



SLOVENIA | Responses of the Human Rights Ombudsman of the Republic of Slovenia to the refugee crisis in 2015

The Human Rights Ombudsman of the Republic of Slovenia (hereinafter: Ombudsman) has been very closely monitoring the situation concerning refugees and migrants headed for northern Europe through the territory of the Republic of Slovenia. In order to obtain all relevant information on actual problems and potential violations of human rights and fundamental freedoms, the Ombudsman regularly visits reception and accommodation centres in which refugees are temporarily accommodated, conducts interviews with them, communicates with representatives of Slovenian authorities (the government, ministries, the police, the military, civil protection) and, particularly, intensely cooperates with representatives of NGOs and humanitarian organisations (civil society).

At the onset of the refugee crisis in 2015, the Ombudsman organised a meeting with representatives of civil society active in the field

of refugee issues and asylum policy, who pointed to insufficient preparedness of the state for a more massive wave of migrants and to other issues related to the provision of minimum standards with regard to the observance of rights of migrants, refugees, and asylum seekers. They also pointed out that Slovenian legislation would urgently need to be amended in order to more appropriately regulate the treatment of refugees – according to them, punishment of refugees, charging them for accommodation in reception centres and separating them on the basis of their country of origin are unacceptable, as they all enjoy equal protection under international treaties. The unresolved issue of accommodating unaccompanied minors and families with minors in centres in which their freedom of movement is restricted or in which they are deprived of liberty poses a great problem.

Starting in the middle of 2015, the Ombudsman carried out many (unannounced on several occasions) visits to reception and accommodation centres along the border with the neighbouring countries of Croatia and Austria as well as in Slovenia's interior. Several control (repeated) visits were also carried out.

In particular, the initial problems were as follows: issuing of penalty notices due to illegal crossing of the border (at the beginning of the refugee wave); problems related to separation of families and their reuniting; difficulties in communication with refugees due to the insufficient number of translators or interpreters; insufficiently informed refugees, which caused tensions between refugees and officials; undefined criteria according to which refugees were distributed to various centres; difficulties in coordination of activities of volunteers, NGOs and humanitarian organisations; insufficient flow of information, which led to situations in which refugees waited in the border area despite accommodation capacities being available; transporting of children by bus during the night; alleged discrimination at reception and registration on the basis of nationality or race; insufficient quantities of water and food and inadequate hygienic conditions at border crossings.



Despite the Ombudsman's calls for improvements and efforts made by the authorities to improve the situation, the Ombudsman still observes that the questions as to the legal basis for de facto restriction of the refugees' freedom of movement in accommodation centres have not been entirely clarified. The Ombudsman devoted attention to these issues particularly during special visits that were carried out by the National Preventive Mechanism against torture (NPM), whose tasks are performed by the Ombudsman. NPM representatives investigated the treatment of persons who were de facto deprived of liberty. Namely, according to our opinion, de facto restricted movement of refugees only to the area of accommodation centres nevertheless represents deprivation of liberty. According to our findings, conditions for personal hygiene were inadequate and the number of sanitary facilities was insufficient for refugees as well as for the workers from the police, the civil initiative, NGOs and humanitarian organisations. Later on, Slovenian authorities gradually eliminated this deficiency by installing a larger number of sanitary facilities.

For refugees, the greatest distress is caused by uncertainty related to the further course of their journey and the fact that they are subjected to numerous procedures while crossing Slovenia, which violate their human dignity and separate families.

Based on the above-mentioned findings, the Ombudsman proposed that the Government of the Republic of Slovenia eliminates all deficiencies, in particular those related to respect of human rights and fundamental freedoms at border crossing entry points, especially by speeding-up the reception and registration of refugees, by providing a sufficient number of translators and interpreters in accommodation centres and at border entry points and by informing refugees of the reasons for their accommodation in centres, the procedures to which they will be subjected and when they will be able to proceed with their journey. We also insisted that the Government does more for the improvement of communication with the

neighbouring countries and proposed the setting-up of a humanitarian corridor through the Republic of Slovenia.

Some problems that were pointed out by the Ombudsman in its reports, which are publicly available on [our special website designated for refugees](#), and in its letters and appeals to public authorities, have been solved and deficiencies have already been eliminated. Therefore, the Ombudsman has now expressed its satisfaction, several times, with the fact that the initial chaotic situation was overcome so well, particularly by the efforts of civil protection, police and NGOs, which led to the elimination of deficiencies to which the Ombudsman had persistently pointed and demanded more humane treatment of refugees.

The Ombudsman also established cooperation with Ombudswoman Lora Vidović, the Attorney-General of the Republic of Croatia. We asked her to intervene in dealing with issues of uncontrolled crossing of the green border between Croatia and Slovenia, particularly with regard to the most vulnerable groups (children, pregnant women, disabled and elderly persons). Namely, crossing the cold border river may pose health hazards and even threaten the lives of refugees. We were very happy with the Ombudswoman's response and intervention in ensuring more humane treatment of refugees.



She, on the other hand, turned our attention to alleged discrimination of refugees and migrants by Slovenian authorities, which we duly investigated.

In this period, we also noticed the emergence of hate speech against refugees, particularly on social networks (Twitter, Facebook, etc.). While the Ombudsman is not taking a position on the published substance on a daily basis, it has nevertheless publicly pointed to and called for public expression of views and opinions without the elements of hate speech.