

NATIONAL PREVENTIVE MECHANISM

- visit to -

THE ALIENS CENTRE

Disclaimer: The following report contains only main findings regarding the visit. It was produced on the basis of the original report on the visit of the National Preventive Mechanism and the response of the authorities to it. It is intended for publishing purposes on the official Human Rights Ombudsman of the Republic of Slovenia webpage.

Pursuant to the tasks and powers of the National Preventive Mechanism (hereinafter: NPM) under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter: Optional Protocol) the Human Rights Ombudsman of the Republic of Slovenia (hereinafter: Ombudsman) visited the Aliens Centre (hereinafter: CT or Centre) in Postojna without prior notice on 16 June 2010. In carrying out the tasks and exercising the powers under the Act Ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Uradni list RS [Official Gazette of the Republic of Slovenia] No. 114/2006) the group that visited the Centre was joined by representatives of two contractual non-governmental organisations, the Legal-Information Centre (PIC) and the Red Cross of Slovenia. During the visit, also a specialist in psychiatry was present. She works with the Ombudsman as an expert during NPM visits on the basis of a partnership contract and submits her observations mainly from the aspect of health care and medical treatment (hereinafter: contractual expert). This was the third visit to the Centre by the NPM (the first two visits took place on 22 April 2008 and on 9 June 2009).

The delegation was received by the Centre's manager and an assistant manager. During the visit, an opening interview with the manager and assistant manager was carried out; reception and living quarters, sanitary facilities, the room for visits, the Eurodac room, the room for talks, the room of non-governmental organisations, the quiet room, the dining hall, the laundry and the warehouse were inspected and interviews with a social worker and some aliens were also carried out. The contractual expert talked to the nurse in the Centre's clinic. The visit was concluded by a final interview with the manager and the assistant manager.

On the day of our visit, there were 18 aliens in the Centre. The manager assessed that in average around 30 aliens are placed in the Centre. This is still far below the official capacities the Centre can provide, which is accommodation for 220 aliens. It should also be mentioned that the current actual capacities are slightly below the official ones, since due to a lower occupancy rate in the Centre for several years

some living quarters have been rearranged and are now used for other useful purposes (in this way, for example, a playroom for children was arranged).

In 2009, the number of newly accommodated aliens amounted to 408, which is the lowest number in the past decade, generally also indicating a gradual drop in the number of aliens from year to year (with the exception of 2005). By the end of May, the number of newly accommodated aliens in the Centre amounted to 145 and it is expected that the number will be similar to that of last year.

The occupancy rate in individual sections was far below the available capacities. In the male section with an official capacity for 66 persons, only 14 aliens were accommodated (there were four in one room, three in two of the rooms and two in two of the rooms, with one alien on a furlough during our visit to the Centre). In the section for vulnerable groups with an official capacity for 72 people, only four aliens were accommodated, two aliens in each room. The strict police control ward (with an official capacity for 48 persons) and the section for unaccompanied minors (with 24 officially available places) were unoccupied. During the inspection of the premises, the manager of the Centre explained that unaccompanied minors have for quite some time been placed in the section for vulnerable groups and not in the section designed especially for them. One of the reasons was also that they frequently expressed their wish to spend more time with other aliens. The section for vulnerable groups, where mostly children, elderly people, women and families are placed, provides an appropriate solution in this respect, whereas the male section and the strict police control ward obviously do not.

During this visit also the reception premises and the "isolation" quarters were vacant.

The manager of the Centre explained that in the given circumstances it would be possible to a certain extent to place aliens each in his or her own room, but this is not the case because it presents a serious problem from the safety aspect; however, care is taken that in none of the rooms all six beds are occupied.

In the given circumstances of such a low occupancy rate, it would be unreasonable to accommodate persons in the rooms up to full capacity. The NPM welcomed the Centre's strategy; if fewer aliens are placed in one room, they are offered a better quality of life and can spend more time in their rooms when socialising as their space is not constricted.

During our visit the manager informed us that a total of 57 persons are employed at the Centre. Among them, there are two administrative workers, four nurses, five social workers (one of them is currently on maternity leave), seven logistics workers, five inspectors conducting the procedures with aliens, 26 police officers and the manager with two assistants. According to the manager, the number of employees is sufficient; the Centre is also supported by the Jesuit Refugee Service which regularly works with aliens.

In respect of education and training of staff working with aliens, the manager explained that in addition to regularly organised training courses (for example a follow-up first aid training course, a seminar on post-traumatic stress disorder and

similar) employees can always express their own wishes for further training and education, and if the wishes are in compliance with the possibilities, they are given the opportunity to attend the relevant courses (recently two social workers attended a workshop on handicrafts). This applies to uniformed police officers as well as to social and healthcare professionals, because the high qualifications of staff and the exchange of experience and good practices in as many areas of work with aliens as possible are always welcome. The NPM definitely agrees with this position because it considers that work with aliens requires ongoing education and training, and should therefore not be ignored. The Centre has already mentioned that the personnel in centres for aliens whose liberty is restricted, has a particularly difficult task and must therefore be carefully selected and appropriately trained and educated, and in particular taught to recognise possible symptoms of stress reactions displayed by detained aliens; they must also have well-developed interpersonal communication skills and be familiarised with different cultures; some of them should have relevant language skills.

If the above conditions are fulfilled, this is certainly a good starting point for the Centre to provide appropriate living conditions for aliens and also for the work with them. However, as stated by the manager, there are not enough financial resources available to cover all the required needs for this purpose. As an essential novelty, the manager highlighted the cooperation with the International Organisation for Migration (hereinafter: IOM), which was established upon the Centre's initiative and refers to the Assisted Return and Reintegration Programme. Within this IOM Programme, qualified interested aliens have two options: The first refers to the assisted return of an alien, in particular by acquainting him or her with relevant concrete information, covering travel costs and providing pocket money, and if required also by escorting the alien during the journey itself. The second provides for assistance in the reintegration of an alien in his or her country of origin. In this case the alien receives pocket money and is also assisted in the arrangement of concrete accommodation, employment and health care opportunities (for example, which doctor the alien should contact or where the alien can get a certain medication that he or she needs and similar), as well as of other opportunities. In principle, the main advantage of this Programme is that aliens are much better prepared for their return than they would be otherwise. In this respect, the manager also told us that with the assistance of this Programme quite some aliens have returned to their home country after they had spent five or more years in the Republic of Slovenia on the basis of a granted permission for staying. According to the assistant manager's report, from the beginning of this year, 23 aliens have been acquainted with the Programme, while 11 of them then decided to participate. Since the IOM is an organisation which has been active in the field of migrations for more than 50 years and has a network of offices and partners all over the world, it very often helps the Centre obtain information on countries usually not dealt with by the Centre in its procedures.

The NPM welcomes the above described concrete implementation of the provisions of paragraph 2 of Article 50 of the Aliens Act (ZTuj-1) which enables the police to cooperate with other state authorities, international or non-governmental organisations in the voluntary departure of an alien. Elements of voluntariness and the

implementation of the Reintegration Programme in the country of the alien's origin undoubtedly present an opportunity with better conditions for return.

According to the NPM, it is of key importance that aliens are comprehensively informed of their status and rights as well as of life outside the Centre. Police inspectors acquaint them with concrete procedures. An alien may also call the diplomatic or consular mission of his or her country and inquire about the situation himself/herself. Aliens can always contact the social worker in the Centre who makes an appointment for an interview with the competent employee of the Centre if necessary. The manager explained that aliens are orally informed by the professional staff of the Centre and also in writing (upon their admission or when they are accommodated in the Centre, they receive an information brochure which is currently translated into seven languages and contains the basic information on the Centre, regulations, rules, reasons for accommodation and possibilities of placement in different sections, as well as on the accommodation outside the Centre, the rights and duties and on health care). The brochure also contains some important phone numbers and addresses of non-governmental and other organisations which aliens can contact for advice or assistance, etc.

Applicants for international protection who are placed in the Centre, are also visited by social workers from the Asylum Centre and representatives of the Operational Desk who inform them on the procedure for obtaining international protection. According to the explanation of the assistant manager, problems in procedures with aliens occur in particular when an alien does not cooperate to a sufficient extent, because he or she intentionally wants to hide his or her identity and therefore the country of origin cannot respond quickly or does not respond at all. If the staff has difficulties in communicating with an alien because of language barriers, an interpreter for the relevant language from a list of interpreters is called for help. Where the circumstances permit, communication between the interpreter and the alien takes place by phone. According to the explanation of the assistant manager, the problem can be better identified in such a way, which is essential in some situations; moreover, also time and money can be saved, which would otherwise be spent for the interpreter arriving at the Centre only to give some explanations. However, if necessary, the interpreter does also come to the Centre.

If aliens want to receive certain information from the internet, they need to contact the social worker who prints out the requested contents and submits them to the alien on paper. As explained by the manager, provision of direct access of aliens to this medium is problematic from the security aspect, as it is practically impossible to prevent access to all contents that could be disputable in this respect.

In response to our question on potential investments in the Centre facility in the period since our last visit, the manager explained that the building next to the accommodation section, where the entrance into the gym is located, has not yet been renovated and will not be renovated for quite some time. The relevant documentation which is required will not be prepared before 2012. As assured by the manager, the renovation works in the male section will start within two to three months after this visit. The Centre decided to renovate the section, particularly in

order to improve safety. In the section, a surveillance room is planned to be acquired; a smoking room and a table-tennis room should also be set up. The manager added that this section will get a second TV, as suggested by the NPM during last year's visit, since some aliens stated that in selecting TV programmes on a single TV, often conflict situations are encountered. This year the Centre should also have an atrium built.

The manager said that aliens still frequently destroy the inventory in the Centre. They often tear up their beds to hide different items in them. In this context, it should be mentioned that the door of the mailbox for complaints in the male section was slightly damaged this time too, but to a lesser extent than during our visit last year; obviously it was damaged again after it had been repaired.

Aliens placed in the section for vulnerable groups may wear their own clothes or the clothes provided by the Centre. Men from the male section must wear the Centre's clothes. In 2006, when the Ombudsman visited the Centre, at that time on the basis of the Human Rights Ombudsman Act, he suggested less uniformity in this respect and more emphasis on individuality and self-respect. The Centre tried to follow this idea and provided T-shirts of different colours for the aliens, however, this time, the manager reported that it happens that one alien wishes to have the very same T-shirt as another.

During the inspection of the Centre's premises, 12 aliens were willing to talk to us, thereof three women and a son of one of them in the section for vulnerable groups and eight aliens in the male section. With two of the women, citizens of Peru, direct communication was slightly impaired, as they only spoke Spanish. With the mother and her son, who are citizens of Bosnia and Herzegovina, we started to speak in Croatian, but upon the request of the son the discussion continued in Slovene. In the male section, we talked to the aliens in English and Croatian. During the discussions, most aliens did not complain about the approach of the staff toward them or about accommodation in the Centre. In this regard, it should only be mentioned that one alien in the section for vulnerable groups outlined that the only thing that disturbed him was that "nothing is going on".

In 2009, aliens in the Centre were investigated in eight cases on the grounds of suspicion of having committed minor offences under the Protection of Public Order Act (thereof four times for misbehaviour towards an authorised person and four times for physical conflict between aliens themselves), while in three cases aliens were investigated on the grounds of suspicion of having committed a criminal offence (theft, attack of a police officer, forged banknote). In the same year, means of compulsion were used in 10 cases against 12 aliens. On five occasions physical force was used, three times restraint and binding, once a gas dispenser and binding, and once a gas dispenser and physical force. Nobody was injured and no appeal was lodged afterwards in any of the cases. The stated circumstances do not indicate excessive use of means of compulsion and in the interviews aliens did also not expose this problem. This should be welcomed.

In the same period, four aliens tried to commit suicide or cause self-harm (one suicide attempt by hanging which was prevented by a police officer, one case of consumption of a large quantity of pills, in one case an alien broke a mirror and cut himself, in another case an alien caused self-injury with a ballpoint pen). Seven cases of hunger strike were also recorded, however, none lasted more than six days. According to the manager's explanation, these cases are always dealt with according to the so-called Malta Declaration (when a person communicates the decision that he or she will go on hunger strike, the doctor examines the person, acquaints the person with his or her health condition, the consequences of intentional starving, monitors the person's decision daily, whether he or she will continue with the hunger strike and similar).

The Centre employs four nurses who work in two shifts from 7.00 hours to 22.00 hours, also during weekends, while two general practitioners and two psychiatrists work in the Centre on a contractual basis. In this respect, the manager underlined in particular that both practitioners are employed at the accident and emergency unit, which is of certain advantage, as they are used to urgent action, and in some cases this is essential. The nurse further explained to the contractual expert that the two general practitioners come to the Centre whenever necessary after they are called by one of the nurses. The nurses come to the sections regularly and the aliens can then apply for a visit to the general practitioner. After being admitted to the Centre, each alien is examined by one of the doctors within 24 hours, with the exception of weekends, when they are examined by one of the nurses, and if necessary the nurse also informs the doctor thereof. The two psychiatrists also visit the Centre according to need; however, all four of them may be consulted by phone at any time. In emergency cases, doctors from Postojna Health Centre are available and allegedly no problems have been encountered in this respect.

If necessary, aliens are also referred to a specialist (dentist, gynaecologist, paediatrician, pulmonologist ..). It does occur occasionally that an alien stays in hospital for treatment.

According to the nurse, all medications are administered by the nurses themselves, and in most cases aliens are prescribed antidepressants, tranquilisers, sleeping pills and herbal remedies. In the introductory interview, the manager explained that in the Centre they try to prevent aliens from possessing or accumulating medications, because there have been cases where aliens had taken an overdose of pills in one go. Now the pills are crushed if at all possible and the alien must take the medication in the presence of the health care professional.

If an alien is addicted to psychoactive substances, his or her abstinence crisis is dealt with by the psychiatrist; however, according to the manager, the Centre tries to transfer an addicted alien from the Centre to a competent institution as soon as possible. The nurse also told the medical expert that addicts are prescribed methadone during their abstinence crisis if they submit proof that they have already been given it outside the Centre. The Centre receives methadone from Ljubljana Health Centre for a period of several days and keeps it in the refrigerator. Urine

testing is not carried out since according to the explanation of the nurse there is no need for it, as the patients do not give the impression of being intoxicated.

Complaints about medical care in the Centre should be made in the same way as any other complaints. The nurse assured that there were no such complaints and the aliens did also not mention them in the interview. Appropriate provision of medical care for the aliens in the Centre, taking into account their number in general, is indicated by the information submitted by the manager, namely that in 2009, 91 specialist examinations and 1394 curative examinations were performed. Also the contractual expert was of the opinion that the Centre gave a good impression in respect of the medical services, which, according to her, seem to be provided efficiently and at a high quality level.

Like the year before, the menu was again not displayed in any visible place, not even in the dining hall. We received a brief glimpse of the menu by the lady distributing the food who happened to be present at the time, but she needed it back since she was just preparing lunch. Later, the manager provided a copy of the menu. The menu was written in the Slovene language and the manager explained that menus are not translated in any foreign language. For some time, menus were allegedly displayed on the doors of individual sections, however, this did not prove useful, as the aliens tore them down. Despite such incidences, the NPM proposed that the Centre should provide the aliens with a translation of the weekly or monthly menus, since most aliens accommodated in the Centre – considering their language structure – cannot understand the menu in Slovene and it therefore does not serve its purpose, which is to inform the aliens of the type of food they are going to eat.

With regard to the organised daily activities for aliens in the Centre, this year saw no significant changes in comparison to last year. The key provider of cultural, recreational and other social activities for aliens is still the Jesuit Refugee Service, which visits the Centre twice a week within the framework of its voluntary activities. Less than a week prior to our visit they organised the fourth games without frontiers, before that they prepared, for example, an intercultural evening during which aliens presented their countries; at Easter they also organise creative workshops of Easter egg colouring.

The Centre has already taken the position that centres, in which aliens are deprived of their liberty for an extended period of time, must provide good material conditions and house rules, appropriate to their legal situation, and be staffed by suitably qualified personnel. As regards organised activities for aliens, the principle should apply that the longer the period during which the aliens are deprived of their liberty is, the wider the spectrum of activities available to them should be. During our visit, the living conditions for aliens in the Centre again proved to be generally good. The same applies to the general impression which we got during our visit and which is described above. The atmosphere is relaxed and in the interviews the aliens did not expose any circumstances that would indicate torture or any other cruel, inhuman or degrading treatment of them in the Centre. Unfortunately, the situation regarding organised activities for aliens is slightly less encouraging, even though the situation could not be considered as critical. To this end, in the response to the report, the CT

underlined the efforts of the Centre's social workers who make additional attempts and organise different thematic workshops, for example in producing different items and mastering handicrafts. In the report also the position was highlighted that active spending of leisure time during accommodation requires not only the efforts and energy of professional staff but also the participation of aliens, who are very often only passive observers of what is going on. Those aliens who take part in such activities are allegedly satisfied.

The Ministry of the Interior informed us that the Centre has not submitted any comments on the statements in our report on the visit to the Centre, and that it will consider our proposals for the improvement of the quality of life in the Centre in its plans and during the implementation of its activities.