such detention lies with the Sector for Accommodation, Care and Integration, which is a division of the Internal Administrative Affairs, Migration and Naturalisation Directorate of the Ministry of the Interior.⁴³

2.9 Non-custodial measures. Neither the AA nor IPA requires that authorities prove that alternatives cannot be applied in a specific case before ordering detention.⁴⁴ In practice, individual circumstances and the necessity and proportionality test are reportedly rarely properly assessed.⁴⁵

Under Article 81 of the AA, the police may ex officio or, at the request of a non-citizen, substitute detention with less coercive measures if they can ensure removal. The police may allow the individual to remain outside of the detention centre by determining the place of the person’s residence and duty to report regularly to the nearest police station (in practice,

³⁹ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), “The Use of Detention and Alternatives to Detention in the Context of Immigration Policies,” November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

⁴⁰ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27,” September 2017, <https://rm.coe.int/pdf/168074adf9>

⁴¹ S. Zagorc and B. Zalar, “Completed Questionnaire for the Project Contention National Report: Slovenia, Contention Project,” 2014, <http://contention.eu/country-reports/>

⁴² European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), “The Use of Detention and Alternatives to Detention in the Context of Immigration Policies,” November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

⁴³ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), “The Use of Detention and Alternatives to Detention in the Context of Immigration Policies,” November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

⁴⁴ S. Zagorc, “National Synthesis Report: Slovenia: Detention for the Purpose of Removal,” *Odysseus Network, Redial Project*, 2017, <http://euredial.eu/docs/publications/national-synthesis-reports/SloveniaFB2.pdf>

⁴⁵ Legal-Informational Centre for NGOs (PIC), “AIDA Country Report: Slovenia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>

once per week).⁴⁶ Likewise, according to Article 76(1), when the grounds for detention apply, the police may order detention or “accommodation outside the centre.” However, as official sources have acknowledged, this measure may only be applied if the person can afford the cost of private accommodation. It is thus rarely used. In 2013, only four people were granted alternatives to detention.⁴⁷

During asylum procedures, the IPA provides that asylum seekers can be detained in the detention centre if the alternative measure cannot be effectively applied or the person has left the premises of the area of compulsory “retention” (Article 84(2)). In practice, the authorities consider placement in the Asylum Home as an alternative to detention.⁴⁸ Fourteen asylum seekers were subject to the measure of “restriction of movement to the area of the Asylum Home” in 2013, 14 in 2012, three in 2011, and none in 2010 and 2009.⁴⁹

While a person subject to this measure lives in the Asylum Home under the same arrangements as other asylum applicants, he/she is not permitted to leave the Asylum Home. In 2011, the Constitutional Court clarified that placement in the Asylum Home amounts to a deprivation of liberty rather than a mere limitation of freedom of movement, and hence constitutes detention rather than an alternative to detention.⁵⁰ Local civil society experts share this view.⁵¹

Nevertheless, while asylum seekers subject to “alternative to detention” at this facility are not supposed to leave the premises, in practice they can do so because security guards employed by the centre are not authorised to physically prevent them from leaving. The police are not present at the centre. If asylum seekers leave the premises they are considered to be absconding and, if arrested later, they may be placed in the detention centre. If they do not return to the Asylum Home in three days, their asylum procedure is discontinued.⁵² That notwithstanding, the practice is not clear and all limitations on freedom of movement imposed on asylum seekers may be akin to deprivation of liberty in practice.

⁴⁶ Legal-informational Centre for NGOs (PIC) and European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), “The Effectiveness of Return in EU Member States: Challenges and Good Practices Linked to EU Rules and Standards,” 2017, https://ec.europa.eu/homeaffairs/sites/homeaffairs/files/25a_slovenia_return_study_2017_en.pdf

⁴⁷ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), “The Use of Detention and Alternatives to Detention in the Context of Immigration Policies,” November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

⁴⁸ K. Vučko, “Completed Legal Questionnaire for the Project MADE REAL: Slovenia,” *MADE REAL*, 2015, <http://odysseus-network.eu/made-real-national-reports/>

⁴⁹ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), “The Use of Detention and Alternatives to Detention in the Context of Immigration Policies,” November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

⁵⁰ Slovenia, Constitutional Court (Ustavno sodišče), Case Up-1116/09–22, 3 March 2011 in Legal-Informational Centre for NGOs (PIC), “AIDA Country Report: Slovenia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>

⁵¹ Urša Regvar (Legal-Informational Centre for NGOs (PIC)), *Email exchange with Izabella Majcher* (Global Detention Project), February 2019.

⁵² Urša Regvar (Legal-Informational Centre for NGOs (PIC)), *Email exchange with Izabella Majcher* (Global Detention Project), February 2019.

In contrast to the detention centre, the police do not operate the Asylum Home. The Interior Ministry's Sector for Accommodation, Care, and Integration (asylum authority) administers this facility and a private security company provides guards.⁵³

2.10 Regulation of detention conditions. The AA uses the word "centre" when referring to places of detention (Article 76). In turn, the IPA (Article 84(2)) and the police website refer directly to *center za tujce*, which translates as "centre for aliens."⁵⁴

The AA sets forth a number of rules concerning the conditions in, and regime of, detention. Accordingly, women, families, children, elderly, severely ill, and other vulnerable persons should be detained separately (Article 76(3)). Detainees are to be regularly informed of the rules of the centre, as well as of their rights and obligations (Article 76(7)). Detainees are entitled to contact their legal representative, family members, and consular authorities (Article 78(4)). Representatives of non-governmental and international organisations may visit the centre, and detainees are to be informed of the possibility to contact such groups (Article 78(5)).

To ensure discipline and order, detainees are obliged to respect the centre's rules of stay as well as instructions given by staff. Staff may impose tasks and activities for the implementation of the weekly work programme or other tasks needed for fulfilling the duties and rights established under the centre's rules of stay (Article 76a). The AA also enumerates minor and serious offences. Minor offences include moving equipment from one room to another; writing or putting glue on walls, doors, and windows; using electrical appliances without permission; taking food or cutlery from the dining room; smoking inside rooms or common areas; using a mobile phone without permission; or disturbing the quiet at night (Article 76b(2)). These offences may be punishable by limiting the rights of detainees laid down in the regulation of the centre (Article 76c(2)).

Serious offences include expressing racial, religious, national, or sexual intolerance; offensive or violent attitudes towards staff; introducing and consuming alcohol; exercising pressure over other detainees; introducing objects suitable for attacking or escaping; or arbitrarily leaving the centre (Article 76b(3)). Those offences, along with attempting to escape, actively resisting removal, violating the rules of the centres, failing to comply with orders and instructions from staff, or a detainee's behaviour suggesting that they intend to avoid removal, are punishable with "strict police supervision." This measure involves the restriction of freedom of movement within the detention centre for up to six months, and is extendable by another six months (Article 77). According to official sources, detainees subject to this regime may also be monitored by video and audio surveillance.⁵⁵

⁵³ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm; K. Vučko, "Completed Legal Questionnaire for the Project MADE REAL: Slovenia," *MADE REAL*, 2015, <http://odysseus-network.eu/made-real-national-reports/>

⁵⁴ Slovenian Police, "*Center za tujce*," <https://www.policija.si/o-slovenski-policiji/organiziranost/generalna-policijska-uprava/uprava-uniformirane-policije/center-za-tujce>

⁵⁵ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

2.11 Domestic monitoring. The [Human Rights Ombudsman](#) (*Varuh človekovih pravic*) acting, acting as the National Preventive Mechanism, visits the detention centre in Postojna every year.⁵⁶ As regards civil society, the [Jesuit Refugee Service](#) visits the detention centre once a week to offer recreational and psycho-social activities. The PIC visits the centre a few times each month to provide legal assistance.⁵⁷ In the past, *Slovenska Filantropija*, *Mozaik*, *Ključ*, and *Slovenska Karitas* also visited the centre.⁵⁸

2.12 International monitoring. As a State Party to the [European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#), Slovenia receives regular monitoring visits from the CPT. The CPT visited the Postojna detention centre in [2001](#), [2006](#), and [2017](#).

United Nations human rights mechanisms have to date not considered immigration detention policies in Slovenia.

2.13 Criminalisation. The AA provides a fine of 500 to 1,200 EUR for unlawful entry and a fine of 800 to 1,200 EUR for unlawful stay (Article 145).

2.14 Cost of detention. Like in [Croatia](#), [Czech Republic](#), and [Slovakia](#), non-citizens are obliged to cover the costs of their detention in Slovenia unless they lack sufficient funds (Aliens Act, Article 84(1)-(3)). As of 2013, the total daily cost of detention per person was reportedly 15 EUR and covered food, accommodation, clothes, hygienic items, and running costs of facilities (heating, electricity, water, but not the cost of personnel and additional costs such as medical assistance).⁵⁹ In 2017, the CPT questioned the appropriateness of requesting such payment.⁶⁰

2.15 Trends and statistics. According to the police, 1,482 non-citizens were detained in the Postojna detention centre in 2016; 2,338 in 2015; 337 in 2014; 425 in 2013; and 359 in 2012.⁶¹

In 2016, out of 1,482 non-citizens detained, 25 percent were from [Afghanistan](#), 20 percent from Syria, 16 percent from [Morocco](#), 8 percent from Iran, and 7 percent from Iraq. In 2016, 74 percent of detainees were men, seven percent were women, 10 percent were

⁵⁶ The reports are available on the Ombudsman's website, <http://www.varuh-rs.si/index.php?id=1515&L=6>

⁵⁷ Legal-Informational Centre for NGOs (PIC), "AIDA Country Report: Slovenia 2017," *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>

⁵⁸ Jesuit Refugee Service (JRS) Slovenia, "Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Position of JRS in Europe," December 2007; Grusa Matevzic (Hungarian Helsinki Committee), *Email exchange with Aiko Holvikivi* (Global Detention Project), May 2010.

⁵⁹ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

⁶⁰ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27," September 2017, <https://rm.coe.int/pdf/168074adf9>

⁶¹ Slovenian Police, "*Statistika*," <https://www.policija.si/o-slovenski-policiji/organiziranost/generalna-policijska-uprava/uprava-uniformirane-policije/center-za-tujce/statistika-ct>

accompanied children, and nine percent were unaccompanied children. Regarding reasons for detention, out of all detainees in 2016, 1,140 (or 77 percent) were in return or identification procedures, 265 (or 18 percent) were subject to return based on a readmission agreement, and 77 (or five percent) were in asylum procedures.⁶²

In 2017, 47 asylum seekers were detained in the detention centre,⁶³ 77 in 2016,⁶⁴ and 16 in 2015.⁶⁵ Responding to a joint freedom of information request from Access Info and the GDP, the Interior Ministry reported that 57 asylum seekers were detained in 2012; 42 in 2011; and 31 in 2010.⁶⁶ These figures broadly correspond with the statistics provided by the Interior Ministry to the European Migration Network: 49 in 2013; 43 in 2012; 39 in 2011; 27 in 2010; and 31 in 2009.⁶⁷

⁶² Slovenian Police, “Statistika,” <https://www.policija.si/o-slovenski-policiji/organiziranost/generalna-policijska-uprava/uprava-uniformirane-policije/center-za-tujce/statistika-ct>

⁶³ Legal-Informational Centre for NGOs (PIC), “AIDA Country Report: Slovenia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>

⁶⁴ Slovenian Police, “Statistika,” <https://www.policija.si/o-slovenski-policiji/organiziranost/generalna-policijska-uprava/uprava-uniformirane-policije/center-za-tujce/statistika-ct>

⁶⁵ Slovenian Police, “Aliens Centre - Statistics,” <http://www.policija.si/eng/index.php/areasofwork/bordermattersandforeigners/86-centre-for-foreigners-statistics>

⁶⁶ Nataša Potočnik (Internal Administrative Affairs, Migration and Naturalization Directorate), *email response to the joint Access Info and Global Detention Project request*, September 2013.

⁶⁷ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), “The Use of Detention and Alternatives to Detention in the Context of Immigration Policies,” November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm



3. DETENTION INFRASTRUCTURE

3.1 Summary. Slovenia opened its first immigration detention facility merely months after becoming independent in June 1991. Located in Ljubljana, the Transit Home for Aliens confined asylum seekers, non-citizens in the return procedures or in procedures establishing their identity, and children who could not be immediately returned to their home countries.

With the adoption of the Aliens Act and Asylum Act in 1999, the Transit Home for Aliens was closed and on 1 January 2000, its role was taken over by a dedicated immigration detention centre called the Aliens Centre (*Center za tujce*) and Asylum Home.⁶⁸ The detention centre, also called the [Postojna Centre for Foreigners](#), was established on the premises of a former military base from the 1980s, in a rural Postojna, approximately 50 kilometres from Ljubljana.⁶⁹ With a capacity of 180, the centre is managed by the police under the auspices of the Interior Ministry.⁷⁰ Previously, the country also operated a detention facility in Prosenjakovci, which was closed in 2006.⁷¹

⁶⁸ Slovenian Police, “*Predstavitev*,” <https://www.policija.si/o-slovenski-policiji/organiziranost/generalna-policijska-uprava/uprava-uniformirane-policije/center-za-tujce/predstavitev-ct>

⁶⁹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27,” September 2017, <https://rm.coe.int/pdf/168074adf9>

⁷⁰ Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016; International Organization for Migration, “Mixed Migration Flows in the Mediterranean and Beyond: Compilation of Available Data and Information,” October 2016, <http://migration.iom.int/docs/WEEKLY%20Flows%20Compilation%20No26%206%20October%202016.pdf>; European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), “The Use of Detention and Alternatives to Detention in the Context of Immigration Policies,” November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

⁷¹ Jesuit Refugee Service (JRS) Slovenia, “Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Position of JRS in Europe,” December 2007; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 January to 8 February 2006, CPT/Inf (2008)7,” February 2008, <http://www.cpt.coe.int/en/states.htm>

The Ljubljana Asylum Home is considered a reception centre for asylum seekers. However, upon arrival asylum seekers are *de facto* detained in the reception area of this facility, hence the GDP qualifies the Asylum Home as a facility that has both “secure” and “non-secure” sections.⁷²

There are also holding premises at the Brnik Airport.

3.2 Detention facilities. Postojna Centre for Foreigners, Ljubljana Asylum Home, and Brnik Airport Holding Premises.⁷³

3.3 Conditions in detention.

3.3a. Postojna Centre for Foreigners. The Postojna centre has a capacity of 180, which was recently reduced from 220.⁷⁴ The centre is divided into four units: two for men (a total of around 86 beds), one for vulnerable categories, especially women and families (around 88 beds), and one for unaccompanied children (approximately 38 beds).⁷⁵ To prevent isolation, unaccompanied children may however be placed in the same section as families.⁷⁶ In addition to these four units there is also one closed unit for “strict police supervision” containing four beds.⁷⁷ However, as of October 2016, the strict police supervision unit was largely unused.⁷⁸

In 2017, the CPT noted that the building was in a good state of repair, and that all rooms had sufficient natural and artificial lighting and ventilation. The CPT commended improvements undertaken since its previous visit in 2006, including refurbishment of the “strict police

⁷² Legal-Informational Centre for NGOs (PIC), “AIDA Country Report: Slovenia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>

⁷³ Slovenian Police, “Center za tujce,” <https://www.policija.si/o-slovenski-policiji/organiziranost/generalna-policijska-uprava/uprava-uniformirane-policije/center-za-tujce>; Interior Ministry, “Azilni dom,” http://www.mnz.gov.si/si/mnz_zas_tujci_v_sloveniji/mednarodna_zascita_azil/azilni_dom/; Undisclosed source, Email exchange with Izabella Majcher (Global Detention Project), February 2019.

⁷⁴ Slovenia Police, “Naloge,” <https://www.policija.si/o-slovenski-policiji/organiziranost/generalna-policijska-uprava/uprava-uniformirane-policije/center-za-tujce/naloge-ct>; Urša Regvar (Legal-Informational Centre for NGOs (PIC)), Email exchange with Izabella Majcher (Global Detention Project), February 2019.

⁷⁵ Human Rights Ombudsman, “Report of the Human Rights Ombudsman of the Republic of Slovenia on the Implementation of Tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for 2017,” April 2018, http://www.varuh-rs.si/fileadmin/user_upload/pdf/DPM/Porocila/DPM_2017_ANG.pdf

⁷⁶ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27,” September 2017, <https://rm.coe.int/pdf/168074adf9>

⁷⁷ Human Rights Ombudsman, “Report of the Human Rights Ombudsman of the Republic of Slovenia on the Implementation of Tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for 2017,” April 2018, http://www.varuh-rs.si/fileadmin/user_upload/pdf/DPM/Porocila/DPM_2017_ANG.pdf

⁷⁸ Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), Telephone conversation with Izabella Majcher (Global Detention Project), October 2016.

supervision” unit and the installation of additional telephones.⁷⁹ In 2016, the PIC, which regularly visits the centre, told the GDP that material conditions at the centre were adequate, particularly in terms of cleanliness, space, and lightning.⁸⁰

The CPT did however note several shortcomings. These included an insufficient number of chairs and tables in rooms and a lack of lockers for detainees to safely store their personal belongings. The CPT also criticised the fact that male detainees were obligated to wear uniforms.⁸¹ Elsewhere, the CPT noted that rooms were between 14 and 21 square metres and contained four or five bunkbeds each. Although the centre’s occupancy rate was low at the time of the CPT’s visit, it warned that if the centre were to operate at full capacity rooms would be overcrowded. In response, the centre management notified the delegation that several unused bunkbeds would be removed from the rooms and that the two men’s units would undergo full renovation.

During the day, detainees can move freely within their unit and have free access to the common area, which is equipped with tables, chairs, a TV set, table tennis, table football, and a small library and prayer room.⁸² According to the CPT, detainees usually have just one hour of guaranteed outdoor time, however some detainees have reported that access to the outdoor yard is at times permitted for much less than an hour. Reportedly, detainees are largely only permitted access to an asphalted inner yard and are rarely able to use the football ground outside the building (on account of the fact that this requires constant supervision to prevent escape).⁸³

The only organised activity for adult men is access to an activity room for language and computer classes that are provided several times a week.⁸⁴ According to the CPT, this could be considered sufficient for people detained for a couple of weeks (the current average

⁷⁹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27,” September 2017, <https://rm.coe.int/pdf/168074adf9>

⁸⁰ Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016.

⁸¹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27,” September 2017, <https://rm.coe.int/pdf/168074adf9>

⁸² Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27,” September 2017, <https://rm.coe.int/pdf/168074adf9>

⁸³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Slovenian Government on the Visit to Slovenia Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27,” September 2017, <https://rm.coe.int/pdf/168074adf9>; Legal-Informational Centre for NGOs (PIC), “AIDA Country Report: Slovenia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>

⁸⁴ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27,” September 2017, <https://rm.coe.int/pdf/168074adf9>

detention period). Yet, it pointed out that the longer the detention period, the more developed the recreational activities need to be. For those accommodated in the vulnerable persons unit and unaccompanied children unit, recreational activities such as handicrafts, painting, and ball games are available. An internal playroom and external playground are also available for children,⁸⁵ and they are also placed in elementary school and allowed to exit the centre in order to attend.⁸⁶

Detainees may receive visits during a specific time period every afternoon, while legal representatives may visit detainees outside of these visiting hours.⁸⁷ Visits are of at least one hour per week.⁸⁸ Visits take place in a dedicated visitors room, which is monitored by surveillance cameras.⁸⁹ Detainees are not allowed to keep their mobile phones but, in principle, can make and receive phone calls using landline phones in the centre every day. They can also make calls free of charge if the matter is important and they cannot afford to pay for it. Detainees may also access the internet once or twice a week for between 20 and 60 minutes.⁹⁰

The centre has 58 employees, of whom 41 (or 71 percent) are uniformed police officers responsible for the security of the premises and the persons within, and 17 are other police employees, including medical staff, social workers (who organise accommodation, childcare, education, sport, recreation, and cultural activities), and administrative and logistics staff.⁹¹

Four nurses are employed at the centre; during the week two nurses are present between 7am and 10pm, while at the weekend one nurse is present for eight hours each day. Three general physicians and a psychiatrist visit the centre on call, access to specialised medical care, such as the dentist, is prompt, and members of staff present at the centre overnight

⁸⁵ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27," September 2017, <https://rm.coe.int/pdf/168074adf9>

⁸⁶ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

⁸⁷ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies," November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

⁸⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27," September 2017, <https://rm.coe.int/pdf/168074adf9>

⁸⁹ Legal-Informational Centre for NGOs (PIC), "AIDA Country Report: Slovenia 2017," *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>

⁹⁰ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27," September 2017, <https://rm.coe.int/pdf/168074adf9>; Legal-Informational Centre for NGOs (PIC), "AIDA Country Report: Slovenia 2017," *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>

⁹¹ Slovenian Police, "*Organiziranost*," <https://www.policija.si/o-slovenski-policiji/organiziranost/generalna-policijska-uprava/uprava-uniformirane-policije/center-za-tujce/organiziranost-ct>

are trained in first aid. Upon detention, non-citizens undergo a medical admission screening, which is conducted by a nurse and, often shortly afterward, by a doctor.⁹²

3.3b Ljubljana Asylum Home. The Ljubljana Asylum Home, which is a semi-secure reception centre, previously had a secure section on its premises that operated as a detention centre.⁹³ The closed section had four rooms with a total capacity of 20. Following its visit in 2006, the CPT found that the rooms were well equipped (with tables, bunk beds, chairs, cupboards, and shelf) and adequately heated, lit, and ventilated. Each room had its own sanitary annexe with a toilet and shower, but the living space per person was rather limited. However, the unit did not offer any organised activities for the detainees.⁹⁴ In 2013 the Interior Ministry reported that this section had not been used since 2008.⁹⁵ Likewise, the PIC noted in 2016 that the unit was no longer in use.⁹⁶

The Asylum Home does not operate as a wholly “open” reception centre. While asylum seekers housed at the facility are able to leave the facility, those who have been granted the “alternative” measure of “restriction of movement to the area of the Asylum Home” are not allowed to leave the facility. Although they are not physically prevented from leaving, if they do so, they risk being placed in the detention centre and after 3 days of absence their asylum procedure is discontinued.

Further, asylum seekers are *de facto* detained upon arrival in the reception area, which is locked from the remaining parts of the Asylum Home while they await registration. Generally, within the reception area, women, men, and children are placed separately. Often, the rooms lack space to guarantee privacy. People placed there can only go outdoors if the security guards let them out, which is at least 15 minutes per day. They receive the meals in their rooms.⁹⁷ Although applicants were very rarely held in the reception area for more than one day up until 2017, more recently, due to the lack of available interpreters and doctors,

⁹² European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 March to 4 April 2017, CPT/Inf (2017) 27,” September 2017, <https://rm.coe.int/pdf/168074adf9>

⁹³ Grusa Matevzic (Hungarian Helsinki Committee), *Email exchange with Aiko Holvikivi* (Global Detention Project), May 2010.

⁹⁴ Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 January to 8 February 2006, CPT/Inf (2008)7,” February 2008, <http://www.cpt.coe.int/en/states.htm>; Jesuit Refugee Service (JRS) Slovenia, “Civil Society Report on Administrative Detention of Asylum Seekers and Irregular Migrants in Europe: Common Position of JRS in Europe,” December 2007; Grusa Matevzic (Hungarian Helsinki Committee), *Email exchange with Aiko Holvikivi* (Global Detention Project), May 2010.

⁹⁵ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), “The Organisation of Reception Facilities for Asylum Seekers in Different Member States,” July 2013, <https://bit.ly/2EdDXQz>

⁹⁶ Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016.

⁹⁷ Urša Regvar (Legal-Informational Centre for NGOs (PIC)), *Email exchange with Izabella Majcher* (Global Detention Project), February 2019.

non-citizens are held for an average of 5 to 6 days.⁹⁸ Thus, the GDP codes this facility, which employs private security guards, a “semi-secure” reception centre.⁹⁹

3.3c Brnik Airport Holding Centre. The Brnik Airport in Ljubljana operates holding premises for aliens in the vicinity of the main airport terminal.¹⁰⁰ These facilities may be used to accommodate persons refused entry and awaiting expulsion for up to 48 hours. With a capacity of 15, the centre occupies a two-storey building and has a dormitory for men and a room for women. During its 2006 visit, the CPT noted that the lighting and heating were adequate but that the living space was below the standard of a minimum four square metres per person.¹⁰¹ In 2018, 340 people were detained in the Brnik airport premises.¹⁰²

⁹⁸ Legal-Informational Centre for NGOs (PIC), “AIDA Country Report: Slovenia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/slovenia>

⁹⁹ European Migration Network (EMN) National Contact Point for Slovenia (Ministry of Interior), “The Use of Detention and Alternatives to Detention in the Context of Immigration Policies,” November 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm

¹⁰⁰ Katarina Bervar Sternad (Legal-Informational Centre for NGOs (PIC)), *Telephone conversation with Izabella Majcher* (Global Detention Project), October 2016; Grusa Matevzic (Hungarian Helsinki Committee), *Email exchange with Aiko Holvikivi* (Global Detention Project), May 2010; Grusa Matevzic (Hungarian Helsinki Committee), *Email exchange with Aiko Holvikivi* (Global Detention Project), May 2010.

¹⁰¹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Slovenian Government on the Visit to Slovenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 January to 8 February 2006, CPT/Inf (2008)7,” February 2008, <http://www.cpt.coe.int/en/states.htm>

¹⁰² Urša Regvar (Legal-Informational Centre for NGOs (PIC)), *Email exchange with Izabella Majcher* (Global Detention Project), February 2019.



www.globaldetentionproject.org