

- NATIONAL PREVENTIVE MECHANISM -

Report
on visit
to the

ALIENS CENTRE

Explanatory note: 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 Human Rights Ombudsman (hereinafter: the Ombudsman) visits places of deprivation of liberty in the capacity of the National Preventive Mechanism (hereinafter: the NPM). As a rule, the group carrying out a visit includes, in addition to one or more of the Ombudsman's representatives, one or more representatives of contractual non-governmental organisations, and occasionally independent medical and other experts and interpreters. The legal basis for NPM inspections is published on [Ombudsman in the capacity of NPM](#).

The present report only contains the main findings regarding the visit and proposals for improving conditions or remedying irregularities. It was prepared on the basis of the NPM's visit and the response report submitted by the relevant authorities, and is intended to be published on the Ombudsman's website.

Basic information about the facility:

► **Type of facility:** Aliens Centre (hereinafter: the AC)

► **Category of people deprived of freedom:** aliens¹ and international protection seekers² who entered the territory of the Republic of Slovenia (hereinafter: Slovenia) illegally.

► **Official capacity and actual occupancy of the facility at the time of visit:** the official capacity of the AC is 220 people. At the time of our visit to the AC there were 11 aliens and 8 international protection seekers subject to restriction of movement in the facility.

Description of the visit and preparation of the report:

► The visit was **unannounced** and **took place on 28 November 2011**.

► **Visiting group:** three Ombudsman representatives (an entry-level employee, a Level III Senior Advisor and a trainee), one NGO representative (Primus Institute) and a contractual expert on health care and treatment (a qualified doctor of psychiatry).

¹ Aliens who do not leave the country within the prescribed period of time or cannot be removed from the country immediately (Articles 56 and 93 of the Aliens Act); aliens whose identity is not known (Article 56 of the Aliens Act); aliens against whom an expulsion order has been issued (Articles 50 and 93 of the Aliens Act); unaccompanied minor aliens (Article 60 of the Aliens Act); aliens who are in Slovenia illegally and, pending their handover to foreign security authorities, wait to be removed under the relevant international agreement (accommodated aliens up to 48 hours; Article 5 of the Rules on the stay and movement of aliens at the Aliens Centre and the conditions and procedures for applying more lenient measures); and aliens facing forcible removal or aliens who have not left Slovenia and reapplied for asylum (Article 56 of the International Protection Act).

² International protection seekers whose movement has been restricted by a decision based on Article 51 of the International Protection Act, or international protection seekers who were issued a decision pursuant to the relevant Council Regulation (EC) (Article 51 of the International Protection Act).

► **Scope of the visit:** a preliminary interview with the head and deputy head of the AC, followed by a tour of living quarters and other departmental premises, an interview with employees and international protection seekers, and a final interview.

► **Reporting:** a report on the visit was submitted to the Ministry of the Interior (hereinafter: the MI) on 14 March 2012, including a proposal that the MI consider the report and communicate within thirty days its observations, if any, regarding the findings highlighted in the aforementioned report. The Ombudsman received the relevant answer by the MI on 3 April 2012, i.e. twenty days after the submission of the report.

► The NPM was particularly impressed by

- the renovation of the male section;
- the fact that the AC is currently arranging a room where aliens will have access to the Internet (to maintain contacts with relatives or friends);
- the good organisation of health care;
- the good cooperation with the psychiatrist and his willingness to provide training on mental disorders for employees, and
- the fact that the circumstances do not indicate the excessive use of means of restraint, which was also confirmed by aliens during interviews.

► NPM proposal

► Response of the competent authority

NPM: We propose that the AC analyse its treatment of aliens who obviously require additional medical assistance, as well as its management of medical documentation, and then adopt the necessary measures.³.

MI: In order to avoid similar situations, the AC has modified its system of recording all previously implemented measures, and ensured that members of expert services draft their reports regularly and in a precise manner.

NPM: We propose that special attention be paid to the issue of medical (psychiatric) assistance to aliens⁴.

MI: In addition to the existing work contract covering the provision of medical (psychiatric) assistance, the AC concluded another work contract on 1 March 2012, thus ensuring additional medical (psychiatric) assistance required by aliens during their stay at the AC. As a result of these contracts, two qualified psychiatrists are available to cover the needs of aliens.

NPM: We propose that the AC provide aliens with translations of menus into

MI: Ever since the Ombudsman's visit in 2010, the AC ensures the translation of

³An alien was brought to the AC on 13 May 2011 at 3.40 pm. He was accommodated in the reception area where, on 14 May 2011 at 7.50 pm, he first violated house rules by throwing a tray with food against the wall. Since there were traces of superficial cuts on his arms, a member of the healthcare staff was notified accordingly. She established that the alien's arms showed old traces of self-inflicted cuts that he had scratched. The alien firmly refused to take a sedative offered, or treatment for bleeding and scratched old cuts. Following agreement with the doctor, he was given a sedative. At 9.05 pm on the same day, he also tried to commit suicide by suffocation – he was found lying on a table, with a black garbage bag pulled over his head and tied around the neck. A member of the AC's medical staff was notified of this incident. She examined the alien and communicated her findings to the doctor. Following telephone instructions given by the doctor, he was administered a sedative (one ampoule of Apaurin). In order to prevent further self-inflicted harm, body cuffs were applied to the alien, who was then under constant police supervision all until 9.00 am on 15 May 2011, when it was established that he had calmed down and no longer required the use of body cuffs. Since then, medical documentation contains no entry concerning this person. Another measure applied was the examination of the alien carried out by a member of the medical staff at 2.40 pm, while the alien remained under constant police supervision. At 7.15 pm, a police officer, by means of video surveillance, saw that the alien was hitting his head against the wall. In order to prevent further self-inflicted harm, body cuffs were again applied to the alien. However, he continued to behave in the aforementioned manner. On that day, the alien refused to take breakfast, lunch and dinner. In agreement with the officer in charge of the shift, the member of the medical staff this time administered a sleeping and tranquilising drug to the alien by injection at 9.10 pm. This was recorded in the document relating to the use of body cuffs. Medical documentation contains no record of either this injection or of any consultation with the doctor. Moreover, no doctor was present at the time in question. There is also no record as to who examined the alien on that day or who called the doctor or psychiatrist. The next day, i.e. on 16 May 2011, the alien was escorted to the Ješane border crossing where he was handed over to Croatian security authorities.

⁴The head of the Centre explained that in 2010, 15 aliens embarked on a hunger strike that lasted two to seven days on average. However, none of the aliens suffered any harm (according to the head of the Centre, the staff takes into account the principles of the Declaration of Malta on Hunger Strikes in such cases). During the same period, four aliens attempted suicide or self-inflicted harm. In the NPM's view, the aforementioned events require an increased effort by the entire AC staff, and reflect the need for enhanced medical (psychiatric) assistance.

languages they understand, since most aliens accommodated in the Centre cannot understand menus drafted in Slovene, which therefore do not serve their purpose⁵.

NPM: We propose that the AC attempt to find new or other ways to (increasingly) motivate aliens to participate in organised activities⁶.

menus into English as the most widespread language understood by the majority of aliens. Should it prove necessary that menus be translated into any other language, the AC will ensure the translation required. The translated version of the menu is displayed in the dining hall and common areas where aliens are accommodated.

MI: The organisation of various activities for aliens during their stay at the AC, where they are subject to restricted movement, is very important. Therefore, the Centre's experts strive to motivate aliens by means of various activities, something that you may establish yourself during your visit, and something that the AC will continue to pursue. Despite the ongoing search for new methods to better motivate aliens to take interest and participate in these activities, the AC is not able to influence the aliens' willingness to participate.

⁵We only managed to obtain a menu written in the Slovene language, while the head of the AC explained that menus are not translated in foreign languages at all.

⁶In connection with the activities organised for aliens, the head of the AC repeatedly highlighted the efforts of the AC's social workers (organising the manufacture of various products, such as New Year's cards, and encouraging aliens to engage in manual skills, such as embroidering or drawing) and the cooperation of the Jesuit Refugee Service. Although no complaints were raised with us by the aliens on this topic, we nevertheless did not notice any significant changes compared to previous years. Also on this occasion, aliens were mostly sitting or lying around idly, watching TV and at times speaking to each other.