

ANNUAL REPORT  
OF THE NATIONAL PREVENTIVE MECHANISM  
FOR 2016







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 2016**

Ljubljana, april 2017



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# 1

## IMPLEMENTATION OF THE DUTIES AND POWERS OF THE NATIONAL PREVENTIVE MECHANISM

### 1.1 General

In 2006 in accordance with the Act ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>1</sup> the Human Rights Ombudsman assumed important **duties and powers of the National Preventive Mechanism (NPM)**. By being entrusted with the tasks and powers of the NPM, the Ombudsman became an integral part of a generally applicable system under the auspices of the United Nations, which enforces (additional) mechanisms to prevent torture and other forms of ill-treatment of people deprived of liberty at the international and national level. This system is particularly based on **regular visits to places of deprivation of liberty**. These are preventive visits, the purpose of which is to prevent torture or other ill-treatment before it occurs. In addition to the Sub-Committee on Prevention against Torture (SPT) established by the United Nations, the Optional Protocol introduces the so-called NPM, whose task is to regularly visit all, or any, places where persons are or could be accommodated where deprivation of liberty is suspected.

The Optional Protocol entered into force on 22 June 2006, so 2016 marks its 10th anniversary. On that occasion, the internationally recognised organisations of civil society again pointed out to countries around the world the need to renew their commitment to implement measures for the efficient protection of persons deprived of their liberty from torture and other forms of ill-treatment (this statement is included in the appendix of this Report).

### 1.2 Act ratifying the Optional Protocol

The Act ratifying the Optional Protocol (Article 5) determines that the **duties and powers of the NPM are to be implemented by the Ombudsman. It also stipulates that non-governmental organisations (NGOs) registered in the Republic of Slovenia and organisations which hold the status of humanitarian organisations in the Republic of Slovenia and which deal with the protection of human rights or fundamental freedoms, particularly in the field of preventing torture and other cruel, inhuman or degrading treatment or punishment, may participate with the Ombudsman in the supervision of places of detention and in the examination of the treatment of persons deprived of their liberty.** The organisations implementing supervision together with the Ombudsman's office are selected by the Ombudsman on the basis of a public call. The Act ratifying the Optional Protocol also stipulates that the persons from selected organisations which will be participating in the implementation of duties and powers of the NPM have to provide a preliminary written statement that when implementing these duties and powers they will observe the Ombudsman's instructions and regulations on the protection of personal and confidential data, which are also applicable to the Ombudsman, her deputies and staff. The costs of, and remuneration of, persons from organisations conducting tasks or implementing powers are covered by the Ombudsman from its budget headings according to the rules issued on the basis of

<sup>1</sup> Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 114/06 – International Treaties, No. 20/06.

the prior consent of the minister responsible for finance. The rules are published in the Official Gazette of the Republic of Slovenia. On this basis, the Ombudsman issued the **Rules on the reimbursement of costs and remuneration of persons from organisations performing tasks or executing authorisations according to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.**<sup>2</sup>

In December 2014,<sup>3</sup> the Ombudsman published a new public procurement, no. 12.1-4/2014-1, for the selection of NGOs for cooperation in the implementation of duties and powers of the NPM for the 2015–2017 period, with the possibility of an extension for an additional year.

Eight NGOs applied to the public procurement, i.e. Novi paradoks (NP), the Association for Developing Voluntary Work Novo mesto (Association), Humanitarno društvo Pravo za vse (Pravo za vse), Caritas Slovenia (Caritas), SKUP – Community of Private Institutes (SKUP), the Legal-Informational Centre for NGOs (PIC), the Peace Institute (MI) and the Slovenian Federation of Pensioners' Associations (ZDUS). All bids were timely and met the criteria determined in the public procurement, and all were selected for cooperation with the Ombudsman in the implementation of duties and powers of the NPM. The Ombudsman also cooperated with representatives of these organisations in 2016 during the implementation of the duties and powers of the NPM.

It was thus decided at the end of 2014 that a special NPM unit would be established in 2015, which will not discuss individual complaints, but only conduct visits and other NPM duties. In addition to the Deputy Ombudsman, Ivan Šelih, who is the head of the NPM, the unit in 2016 also included Robert Gačnik, (B.A. (criminal justice and security), specialist in criminal investigation, the Ombudsman's adviser/councillor (responsible particularly for visiting prisons, police stations, aliens and asylum centres), mag. Jure Markič, the Ombudsman's adviser/senior councillor, (B.A. (law)) (responsible for visiting social care institutions and psychiatric hospitals) and Lili Jazbec, the Ombudsman's adviser/councillor, professor of defectology for behavioural and personality disorders and institutional education science (responsible for visiting juvenile institutions and jointly responsible for social care institutions). **Both of the Ombudsman's activities (preventive, including NPM duties, and reactive, including the examination of individual complaints) were thus completely separated.** The need for this separation is explicitly stipulated in Item 32 of the Guidelines on national preventive mechanisms (SPT)<sup>4</sup> adopted in Geneva in November 2010, which determines that “where the body designated as the NPM performs other functions in addition to those under the Optional Protocol, its NPM functions should be located within a separate unit or department, with its own staff and budget”.

Such division of the Ombudsman's activities was also observed in 2016. We find that the decision to make this division of the Ombudsman's activities was appropriate. The implementation of tasks and powers of the NPM is now much more organised and effective, which is also reflected in the number of visits to different locations (for example, we conducted 39 visits in the role of NPM in 2014, 67 in 2015, and as many as 80 in 2016). The improved organisation of work contributes to better preparation for individual visits, their execution and drafting of reports on visits. Due to the different distribution of work, an adviser on discussing individual complaints had to be replaced. Furthermore, more visits also incur higher costs (for cooperation with the selected NGOs and the execution of visits). The need to improve the participation of doctors/experts on individual NPM's visits also requires more funds.

### 1.3. Activities of the NPM

When implementing its duties and powers, the NPM's **visits (while conducting its annual programme of visits) all locations in the Republic of Slovenia where persons are deprived of their liberty, and inspects how such persons are treated, in order to strengthen their protection against torture and other forms of cruel, inhuman or humiliating treatment or punishment. While observing suitable legal norms, the NPM makes recommendations to the relevant authorities to improve the conditions and treatment of people and prevent torture and other forms of cruel, inhuman or degrading**

2 The Rules were published in the Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 17/2008. The Rules were partly amended in 2011 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 20/2011).

3 Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 92/2014 of 19 December 2014.

4 Available at: <http://www.ohchr.org/EN/HRBodies/OPCAT/Pages/NationalPreventiveMechanisms.aspx>.



**treatment or punishment. In this regard, it may also submit proposals and comments on applicable or drafted acts.**

Official places of deprivation of liberty in the Republic of Slovenia include in particular:

- prisons and all their units and Radeče Juvenile Correctional Facility,
- educational institutions,
- certain social care institutions – retirement homes and special social care institutions,
- psychiatric hospitals,
- detention rooms at police stations and Ljubljana Police Detention Centre,
- the Aliens Centre and the Asylum Centre,
- detention rooms operated by the Slovenian Armed Forces, and
- all other locations as per Article 4 of the Optional Protocol (for example, police intervention vehicles, etc.).

As the NPM, the Ombudsman engages experts with the widest range of recommended specialist knowledge. Since selected NGOs cannot provide certain other suitable experts and because the Ombudsman does not dispose of an expert in the field of medical care, certain external experts had to be engaged. On the basis of a public call for proposals for the purpose of recruiting doctors/expert specialists to help the Ombudsman to establish, clarify or evaluate evidence of torture or other forms of cruel, inhuman or degrading treatment or punishment, or to support the Ombudsman during visits to places of deprivation of liberty with suitable expert knowledge which the Ombudsman lacks, the Ombudsman selected doctors/expert specialists. In 2016, we cooperated with Dr Peter Pregelj, specialist/psychiatrist, and Dr Milan Popovič, specialist in general surgery. In one case, we sought the assistance of external expert, Dr Darja Boben Bardutzky, specialist/psychiatrist. An individual expert selected from the list by the Ombudsman as per the type and place of an individual visit performs their tasks according to the orders and instructions of the Ombudsman and in cooperation with the Ombudsman's expert colleagues by participating in planned visits and providing written replies to the Ombudsman's questions in the role of the NPM and providing their own findings, particularly on the suitability of medical care and the treatment of people deprived of liberty.

The selected NGOs implement their tasks and powers with persons qualified for individual fields of supervision as members of a group appointed by the Ombudsman to implement supervision in places of deprivation of liberty and the examination of treatment of people deprived of liberty. **The group implementing supervision is thus composed of the Ombudsman's representatives and selected organisations who observe the programme of visits adopted by the Ombudsman in cooperation with the selected organisations. If necessary, other circumstances demanding an immediate visit are also taken into account.**

The NPM drafts a comprehensive (final) **report on the findings established at the visited institution** after each visit. The report also covers proposals and recommendations for the elimination of established irregularities and to improve the situation, including measures to reduce the possibilities of improper treatment in the future. The Ombudsman's representatives and the representatives of the selected NGOs participate in drafting the report on the visit. All participants, including NGO representatives, must prepare a brief report on their findings, together with proposals, which form part of the report on the implemented supervision. The report is submitted to the competent authority (i.e. the superior body of the visited institution) with a proposal that the authority take a position on the statements or recommendations in the report and submit it to the Ombudsman by a determined deadline. The institution concerned also receives the report, and a preliminary report is drafted in certain cases (when visiting social care institutions and psychiatric hospitals).

A representative of the Ombudsman is usually responsible for preparing the report on the visit, although a person from a selected NGO may also be appointed for this purpose. On the basis of the final report, the response of the competent authority and possible additional observations of the NPM, a **brief report** is published online after each visit.<sup>5</sup>

<sup>5</sup> See: <http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/>.

## Brief statistics on NPM's visits and other activities in 2016

In 2016, the NPM visited 80 places of deprivation of liberty, i.e.:

- 34 visits to detention rooms at police stations;
- 24 visits to social care institutions;
- 7 visits to prisons;
- 3 visits to special social care institutions;
- 4 visit to educational institutions treating children and adolescents with emotional and behavioural disorders;
- 5 visits to psychiatric hospitals, and
- 3 visits to locations of deprivation of liberty of aliens.

In six cases, the visits were thematic (we visited three retirement homes, two psychiatric hospitals and one special social care institution), while we conducted 14 control visits. Most visits were conducted without prior notification; only one visit was notified in advance (visit to a prison due to the attendance of a foreign observer).

More information on NPM's visits in 2016 is provided in tables below and in the review of NPM activities in the appendix.

## General data on visits in 2016

	Police stations	Prisons	Migrant centres	Aliens Centre	Psychiatric hospitals	Special social care institutions	Retirement homes	Residential treatment institutions	TOTAL
<b>Number of visits</b>	<b>34</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>3*</b>	<b>24</b>	<b>4</b>	<b>80</b>
Number of one-day visits	34	5	2	1	4	3	24	4	77
Number of two-day visits		2			1				3
Announced visits		1 (attended by a representative of NPM Austria)							1
Unannounced visits	34	6	2	1	5	3	24	4	79
Regular visit	34	6	1	1	2	1	11	4	60
Control visit		1	1		1	1	10		14
Thematic visit					2	1	3		6
In the morning	34	7	2	1	3	2	21	2	72
In the afternoon								2	2
At night									0
At weekends					2	1	3		6
Attended by an expert		3			2	1	1		7

\*We visited two special social care institutions and a unit of a combined institution, which is a special institution.

## Number of NGO members and active members

	Number of all members	Number of active participants
Pravo za vse	19*	6
PIC	4	4
Peace Institute	4	3
Novi paradoks	6	4
Caritas	1	0
ZDUS	8	5
Association for Developing Voluntary Work Novo mesto	4	2
SKUP	6	4
<b>TOTAL</b>	<b>51</b>	<b>28</b>

\* One member of Pravo za vse stopped participating during the year, but she attended (at least) one visit.

## Participation of NGOs in visits to individual institutions and preparation of the 2016 final report

	Police stations	Prisons	Migrant centres	Aliens Centre	Psychiatric hospitals	Special social care institutions	Retirement homes	Residential treatment institutions
Pravo za vse	1	3	1		1	1	11	5
Final report		1					5	1
PIC	4	2					1	1
Final report	<sup>3</sup> (for 9 visited police stations)						1	1
Peace Institute	1	2		1			4	
Final report	1 (for 3 visited police stations)	2						
Novi paradoks					4		1	1
Final report								1
Caritas								
Final report								
ZDUS		1			3		4	1
Final report								
Association for Developing Voluntary Work Novo mesto	2						1	
Final report	2 (for 6 visited police stations)							
SKUP	4	1	1	1	2	2	10	

Final report	4 (for 12 visited police stations)		1		1	1	6	
<b>Total of reports prepared</b>	<b>10</b> (for 30 visited police stations)	<b>3</b> (for 3 visited prisons)	<b>1</b> (1 for control visit)	/	<b>1</b>	<b>1</b>	<b>12</b>	<b>3</b>

**The NPM may also submit proposals and comments regarding applicable or draft acts (Article 19 of the Optional Protocol).** By providing comments in 2016, we participated in drafting the amendments to Police Tasks and Powers Act, the Criminal Procedure Act, the Criminal Code (KZ-1E) and other regulations. In the procedure for passing the **amendments to the KZ-1E**, we commended the definition of purpose of punishment, since we believe it is necessary and useful, particularly in the field of enforcing penal sanctions. We also proposed a consideration regarding the **definition of the purpose of punishment to particularly emphasise the need to give meaning to time spent in prison, as highlighted in the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)** under Rule 4 stating that a period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life. To this end, prison administrations and other competent authorities should offer education, vocational training and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and health- and sports-based nature. All such programmes, activities and services should be delivered in accordance with the individual treatment needs of prisoners. **The proposed KZ-1E anticipated the elimination of life imprisonment.** We also commended this proposed amendment. The Ombudsman has had reservations since the introduction of life imprisonment. This was regarded as a strictly political decision. The Ombudsman then noted that arguments provided by the Ministry of Justice as grounds for introducing this punishment were not convincing. We also added that the severity of punishment did not reduce the number of criminal offences, but rather the state's success in detecting and prosecuting perpetrators. **The main objective of imprisonment must be the social rehabilitation of a convicted person who is to be released, not merely the person's isolation.**

## 1.4 Realisation of NPM recommendations

**The implementation of NPM recommendations is a commitment of the State Party to the Optional Protocol.** According to Article 22 of the Optional Protocol, the competent authorities of the State Party must address NPM recommendations and establish a dialogue with it on possible measures to realise the recommendations. The success of realising the recommendations from NPM's visits in 2016 are presented **in the continuation of this Report** by providing all recommendations from individual NPM's visits according to substantive sets and responses from individual authorities to our recommendations. Every recommendation was marked to indicate whether the relevant institution and/or superior ministry had accepted the NPM recommendation (⊕) and implemented it (✔), or failed to accept it (⊖). When feedback was not received (this also applies if the response report from the institution concerned was not received during the drafting of this Report), we marked this with "No data" or (⊛). The realisation of these and all other recommendations is regularly verified during our future visits to the relevant institutions.

		RECOMMENDATIONS				
INSTITUTIONS VISITED	No. of locations	Realised	Accepted	Rejected	No data	Total
Police stations	34	107	66	27	4	204
Aliens Centre	1	4	8	3	0	15
Psychiatric hospitals	5	21	26	7	12	66
Social care institutions	24	84	59	3	40	186
Special social care institutions	3	0	5	1	17	23
Prisons	7	56	44	8	0	108

Residential treatment institutions	4	11	36	6	6	59
Entry and reception centres for refugees/migrants	2	4	2	5	3	14
<b>TOTAL</b>	<b>80</b>	<b>287</b>	<b>246</b>	<b>60</b>	<b>82</b>	<b>675</b>

In addition to the most important preventive effect of these visits, whose purpose is to prevent torture or other ill-treatment before it occurs, we also discovered that the living conditions and treatment of persons deprived of liberty improved in many institutions due to our recommendations. This is also seen in the number of the recommendations already realised from the total of 674 recommendations in 2016, which is 287 (or 42.5%) and 240 accepted recommendations (35.6%), or the share of rejected recommendations (9.6%).

## 1.5 International and other activities of the NPM

In addition to visiting places of deprivation of liberty, the NPM is also engaged in many other activities, such as preparing proposals and comments on applicable or drafted acts, preparing and giving presentations to foreign delegations or visitors, preparing replies to questions from different NPM networks and other authorities, participating at meetings etc. NPM members participate at national and international events by presenting our operations and current experience. We also organise discussions with representatives of individual state authorities (also ministers) and present the Ombudsman's work in this field elsewhere (the Police Academy in Tacen, Faculty of Criminal Justice and Security, press conferences, training for judicial police officers). Various forms of training and work meetings are organised for all NPM members (including participating NGOs) at which we discuss aspects of our joint operations with the NGOs. We remain active in the **South-East Europe NPM Network**,<sup>6</sup> the purpose of which is *inter alia* to establish better cooperation, exchange experience and implement numerous joint activities to improve the efficiency of performing duties and powers of the NPM in South East Europe which derive from the Optional Protocol.

## 1.6 Conclusion

We believe that, **in cooperation with the selected NGOs, the Ombudsman continued to ensure the efficient implementation of the duties and powers of the NPM in 2016, which is evident from the issued recommendations provided below.**

On the whole, we are pleased with the response of the relevant authorities (especially institutions that were visited) to our findings and recommendations for improving situations, since they show a readiness to cooperate. We particularly note that the institutions visited in 2016 are trying to take all the measures needed to make improvements which are in their domain. We are pleased to establish that the findings, proposals and recommendations for improvements made by the Ombudsman within the duties and powers of the NPM frequently result in an improvement in conditions and the treatment of persons deprived of liberty. We strive to further enhance and deepen cooperation with the relevant ministries, particularly regarding issues which demand systemic changes in the field.

**In conclusion, we highlight that the NPM's operations significantly contribute to improving the situation of persons deprived of liberty.**

<sup>6</sup> See: <http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/south-east-europe-npm-network/>.

# 2

## REVIEW OF NPM'S VISITS IN 2016

Date	Location	Description of visit	Participants
<b>1. 18 and 19 January 2016</b>	Ljubljana	Unannounced visit to Ljubljana Psychiatric Hospital. On the first day of the visit, the Ombudsman spoke to the Director, Dr Bojan Zalar, and the Medical Director, Dr Blanka Kores Plesničar, about conditions in the hospital and the treatment of patients; in their company, she also visited several secure wards.	The visit was conducted by the Ombudsman, the Ombudsman's advisers, mag. Jure Markič and Lili Jazbec, and NGO representatives, Nika Mori and Zelina Ferlič (both from Novi Paradoks), Miljanka Simšič (ZDUS, 18 January 2016) and Nives Jakomin Škrlič (19 January 2016). When reviewing medical and health care in the hospital on 19 January 2016, Dr Darja Boben-Bardutzky attended the visit as the external expert.
<b>2. 27 January 2016</b>	Šentilj	Unannounced visit to 'Šentilj tent camp' migrant accommodation centre; inspection of conditions and accommodation capacities for migrants and discussion with staff and migrants who wanted an opportunity to speak.	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Mateja Veingerl (Humanitarno društvo Pravo za vse).
<b>3. 2 February 2016</b>	Maribor	Unannounced visit to Maribor Youth Centre and two residential groups	Lili Jazbec (Ombudsman), Nives Jakomin Škrlič (Slovenian Federation of Pensioners' Associations) and Tamara Žajdela (Pravo za vse).
<b>4. 9 February 2016</b>	Trebnje	Unannounced visit to Trebnje Retirement Home	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Mirjam Hribar (Association for Developing Voluntary Work Novo mesto).

<b>Date</b>	<b>Location</b>	<b>Description of visit</b>	<b>Participants</b>
<b>5. 10 February 2016</b>	Škofja Loka	Unannounced visit to Škofja Loka Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Primož Križnar (SKUP – Community of Private Institutes).
<b>6. 10 February 2016</b>	Kranj	Unannounced visit to Kranj Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Primož Križnar (SKUP).
<b>7. 10 February 2016</b>	Bled	Unannounced visit to Bled Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Primož Križnar (SKUP).
<b>8. 17 February 2016</b>	Dobova	Unannounced control visit to 'Stara Livarna' reception centre in Dobova Verification of the realisation of recommendations from the previous visit and general inspection of the reception centre	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Jure Trbič (SKUP).
<b>9. 23 February 2016</b>	Logatec	Unannounced visit to Logatec Juvenile and Education Institution	The visit was carried out by the Ombudsman's adviser, Lili Jazbec, Ana Hederih (Pravo za vse) and Ana Repič (Legal-Informational Centre for NGOs – PIC).
<b>10. 24 February 2016</b>	Kranj	Unannounced control visit to Kranj Retirement Home	The visit was carried out by the Ombudsman's advisers, mag. Jure Markič and Lili Jazbec, and Mojca Frelj (Peace Institute).
<b>11. 3 March 2016</b>	Maribor	Unannounced control visit to the Unit for Forensic Psychiatry of the Department of Psychiatry of Maribor University Medical Centre and inspection of all secure wards	The visit was carried out by the Ombudsman's advisers, mag. Jure Markič and Robert Gačnik, Stanka Radojičič (ZDUS) and Mateja Markovič (Novi Paradoks).
<b>12. 15 March 2016</b>	Črnuče	Unannounced visit to Črnuče Retirement Home	The visit was conducted by the Ombudsman's adviser, Lili Jazbec, Mateja Veingerl (Pravo za vse) and Ajda Vodnjov (SKUP).
<b>13. 16 March 2016</b>	Dravograd	Unannounced visit to Dravograd Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Barbara Marić (PIC).

<b>Date</b>	<b>Location</b>	<b>Description of visit</b>	<b>Participants</b>
<b>14. 16 March 2016</b>	Ravne na Koroškem	Unannounced visit to Ravne na Koroškem Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Barbara Marić (PIC).
<b>15. 16 March 2016</b>	Slovenj Gradec	Unannounced visit to Slovenj Gradec Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Barbara Marić (PIC).
<b>16. 24 March 2016</b>	Velika Polana	Unannounced visit to Danijel Halas Home in Velika Polana	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Mateja Veingerl (Pravo za vse).
<b>17. 29 March 2016</b>	Smlednik	Unannounced visit to Smlednik Education Institution	The visit was carried out by the Ombudsman's adviser, Lili Jazbec, Mateja Veingerl and Ana Hederih (Pravo za vse).
<b>18. 31 March 2016</b>	Maribor	Unannounced visit to Maribor I Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Primož Križnar (SKUP).
<b>19. 31 March 2016</b>	Maribor	Unannounced visit to Maribor II Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Primož Križnar (SKUP).
<b>20. 31 March 2016</b>	Slovenska Bistrica	Unannounced visit to Slovenska Bistrica Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Primož Križnar (SKUP).
<b>21. 7 April 2016</b>	Juršinci	Unannounced visit to Ptuj Retirement Home, Juršinci Unit	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Tamara Žajdela (Pravo za vse).
<b>22. 14 April 2016</b>	Trnovo – Ljubljana	Unannounced visit to Trnovo Retirement Home	The visit was conducted by the Ombudsman's adviser, Lili Jazbec, Mateja Veingerl (Pravo za vse) and Mateja Frelih (Peace Institute).
<b>23. 15 April 2016</b>	Dob	Control visit to Dob Prison regarding the provision of health care for prisoners	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Dr Zdenka Čebašek-Travnik, NPM expert.
<b>24. 10 May 2016</b>	Dutovlje	Unannounced visit to Dutovlje Special Social Care Institution	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Jure Trbič (SKUP).



<b>Date</b>	<b>Location</b>	<b>Description of visit</b>	<b>Participants</b>
<b>25. 10 May 2016</b>	Trbovlje	Unannounced visit to Franc Salamon Retirement Home in Trbovlje	The visit was conducted by the Ombudsman's adviser, Lili Jazbec, Mateja Veingerl (Pravo za vse) and Nika Mori (Novi Paradoks).
<b>26. 12 May 2016</b>	Nova Gorica	Unannounced visit to Koper Prison, Nova Gorica Unit	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Maja Ladič (Peace Institute).
<b>27. 18 May 2016</b>	Idrija	Unannounced visit to Idrija Psychiatric Hospital	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, Nika Mori (Novi Paradoks) and Jure Trbič (SKUP). When reviewing medical and health care in the prison, Dr Peter Pregelj attended the visit as the external expert.
<b>28. 20 May 2016</b>	Brežice	Unannounced visit to Brežice Police Station	The visit was carried out by the Ombudsman's adviser, Robert Gačnik, and Anja Kirn Hrovat (Association for Developing Voluntary Work Novo mesto).
<b>29. 20 May 2016</b>	Krško	Unannounced visit to Krško Police Station	The visit was carried out by the Ombudsman's adviser, Robert Gačnik, and Anja Kirn Hrovat (Association for Developing Voluntary Work Novo mesto).
<b>30. 20 May 2016</b>	Sevnica	Unannounced visit to Sevnica Police Station	The visit was carried out by the Ombudsman's adviser, Robert Gačnik, and Anja Kirn Hrovat (Association for Developing Voluntary Work Novo mesto).
<b>31. 24 May 2016</b>	Ljubljana	Unannounced visit to Jarše Youth Home	The visit was conducted by the Ombudsman's adviser, Lili Jazbec, Mateja Veingerl (Pravo za vse) and Nika Mori (Novi Paradoks).
<b>32. 2 June 2016</b>	Radenci	Unannounced visit to Radenci Retirement Home	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Mateja Veingerl (Humanitarno društvo Pravo za vse).
<b>33. 2 June 2016</b>	Logatec	Unannounced visit to Logatec Retirement Home	The visit was conducted by the Ombudsman's adviser, Lili Jazbec, and Ajda Vodnov and Katja Piršič (SKUP).

<b>Date</b>	<b>Location</b>	<b>Description of visit</b>	<b>Participants</b>
<b>34. 8 and 9 June 2016</b>	Ljubljana	Unannounced visit to Ljubljana Prison	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Miha Nabergoj (PIC). On 15 June 2016, the prison was also visited by an external expert, Dr Milan Popovič, specialist in general surgery, in order to examine medical and health care.
<b>35. 9 June 2016</b>	Izlake	Unannounced control visit to Polde Eberl Jamski Retirement Home in Izlake	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Ana Cajnko (ZDUS).
<b>36. 22 June 2016</b>	Ljubljana	Visit to Ljubljana Bežigrad Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Boris Nusdorfer (PIC).
<b>37. 22 June 2016</b>	Idrija	Unannounced visit to Idrija Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Boris Nusdorfer (PIC).
<b>38. 22 June 2016</b>	Tolmin	Unannounced visit to Tolmin Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Boris Nusdorfer (PIC).
<b>39. 28 June 2016</b>	Medvode	Unannounced visit to Medvode Retirement Home	The visit was carried out by the Ombudsman's adviser, Lili Jazbec, Ajda Vodnov (SKUP) and Mateja Veingerl (Pravo za vse).
<b>40. 20 and 21 July 2016</b>	Maribor	Announced visit to Maribor Prison	The visit was carried out by Deputy Ombudsman Ivan Šelih, the Ombudsman's adviser, Robert Gačnik, Mateja Veingerl (Pravo za vse) and Katja Piršič (SKUP). Dr Peter Kastner, representative of the Austrian Ombudsman, attended the visit as an observer.
<b>41. 27 July 2016</b>	Ormož	Unannounced visit to Ormož Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and mag. Mojca Frelih (Peace Institute).

<b>Date</b>	<b>Location</b>	<b>Description of visit</b>	<b>Participants</b>
<b>42. 27 July 2016</b>	Gorišnica	Unannounced visit to Gorišnica Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and mag. Mojca Frelj (Peace Institute).
<b>43. 27 July 2016</b>	Ptuj	Unannounced visit to Ptuj Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and mag. Mojca Frelj (Peace Institute).
<b>44. 2 August 2016</b>	Slovenske Konjice	Unannounced control visit to Lambrecht Retirement Home in Slovenske Konjice	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Ana Černek (Pravo za vse).
<b>45. 4 August 2016</b>	Laško	Unannounced visit to Laško Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Primož Križnar (SKUP).
<b>46. 4 August 2016</b>	Celje	Unannounced visit to Celje Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Primož Križnar (SKUP).
<b>47. 4 August 2016</b>	Šentjur pri Celju	Control visit to Šentjur pri Celju Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Primož Križnar (SKUP).
<b>48. 10 August 2016</b>	Podbrdo	Unannounced visit to Podbrdo Retirement Home, Tolmin Unit	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Jure Trbič (SKUP).
<b>49. 24 August 2016</b>	Murska Sobota	Unannounced visit to Maribor Prison, Murska Sobota Unit	The visit was carried out by Deputy Ombudsman and Head of the National Preventive Mechanism, Ivan Šelih, the Ombudsman's adviser, Robert Gačnik, Marko Štante (Pravo za vse) and Maja Ladić (Peace Institute).
<b>50. 31 August 2016</b>	Ribnica	Unannounced visit to Ribnica Retirement Home	The visit was carried out by the Ombudsman's adviser, Jure Markič, and Ana Cajnko (Slovenian Federation of Pensioners' Associations (ZDUS)).

<b>Date</b>	<b>Location</b>	<b>Description of visit</b>	<b>Participants</b>
<b>51. 13 September 2016</b>	Tisje	Unannounced visit to Tisje Retirement Home	The visit was carried out by the Ombudsman's adviser, Lili Jazbec, Ana Repič (PIC) and Katarina Vučko (Peace Institute).
<b>52. 14 September 2016</b>	Kranjska Gora	Unannounced visit to Kranjska Gora Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Barbara Marić (PIC).
<b>53. 14 September 2016</b>	Radovljica	Unannounced visit to Radovljica Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Barbara Marić (PIC).
<b>54. 14 September 2016</b>	Tržič	Unannounced visit to Tržič Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Barbara Marić (PIC).
<b>55. 17 September 2016</b>	Vojnik	Unannounced thematic visit to a secure ward of Vojnik Psychiatric Hospital	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Janja Cigoj (Pravo za vse).
<b>56. 17 September 2016</b>	Grmovje	Unannounced thematic visit to a secure ward of Nina Pokorn Home special social care institution in Grmovje	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Janja Cigoj (Pravo za vse).
<b>57. 17 September 2016</b>	Topolšica	Unannounced thematic visit to Zimzelen Retirement Home in Topolšica	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Janja Cigoj (Pravo za vse).
<b>58. 18 September 2016</b>	Begunje	Unannounced thematic visit to Begunje Psychiatric Hospital	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Jure Trbič (SKUP).
<b>59. 18 September 2016</b>	Jesenice	Unannounced thematic visit to Jesenice Retirement Home	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Jure Trbič (SKUP).
<b>60. 18 September 2016</b>	Radovljica	Unannounced thematic visit to Dr Janko Benedik Home in Radovljica	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Jure Trbič (SKUP).

<b>Date</b>	<b>Location</b>	<b>Description of visit</b>	<b>Participants</b>
<b>61. 22 September 2016</b>	Celje	Unannounced visit to Celje Prison and Juvenile Prison	The visit was conducted by Deputy Ombudsman Ivan Šelih, the Ombudsman's adviser, Robert Gačnik, Boris Nusdorfer (PIC) and Marija Milavec Kapun (Slovenian Federation of Pensioners' Associations).
<b>62. 10 October 2016</b>	Loka pri Zidanem Mostu	Unannounced visit to Trubar Retirement Home in Loka pri Zidanem Mostu	The visit was carried out by the Ombudsman's adviser, Lili Jazbec, Ajda Vodnjov (SKUP) and Mojca Frelih (Peace Institute).
<b>63. 6 October 2016</b>	Trebnje	Unannounced visit to Trebnje Police Station	The visit was carried out by the Ombudsman's adviser, Robert Gačnik, and Anja Kirn Hrovat (Association for Developing Voluntary Work Novo mesto).
<b>64. 6 October 2016</b>	Novo mesto	Unannounced visit to Novo mesto Police Station	The visit was carried out by the Ombudsman's adviser, Robert Gačnik, and Anja Kirn Hrovat (Association for Developing Voluntary Work Novo mesto).
<b>65. 6 October 2016</b>	Šentjernej	Unannounced visit to Šentjernej Police Station	The visit was carried out by the Ombudsman's adviser, Robert Gačnik, and Anja Kirn Hrovat (Association for Developing Voluntary Work Novo mesto).
<b>66. 19 October 2016</b>	Notranje Gorice	Unannounced control visit to Notranje Gorice Residential Centre for the Elderly	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Stanka Radojčič (ZDUS).
<b>67. 22 October 2016</b>	Postojna	Unannounced visit to Postojna Aliens Centre	The visit was carried out by Deputy Ombudsman Ivan Šelih, the Ombudsman's adviser, Robert Gačnik, Ajda Vodnjov (SKUP) and Maja Ladić (Peace Institute).
<b>68. 3 November 2016</b>	Trbovlje	Unannounced visit to Trbovlje Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Primož Križnar (SKUP).
<b>69. 3 November 2016</b>	Litija	Unannounced visit to Litija Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Primož Križnar (SKUP).

<b>Date</b>	<b>Location</b>	<b>Description of visit</b>	<b>Participants</b>
<b>70. 3 November 2016</b>	Domžale	Unannounced visit to Domžale Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Primož Križnar (SKUP).
<b>71. 10 November 2016</b>	Idrija	Unannounced visit to Idrija Retirement Home, Marof Unit	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, Slavica Smrtnik (Novi Paradoks) and Jure Trbič (SKUP). The unit was also visited by an external expert, Dr Peter Pregelj, in order to examine medical and health care.
<b>72. 22 November 2016</b>	Maribor	Unannounced visit to Danica Vogrinec Retirement Home in Maribor	The visit was carried out by the Ombudsman's advisers, mag. Jure Markič, Ana Marija Polutnik and Lili Jazbec, and Katja Piršič (SKUP) and Ana Cajnko (ZDUS).
<b>73. 23 November 2016</b>	Rogoza	Unannounced visit to Maribor Prison, Rogoza Open Prison Unit	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Mateja Veingerl (Pravo za vse).
<b>74. 1 December 2016</b>	Ljubljana Šiška	Unannounced visit to Ljubljana Šiška Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Barbara Marić (PIC).
<b>75. 1 December 2016</b>	Ljubljana Vič	Unannounced visit to Ljubljana Vič Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Barbara Marić (PIC).
<b>76. 1 December 2016</b>	Vrhnika	Unannounced visit to Vrhnika Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Barbara Marić (PIC).
<b>77. 6 December 2016</b>	Slovenske Konjice	Unannounced visit to Slovenske Konjice Police Station	The visit was conducted by the Ombudsman's adviser, Robert Gačnik, and Janja Cigoj (Pravo za vse).
<b>78. 6 December 2016</b>	Laško	Visit to Laško Retirement Home	The visit was conducted by the Ombudsman's adviser, Lili Jazbec, Jan Irgel (Pravo za vse), and Ksenija Bauer and Marijana Lukšić (experts and representatives of NPM Croatia).

Date	Location	Description of visit	Participants
79. 20 December 2016	Vukovski Dol – Jerenina	Unannounced control visit to Retirement Home Idila in Vukovski Dol	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, and Janja Cigoj (Pravo za vse).
80. 6 December 2016	Celje	Unannounced control visit to Saint Joseph Home in Celje	The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, Jure Trbič (SKUP), and Melanija Kopic and Anica Tomšić Stojkovska (external experts and representatives of NPM Croatia).

# 3

## REVIEW OF OTHER NPM'S ACTIVITIES IN 2016

**13 January 2016** – The Ombudsman and her colleagues, i.e. Deputy Ombudsmen Tone Dolčič and Ivan Šelih, Martina Ocepek, Director of the Expert Service, and Ombudsman's advisers, Jasna Vunduk, Gašper Adamič and Liana Kalčina met State Secretary Martina Vuk, who led the Ministry's team in the absence of Minister Anja Kopač Mrak, at the Ombudsman's premises. The parties spoke about the Act Concerning Social Care of Mentally and Physically Handicapped Persons, placement of minors and other persons in secure wards of (special) social care institutions on the basis of court decisions and other topical issues.

**13 January 2016** – Deputy Ombudsman Ivan Šelih and members of the National Preventive Mechanism, Ombudsman's advisers Robert Gačnik, mag. Jure Markič and Lili Jazbec met the external medical experts who cooperate with the Ombudsman within the National Preventive Mechanism (NPM) and spoke about problems they encountered during their work, the issue of daily dosage of medications and other open issues. The experts attending the meeting were Dr Zdenka Čebašek-Travnik, Dr Peter Pregelj and Dr Milan Popovič.

**22 January 2016** – Ombudsman's advisers, Miha Horvat, mag. Jure Markič, Nataša Bratož and Andreja Srebotnik, attended the conference, 'Lokar Days 2016', organised by the Section of court experts for psychiatry, the Association of medical court experts and the Slovenian Medical Association at the Medical Chamber of Slovenia in Ljubljana, where they spoke about legal and psychiatric aspects of dissociative personal disorder.

**26 January 2016** – Ombudsman's advisers, Robert Gačnik and Mojca Valjavec, attended a working consultation, 'Managing stereotypes and awareness of intercultural differences when working with migrants', at the Police Academy in Tacen. Robert Gačnik spoke about the importance of protection according to the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The consultation was organised by the General Police Directorate.

**15 February 2016** – Deputy Ombudsmen Tone Dolčič and Ivan Šelih attended the European conference, 'Children's rights behind bars, Human Rights of Children deprived of liberty: Improving Monitoring Mechanisms', which was held in Brussels (Belgium). The participants spoke about the definition of children's rights in the policies of the Council of Europe and the European Union, particularly of children deprived of their liberty, and the mechanisms for supervising locations where children deprived of liberty are accommodated.

**19 February 2016** – Deputy Ombudsman Ivan Šelih attended a conference entitled 'Refugee/migrant crisis and human rights' in Thessaloniki (Greece). At the conference, ombudsmen or representatives of national institutions for human rights from Albania, Austria, Croatia, Greece, Kosovo, the Former Yugoslav Republic of Macedonia, Serbia, Slovenia and Turkey adopted the Regional joint action plan of Ombudsman institutions. The action plan focused particularly on joint activities of Ombudsman institutions regarding protection and promotion of rights of refugees/migrants.

**22 February 2016** – Deputy Ombudsman Ivan Šelih attended training organised by the European Union Agency for Fundamental Rights (FRA), the European Border and Coast Guard Agency (Frontex) and the International Centre for Migration Policy Development (ICMPD) in Vienna (Austria). The purpose of the training was to disseminate knowledge on the observance of human rights upon the forced removal of aliens and the development of control mechanisms.

**11 March 2016** – In Dom Lukavci Special Social Care Institution near Ljutomer, Deputy Ombudsman Ivan Šelih and mag. Jure Markič examined the conditions in secure wards, particularly regarding overcrowding at these wards and thus related accommodation of certain residents in joint premises of a secured ward.

**16 March 2016** – At a special press conference held in Dom Lukavci near Ljutomer and in cooperation with representatives of social care institutions and Tanja Dolar Božič, local court judge from Celje Local Court, the Ombudsman, her Deputy and Head of the National Preventive Mechanism in Slovenia, Ivan Šelih, and mag. Jure Markič spoke about the problems of placing persons with mental disorders in secure wards of special social care institutions.

**24 March 2016** – Deputy Ombudsman Ivan Šelih attended a working meeting at the Ministry of Labour, Family, Social Affairs and Equal Opportunities, which was convened after a public warning by the Ombudsman and social care institutions at the press conference in Lukavci. Participants at the meeting addressed the problem of placing people in secure wards of social care institutions on the basis of the Mental Health Act (ZDZdr) and discussed possible solutions.

**30 March 2016** – The Ombudsman and her new Deputy, Miha Horvat, held a lecture at the Ombudsman's premises for students of the Faculty of Social Sciences on the institution of the Human Rights Ombudsman of the Republic of Slovenia and on the functioning of the National Preventive Mechanism as part of the students' subject, Policy of human rights.

**7 April 2016** – At the Ombudsman's premises, Deputy Ombudsman Ivan Šelih, Martina Ocepek, Director of the Expert Service, and Ombudsman's adviser Robert Gačnik welcomed a delegation from Macedonia to a study visit. They informed the guests about the establishment and functioning of the Human Rights Ombudsman of the Republic of Slovenia, detailed work of the National Preventive Mechanism and procedures when dealing with complaints about the work of the police.

**11 April 2016** – Ombudsman's advisers mag. Jure Markič and Lili Jazbec attended an international conference on the rights of older people, entitled 'Ageing: Rights for Empowerment' at Brdo pri Kranju. The conference discussed the issues of older people, their role in society and problems (e.g. discrimination of the elderly), including the search for potential solutions.

**13 April 2016** – The Ombudsman, her deputy Tone Dolčič and Ombudsman's advisers, mag. Jure Markič and Nataša Kuzmič, received at their premises Rosa Kornfeld-Matte, UN Independent Expert on the Enjoyment of All Human Rights by Older Persons.

**21–22 April 2016** – Deputy Ombudsman Ivan Šelih and Ombudsman's adviser mag. Jure Markič attended an international conference in Salzburg (Austria) entitled 'Homes for the elderly/care institutions and dementia – standards in health care and medication-based deprivation of liberty'. The event was organised by the Austrian Ombudsman in cooperation with the Austrian Human Rights Institute in Salzburg within the framework of the presidency of the SEE NPM Network.



**13 May 2016** – The Ombudsman and her Deputy Miha Horvat welcomed the delegation of the Ukrainian Ombudsman on their premises and presented the work of their institution.

**20 May 2016** – Deputy Ombudsman Tone Dolčič and Ombudsman's adviser Lan Vošnjak attended an international conference in Zagreb (Croatia) entitled 'Children with a parent in conflict with the law'. The conference was organised by the Croatian Ombudsman for Children and the organisation, Children of Prisoners Europe.

**20 May 2016** – In Rome (Italy), Deputy Ombudsman Ivan Šelih attended an international conference entitled 'Dignity and human rights in places of deprivation of freedom – The establishment of the National Preventive Mechanism in Italy'. The conference was organised by the Italian NGO, Antigone, which works for the protection of human rights in Italy with an emphasis on the penal system.

**24–27 May 2016** – The Ombudsman, her Deputies Tone Dolčič and Ivan Šelih, General Secretary mag. Bojana Kvas, Martina Ocepek, Director of the Expert Service, and Ombudsman's adviser Robert Gačnik were on a working visit to the Montenegro Ombudsman (Protector of Human Rights and Freedoms) in Podgorica (Montenegro). They presented the functioning of the Human Rights Ombudsman of the Republic of Slovenia, legal bases, organisation, functioning of the National Preventive Mechanism, and exchanged experience with their hosts.

**31 May 2016** – The Ombudsman handed over to Dr Milan Brglez, President of the National Assembly of the Republic of Slovenia, the 2015 Annual Report of the Human Rights Ombudsman and the 2015 Report of the National Preventive Mechanism (NPM) at the premises of the National Assembly of the Republic of Slovenia.

**31 May 2016** – At a press conference, the Ombudsman, her Deputies Tone Dolčič, Ivan Šelih and Miha Horvat, presented the main highlights from the 2015 Annual Report of the Human Rights Ombudsman of the Republic of Slovenia and the 2015 Report of the National Preventive Mechanism (NPM).

**2 June 2016** – Deputy Ombudsman Ivan Šelih and the Ombudsman's adviser Robert Gačnik attended a consultation session on the planned construction of a new prison in Ljubljana at the Institute of Criminology in Ljubljana. The consultation was organised by the Institute of Criminology and the Association for Criminal Law and Criminology of the Faculty of Law in Ljubljana.

**2 June 2016** – The Ombudsman and her Deputy Miha Horvat handed over the 2015 Annual Report of the Human Rights Ombudsman of the Republic of Slovenia and the 2015 Report of the National Preventive Mechanism (NPM) to the President of the Republic of Slovenia, Borut Pahor.

**7–8 June 2016** – Deputy Ombudsman Miha Horvat attended a consultative workshop for NPMs in Vienna (Austria), which was organised by the Ludwig Boltzmann Institute and ERA – Academy of European Law.

**8 June 2016** – Ombudsman's adviser mag. Jure Markič attended a meeting at the Ministry of Labour, Family, Social Affairs and Equal Opportunities regarding the establishment of a specialised unit for persons with profound mental disorders.

**21–23 June 2016** – In Vilnius (Lithuania), the Deputy Ombudsman and the Head of the Slovenian National Preventive Mechanism (NPM), Ivan Šelih, and Ombudsman's adviser mag. Jure Markič attended an international conference of the International Ombudsman Institute (IOI) on the monitoring of psychiatric facilities implemented by National Preventive Mechanisms. The conference was organised by the International Ombudsman Institute (IOI), the Lithuanian Ombudsman and the Association for the prevention of torture (APT).

**1 July 2016** – The Ombudsman, her Deputies and the Ombudsman's advisers met the Minister of Health, Milojka Kolar Celarc, and her colleagues. The discussion partners focused on the normative programme for drafting new legislation, particularly the Health Services Act and the Health Care and Health Insurance Act. They also spoke about the procedure for admitting persons declared legally incapable to secure wards of social care institutions, the Mental Health Act and the functioning of the Forensic Psychiatry Unit of Maribor University Medical Centre.

**25 July 2016** – At the Ombudsman's premises, the Ombudsman, her Deputy Tone Dolčič and Ombudsman's adviser mag. Jure Markič met representatives of the Slovenian association for help with dementia, Spominčica, Alzheimer Slovenia, President Štefanija Zlobec and Secretary General David Krivec.

**26 July 2016** – The Ombudsman, her Deputy and Head of the National Preventive Mechanism (NPM) Ivan Šelih, Ombudsman's advisers and NPM members, mag. Jure Markič and Robert Gačnik, and a representative of a contractual NGO, SKUP – Community of Private Institutes, Jure Trbič, presented the 2015 Report on the implementation of NPM duties at a press conference held at the Ombudsman's premises.

**12 August 2016** – Deputy Ombudsmen Tone Dolčič and Ivan Šelih and Ombudsman's advisers Lili Jazbec, Dr Ingrid Russi Zagožen and mag. Jure Markič met representatives of the Ministry of Labour, Family, Social Affairs and Equal Opportunities at the Ombudsman's premises and discussed the Ministry's plans regarding the care of persons with dementia.

**8–9 September 2016** – Deputy Ombudsman Ivan Šelih and Ombudsman's advisers mag. Jure Markič, Lili Jazbec and Nataša Bratož attended the second 'Days of Mental Health' in Portorož, an event organised on the initiative of the Human Rights Ombudsman of the Republic of Slovenia. The topic of this year's gathering was to highlight problems and seek solutions regarding the referral and involuntary placement of persons with mental disorders in secure wards of social care institutions.

**14 September 2016** – At the Ministry of the Interior, Ombudsman's adviser mag. Jure Markič attended a meeting on open issues regarding measures taken by the police in special social care institutions. The issue of punishing people declared legally incapable was also discussed.

**16–17 September 2016** – Deputy Ombudsman Ivan Šelih and Ombudsman's adviser mag. Jure Markič attended the 8<sup>th</sup> psycho-geriatric meeting entitled 'Live with dementia in a dementia friendly environment', which was held in Dobrna. The meeting was organised by NGO, the Slovenian association for help with dementia, Spominčica, and Ljubljana University Psychiatric Hospital.

**21 September 2017** – Deputy Ombudsman Ivan Šelih and Ombudsman's adviser Lili Jazbec attended a symposium of the European youth care alliance EUROMET entitled 'Early treatment of emotional and behavioural problems/disorders: early detection – suitable programme – suitable institution', organised by Veržej Primary School in Banovci. At the symposium, Deputy Šelih spoke about the functioning of the Ombudsman and the National Preventive Mechanism, while the Ombudsman's adviser pointed out examples of good practice in residential treatment institutions and youth homes, and emphasised the recommendations and proposals made in reports after inspections.

**10–12 October 2016** – Deputy Ombudsman and Head of the National Preventive Mechanism (NPM) Ivan Šelih and Ombudsman's adviser mag. Jure Markič attended a workshop entitled 'Homes for the elderly/care institutions and dementia – standards in health care and medication-based deprivation of liberty' as part of the meeting of the South-East Europe NPM Network in Vienna (Austria). The meeting was organised by the Austrian Ombudsman, who held the presidency of the South-East Europe NPM Network in 2016.

**13–14 October 2016** – As the Head of the National Preventive Mechanism, Deputy Ombudsman Ivan Šelih attended a conference organised in Vienna (Austria) by ODIHR (Office for Democratic Institutions and Human Rights) in cooperation with APT (Association for the prevention of torture).

**20 October 2016** – The Ombudsman and her advisers, mag. Jure Markič and Nataša Bratož, attended a seminar, 'The child and adolescent on the threshold of a psychiatric ward', at Ljubljana University Psychiatric Hospital. The Ombudsman spoke about experience of protecting the rights of children and adolescents undergoing psychiatric treatment.

**21 October 2016** – The Ombudsman and her deputies attended the 23<sup>rd</sup> session of the National Assembly of the Republic of Slovenia, where the 21<sup>st</sup> Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2015 and the Report on the implementation of NPM duties in 2015 were discussed. On 25 October 2016, the National Assembly adopted the Ombudsman's recommendations with 74 for votes (and no votes against), and advised institutions and high officials at all levels to observe the recommendations.

**21 November 2016** – Deputy Ombudsman Miha Horvat held a lecture for students of the Faculty of Education in Ljubljana as part of the subject, Selected deviant occurrences. He presented the Ombudsman's work, particularly concerning the prohibition of torture and inhumane or degrading treatment, and the work of the National Preventive Mechanism.

**2–4 November 2016** – Deputy Ombudsmen Ivan Šelih and Miha Horvat attended a regional conference in Ohrid (Macedonia) entitled 'Access to the right to an asylum and formal/informal return of migrants/refugees'. The conference was organised by the Macedonian Ombudsman in cooperation with the United Nations High Commissioner for Refugees Representative in Skopje.

**8–9 November 2016** – Deputy Ombudsman Ivan Šelih attended the 6<sup>th</sup> East European National Prevention Mechanisms Conference in Lviv (Ukraine). The conference commemorated the 10<sup>th</sup> anniversary of the entry into force of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The conference was organised by the Organisation for Security and Cooperation in Europe (project office in Ukraine), the Kharkiv Institute for Social Researches and the Ukrainian Human Rights Ombudsman.

**10 November 2016** – As part of the training in Gotenica, Deputy Ombudsman Ivan Šelih and Ombudsman's adviser Robert Gačnik presented the work of the Human Rights Ombudsman of the Republic of Slovenia and the implementation of powers and duties of the NPM to newly employed judicial police officers.

**15 November 2016** – Ombudsman's advisers mag. Jure Markič and Lili Jazbec attended the second part of the expert seminar, 'The child and adolescent on the threshold of a psychiatric ward', at Ljubljana University Psychiatric Hospital.

**16–17 November 2016** – Deputy Ombudsman Miha Horvat attended an expert conference, 'Ensuring fundamental rights compliant implementation of Framework Decisions related to detention – The role of the Judiciary and National Preventive Mechanisms', in Vienna (Austria). The participants explored the possibilities for the most harmonised and greatest contribution to preventing torture, inhuman or degrading treatment when applying relevant legal acts (particularly regarding the European Arrest Warrant, supervisory measures as an alternative to detention, relocation of prisoners between Member States, accompanying measures and alternative sanctions) related in any way to the law of the European Union. The conference was organised by the Ludwig Boltzmann Institute of Human Rights (BIM) and the Academy of European Law (ERA).

**28–30 November 2016** – Ombudsman's advisers Robert Gačnik and mag. Jure Markič attended the conference of the SEE NPM Network in Zagreb (Croatia), where they discussed monitoring the realisation of NPM recommendations upon control visits, the implementation of the UN Standard Minimum Rules for the Treatment of Prisoners (the so-called Nelson Mandela Rules) and the role of the NPM in the protection of refugees and migrants. The conference was organised by the Croatian Ombudsman in cooperation with the Ludwig Boltzmann Institute.

**6 December 2016** – Deputy Ombudsman Ivan Šelih and Ombudsman's advisers, mag. Jure Markič, Robert Gačnik and Lili Jazbec received representatives of the Croatian NPM, which is implemented by the Croatian Ombudsman. During their visit, the representatives of NPM Croatia attended two control visits to retirement homes, i.e. Saint Joseph Home in Celje and the Thermana Laško Retirement Home.

**6 December 2016** – Deputy Ombudsman Miha Horvat attended a workshop in Brussels (Belgium), where the participants discussed the issues of the recourse mechanism of Frontex (European Border and Coast Guard Agency).

**13–14 December 2016** – Deputy Ombudsman and Head of the Slovenian National Preventive Mechanism Ivan Šelih and Ombudsman's adviser Robert Gačnik attended a conference in Belgrade (Serbia) entitled 'Protection of the Human Rights of Refugees and Migrants in the Countries of South-East Europe – Preventive Approach'. The conference was organised by the Serbian Ombudsman in cooperation with the United Nations High Commissioner for Refugees (UNHCR).





# 4

## VISITS TO PLACES OF DEPRIVATION OF LIBERTY

### 4.1 Visits to retirement homes

In 2016, we visited **24 retirement homes or secure wards** at these institutions; these included **eleven regular visits** and **ten control visits**, whereby more attention was dedicated to examining the observance of the recommendations given during the previous regular visit of the inspected institution (new recommendations are also made during control visits if the NPM determines that these are necessary). **Three retirement homes** were visited within the framework of a **thematic visit** during which we checked the type and quantity of activities for residents or patients taking place during weekends. During all visits, we checked the observance of recommendations made by NPM on its last visit and other circumstances important for the final assessment of cases of possible ill-treatment, punishment or even torture in the institutions concerned.

The visits were carried out during regular control, which was planned in advance; **all visits were unannounced**. Some **186 recommendations** were made, the majority of which (**84**) **were realised immediately; many others were accepted (59)** but not yet realised, and only 1.6 per cent or 3 recommendations were not accepted. The relatively large number of recommendations marked “No data” can be attributed to the fact that we had not yet received replies from certain institutions when preparing this annual report (Laško Retirement Home, Trubar Retirement Home in Loka pri Zidanem Mostu and Danica Vogrinc Retirement Home in Maribor). Many commendations of good practices were included in individual reports.

	Total	Adopted	Rejected	Realised	No data
Legend					
Number of recommendations	186	59	3	84	40
Share	100 %	31.7 %	1.6 %	45.2 %	21.5 %

**The visits took place according to an established order;** at the beginning of a visit to an institution, we were divided into two smaller groups, so that one part of the control group conducted an **interview with the management of the institution**, and the other part of the group, usually NGO representatives, went to a **ward, where they inspected all rooms on the ward, spoke to staff and patients, and monitored life on the ward for a while**, i.e. particularly the treatment of residents and staff conduct. During the **concluding discussion**, we informed the management of our findings and provided the first recommendations. On the basis of each visit, we drafted a **preliminary report**, which was submitted to the relevant institution. After its response, we prepared a **final report**, which was submitted to the Ministry of Labour, Family, Social Affairs and Equal Opportunities, and a courtesy copy was sent to the social inspection. The report also contains the opinion of the expert from the psychiatric field, when a relevant institution was visited by such an expert at the request of NPM, and who give their opinion

based on their findings regarding medical and health care. **The institutions regularly responded to our recommendations, and in the majority of cases agreed with our findings or recommendations and assured us that some deficiencies had been already eliminated or that improvements were planned.** The reports on individual visits (in abridged versions) are also available on the Ombudsman's website.

## Regular visits in 2016

### Črnuče Retirement Home

Črnuče Retirement Home accommodates 157 residents. At the time of our visit, 155 residents were living in the home, i.e. 93 women and 62 men, with an average age of 83. Two secure wards were set up at the home: 'B1 Planike' and 'C1 Spominčice'. Both wards were on the first floor and intended for persons at various stages and with various types of progressive dementia.

### Medvode Retirement Home

Medvode Retirement Home accommodates 276 residents. Some 211 residents were living in the home at the time of our visit, i.e. 165 women and 46 men. The average age of residents was 85 years. A secure ward (ward 5) is located on the third floor and can accommodate 18 residents.

### Tisje Retirement Home Šmartno pri Litiji

Tisje Retirement Home Šmartno pri Litiji has two units, Tisje and Litija. During the NPM's visit, 165 residents were accommodated in Tisje Retirement Home; 31 men and 134 women. The average age of women was 84, and 79.31 for men. Some 89 residents live in the Litija Unit; 60 were women and 29 men. The average age of female residents was 83.57 years, and of male residents was 79.86 during the NPM's visit.

### Podbrdo Retirement Home, Tolmin Unit

Podbrdo Retirement Home, Tolmin Unit, can accommodate 138 residents; at the time of the NPM's visit, their facilities were fully occupied. There were 43 men and 95 women. The dementia ward (Sonček) may accommodate 12 residents (one female resident was there only during the day); all beds were occupied at the time of the NPM's visit.

### Ptuj Retirement Home, Jurišinci Unit

Ptuj Retirement Home implements its activity in five units; one of these is in Jurišinci. The Jurišinci Unit was set up in February 2012 and is located in the immediate vicinity of the centre of Jurišinci. The unit may accommodate 57 people in single, double and triple rooms. At the time of the NPM's visit, all beds were occupied. The Jurišinci Unit has a secure dementia ward; entry from the outside is possible at all times; exit is possible only with a key kept by the staff. The dementia ward can accommodate 14 residents and was full during the visit of the NPM.

### Ribnica Retirement Home

Ribnica Retirement Home was established in 2008 and has 154 beds. The verified secure ward located on the first floor has 16 beds; at the time of the NPM's visit, two additional beds had been put in two double rooms due to urgent admissions. Thus 18 residents were accommodated in the ward; the discussion partners explained that the situation was exceptional. The additional two beds would be free shortly due to a relocation and the transfer of one resident to home care. Since one resident of this ward was in hospital at the time of the NPM's visit, there were actually 17 residents in the ward.

### Radenci Retirement Home

Radenci Retirement Home can accommodate 178 residents, whereby 176 were living there at the time of the NPM's visit, which was 98.88-per cent occupancy. The residents stay in 60 single and 59 double rooms. The wards are organised as household communities. The majority of residents with more or less explicit signs of dementia live on the first floor. This ward is called the 'PIP-ward'<sup>7</sup>, avoiding the designation marking the dementia community. The high-level supervision ward has 23 beds. The residents stay in 5 single and 9 double rooms. Some 21 residents were accommodated in the high-level supervision ward at the time of the NPM's visit, i.e. 18 women and 3 men.

<sup>7</sup> Regarding the designation of the ward, we refer to this ward, which, according to the assessment of the NPM, meets the conditions of a secure ward as per the ZDZdr, as a high-level supervision ward in this Report. However, this is not a high-level supervision ward in the sense of the previous Guidelines on Working with Persons with Dementia, since the Ministry of Labour, Family, Social Affairs and Equal Opportunities had already amended the Guidelines accordingly and deleted these wards from the Guidelines.

### **Franc Salamon Retirement Home in Trbovlje**

Franc Salamon Retirement Home can accommodate 204 residents. Some 201 residents were living in the home at the time of the NPM's visit, i.e. 151 women and 50 men. The average age of residents was 81.44 years. The home has one nursing ward of secure type, a secure ward, which is not verified, and is organised as the 'Dušica' household group. The secure ward has 14 beds, which were all occupied at the time of the visit. There were 11 female residents and 3 male residents.

### **Logatec Retirement Home**

Logatec Retirement Home has room for 164 residents. During the NPM's visit, all facilities were full; the average age of residents was 83, and five residents were under the age of 65. People with dementia and other similar conditions reside among other residents and are not separated from them. For the needs of daily activities and for the needs of high-level supervision of these persons, a household unit is organised on every floor, for which a housekeeper is responsible.

### **Trubar Retirement Home in Loka pri Zidanem Mostu**

At the time of our visit, 222 residents were living in Trubar Retirement Home; the capacity of the home was exceeded by one resident. The average age of residents was 80 years. The home was formerly an institution for persons with mental health disorders, which is why younger persons (under the age of 50) were also living there. The home has 221 beds.

### **Danica Vogrinec Retirement Home in Maribor**

From data on residents according to categories of care, it was evident that the facilities of Danica Vogrinec Retirement Home were fully occupied on the day of the NPM's visit. There were 809 residents, i.e. 177 men and 632 women. There were 168 residents in building 2, where the secure ward is located.

## **Control visits in 2016**

### **Danijel Halas Home in Velika Polana**

Danijel Halas Home in Velika Polana can accommodate 66 residents; at the time of the NPM's visit, 59 residents were living in the home. Some 14 residents can stay in the secure ward; during our visit, 11 residents were accommodated in there.

### **Trebnje Retirement Home**

At the time of the NPM's visit, 181 residents were living in Trebnje Retirement Home. The home has two floors and is divided into four residential units, two of which are adapted for people with dementia. In addition to the main facility, the home has another unit in Šmarjeta which can accommodate 36 residents, but has no secure ward. Similarly to our visit in 2013, the home has two secure wards, C1 and D1. Ward C1 can accommodate 22 residents, and was fully occupied at the time of the NPM's visit. Ward D1 can accommodate 11 residents, and was also fully occupied at the time of our visit.

### **Saint Joseph Home in Celje**

Saint Joseph Home in Celje has 121 beds, i.e. 52 single and 36 double rooms. At the time of the NPM's visit, all beds were occupied. The integrated household community of persons with dementia can accommodate eight residents. The ward was fully occupied on the day of our visit; however, there were actually ten residents on the ward during the day, since two residents slept in another ward and were relocated to the household community during the day.

### **Lambrecht Retirement Home in Slovenske Konjice**

Lambrecht Retirement Home has not changed architecturally since the NPM's visit in 2011. The dementia ward 'Mavrica Court' was still on the third floor of the new section of the home. There were 31 beds in the ward; at the time of the NPM's visit, 31 male and female residents were in the ward, which accommodates both genders.

### **Notranje Gorice Residential Centre for the Elderly**

The Residential Centre in Notranje Gorice has two secure wards, the 'Breza ward' (former A0 ward) and the 'Lipa ward' (former B0 ward). The capacity of the wards improved; 13 residents live in 'Breza' and 15 in 'Lipa'. At the time of the NPM's visit, both wards were fully occupied.

### **Retirement Home Idila**

Retirement Home Idila can accommodate 165 residents; at the time of the NPM's visit, 161 residents were living the home. Some 19 residents (one bed was empty at the time of our visit) were in one secure ward, and 24 residents were in the other ward, which was full. The home has two secure wards; one on the ground floor and one on the first floor.

### **Kranj Retirement Home**

Kranj Retirement Home disposes of 214 beds; there are actually 213 beds and one additional bed, usually for accommodating a person from day care. At the time of the NPM's visit, the home housed 213 residents, and they were expecting a new female resident. The secure ward can accommodate 21 residents, and was fully occupied at the time of the NPM's visit. The home had one secure ward, which was to be verified in the future.

### **Trnovo Retirement Home**

Trnovo Retirement Home has 156 beds, and one verified secure ward with 20 beds. At the time of our visit, 20 residents were accommodated in the secure ward (100-per cent occupancy), i.e. 14 women and 6 men.

### **Polde Eberl Jamski Retirement Home in Izlake**

The dementia ward or the secure ward, named 'Rožmarin', is situated on two floors of Polde Eberl Jamski Retirement Home. The ward accommodates 19 residents; at the time of the NPM's visit, all beds were occupied.

### **Laško Retirement Home**

Laško Retirement Home disposes of a total of 78 rooms with 165 beds, of which 13 are in single rooms, 42 are in double rooms and 23 are in triple rooms. During the NPM's visit, the home was fully occupied. Twelve residents were staying in a household unit.

## **Living conditions**



In Trubar Retirement Home, the NPM noticed the lack of systematic planning of activities for residents with various stages of progressive dementia. The NPM recommended that activities be substantively supplemented. A programme of activities could be prepared for a month/week in advance and displayed in visible places on wards.

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The NPM proposed reviving the premises of the home's café of Trubar Retirement Home, where residents could socialise with visitors, or these premises could be used for other activities.

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The programme of activities in Danica Vogrinec Retirement Home is very versatile, enabling residents to participate in many different activities. More activities mean more opportunities for each resident to find an activity that suits them best. We recommended that this practice be continued. The innovativeness of the home in introducing new contents (football matches, concerts, hot-air ballooning etc.) was commended, but we noted that interesting activities should not all be intended only for the population, which is agile and mobile. The home must not neglect or forget about the entertainment of residents suffering from various illnesses.

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Not many rooms in Danica Vogrinec Retirement Home enable more private socialising of residents with their relatives or other visitors or where they could talk about more intimate matters, so we proposed that the management examine the possibility of arranging more such premises.


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We proposed to Lambrecht Retirement Home in Slovenske Konjice that they consider introducing a special register of exits of individual residents for fresh air also for the 'Mavrica Unit'. The register could record which residents were outside. This would prevent certain residents being forgotten, who would thus remain only on the ward or even in their rooms for lengthy periods.

*In their response to the preliminary report, the management of the home explained that exits or walking of residents outside are regularly implemented by the employee working in reception. Since September, the staff also keep a list of people exiting the home or the unit. They also attached a sample of the list.*

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 The NPM recommended that the staff of Tisje Retirement Home and the Litija Unit sufficiently emphasise the management of continence of residents with suitable training, which increases the burden on the staff, but also maintains a better quality of life of residents.

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 The NPM recommended that diverse, innovative and creative content be included in the activities of the residents in Radenci Retirement Home.


*The management of the home thanked the NPM for their comments, proposals and commendations, which they stated that they would try to observe to the best of their abilities and as much as possible during their work. Since the management failed to provide a precise reply, except a general clarification regarding the recommendation, we understood that the recommendation had been accepted and that the management would try to realise it.*

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 The NPM recommended that corridors and communal areas be decorated in Črnuče Retirement Home, thus providing residents a sense of homeliness and warmth. It also added that the management should consider the possible additional decoration of premises (particularly with items made by the residents during occupational therapy or in other creative workshops). We understand that the home cannot force the residents to be creative, but it may encourage them to do so.

*In their reply to the preliminary report, the management of the home explained that corridors and living rooms were being gradually decorated with residents' items made during occupational therapy together with their occupational therapist, activity leaders and volunteers, according to the NPM recommendation.*

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 The NPM recommended that the residents of Črnuče Retirement Home be encouraged to bring with them their own personal items and arrange rooms according to their wishes.

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 The NPM recommended that the management of Črnuče Retirement Home consider the possibility and appropriateness of arranging a herbal or spice garden to bring some cheer to the residents.


*In their reply to the preliminary report, the management of the home stated that they had already started arranging the garden and would work on it in the coming months. They enclosed a photo of the current arrangements of herbs in old car tyres, which the residents planted together with the staff.*

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 The exterior of the secure ward of Črnuče Retirement Home is pleasantly maintained. We thought that, due to the heat in summer months, additional shading (e.g. a gazebo) should be provided so that residents of the secure ward could spend more time outside and perhaps be able to have a meal there.

*In their reply to the preliminary report, the management of the home wrote that suitable additional protection from the sun was being considered, i.e. a tenda gazebo or a gazebo.*


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 The NPM proposed that more decorations, possibly made by residents during occupational therapy, be used to decorate communal areas in Medvode Retirement Home. In this way, the residents co-design the premises in which they live, which makes the rooms more homely and friendly.

*In their reply to the preliminary report, the management of the home stated that it would observe this recommendation.*


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-  Communal rooms where residents could withdraw with their relatives or other visitors are scarce in Medvode Retirement Home. We wanted to encourage the management and staff, so we proposed they promote the use of the communal kitchen and other communal areas.


*In their reply to our preliminary report, the management of the home explained that all communal rooms and also kitchens on wards were available to residents and visitors, and that the use of these premises was encouraged. The fact was that most residents had severe medical conditions and had difficulties preparing snacks or beverages in the kitchen by themselves. Nevertheless, the use of communal areas would be further encouraged.*

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-  The NPM recommended that all sanitary goods and toilet requisites be provided in bathrooms of Medvode Retirement Home.


*In their reply to our preliminary report, the management of the home clarified that towels would also be provided in addition to toilet paper in communal bathrooms.*

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-  The NPM pointed out to Medvode Retirement Home that the terrace could be utilised functionally even before the renovation. The NPM thus recommended that some shading would have to be provided where the residents and their relatives could sit. Chairs and benches could be set up, and the arrangement of raised garden beds should be considered, where residents could cultivate plants or only look at the flowers, aromatic plants and other greenery.


*In their reply to our preliminary report, the management of the home explained that shading had been provided for residents and visitors. They also placed benches. The greening of the terrace before the comprehensive renovation would be considered so that the terrace would be as friendly as possible for their residents.*

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-  The NPM proposed a safer installation of air conditioning on the secure ward of Medvode Retirement Home or more suitable protection of the air shaft for hot air discharge leading to the terrace and within easy reach of residents.


*In their reply to the preliminary report, the management of the home clarified that the air shaft had been suitably protected.*

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-  The NPM recommended that cleanliness be diligently and consistently ensured in the dining room of Medvode Retirement Home.


*In their reply to our preliminary report, the management of the home ensured that cleanliness of, and hygiene in, the dining room had been attended to.*

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-  The NPM pointed out to Medvode Retirement Home that hydration was very important for residents. We proposed that jugs with water or tea be placed in the dining room, so that the residents could use them during lunch.


*In their reply to our preliminary report, the management of the home explained that residents could get water or tea any time they require, and that they had already provided jugs with water in the dining room so that the residents could serve themselves.*

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-  The NPM recommended that the management of Danijel Halas Home in Velika Polana consider the installation of lights that did not work on sensor, or at least a more suitable setting of the sensor.


*In their reply to our preliminary report, the management of the home stated that they had also observed other proposals (including the relevant proposal) provided in the report, and had eliminated the deficiencies.*

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-  The NPM recommended that the management of Franc Salamon Retirement Home in Trbovlje install explanatory boards and thus enable the receptionist to register all visitors consistently.


*In their reply to the preliminary report, the management explained that explanatory boards had been installed in the entrance.*

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-  The NPM recommended that the management of Franc Salamon Retirement Home repair destroyed and damaged floor surfaces; it furthermore commended the plans regarding the renovation of floors in the entire building, expressing the hope that the renovation of floor surfaces would be implemented in a reasonable time.


*In their reply to the preliminary report, the management explained that the renovation of floor had already begun.*

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-  The NPM recommended that the management of Ribnica Retirement Home try to plan admissions, possible relocations of residents (e.g. immobilised residents to a nursing ward) or to transfer residents needing accommodation in another retirement home in the region with free capacities in order to avoid installing additional beds.


*In their reply to the preliminary report, the management stated that they had managed to reduce the number of beds to the official capacity, but were later again compelled to add a third bed in one room for a short time. They emphasised that the staff would strive to use the rooms only as single or double rooms. Due to observing the NPM recommendations, they rejected many requests recently because they did not want to add a third bed.*

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-  The NPM recommended that in the case of accommodating a newly arrived resident in Ribnica Retirement Home on a temporary bed, the same quality of life must be ensured for that person as is enjoyed by other residents (provision of a suitable bed, nightstand, wardrobe, bed-side reading light, a call bell and similar).


*In their reply to the preliminary report, the management emphasised that in the past the staff had tried to relieve the distress of relatives, and temporarily placed a third bed also in some urgent cases. They had tried their best to ensure a similar quality of life, but this was sometimes difficult to achieve. It was also difficult to assess correctly what causes less/more damage: rejecting an urgent admission by not providing a third bed for a few days, or extending the agony and severe distress of relatives and the person with dementia, or relieving their distress and somewhat reducing the living standard of two or three residents for a few days. The management also stressed that, since it was not present during the visit, no one had informed the NPM that before such an admission the consent of the relatives of the other two residents was always sought and the price of their accommodation was reduced by ten per cent, not only by five per cent (according to the rules).*

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-  The NPM recommended that Ribnica Retirement Home ensure that coffee be made at the ward for all residents who wished to drink it. Giving coffee only to those whose relatives can pay for it is a form of (unnecessary) social division. The social exclusion of individual residents as a result of the possible distress of relatives or even their indifference to one of the parents is particularly concerning.

*In their reply to the preliminary report, the management stated that coffee would be made on the ward every day for all residents who were permitted to, and wanted to, drink it.*


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-  The NPM recommended that at least in one of the communal rooms in Ribnica Retirement Home jugs with tea or water be placed for residents who want to drink during meals, and also various didactic toys and equipment, puppets and the like, which would occupy residents' time and enable them to spend their time actively.

*In their reply to the preliminary report, the management stated that they employed a worker for this purpose, who collected cups left on nightstands and in communal rooms every morning and replaced them*


*with new and fresh beverages in clean jugs. Tea or another beverage according to the residents' wishes, e.g. juice in warmer months, are available every day on the secure ward (and at all other wards). For years, drinking water dispensers were in the dining room on the ground floor and on the first floor (opposite the secure ward).*

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-  The NPM recommended that the door leading outside (to the park) be kept locked only in bad weather and when the independent exit of individual residents of the Jurišinci Unit could be dangerous (catching a cold in cold weather, slipping on iced floor or in rain).


*Ptuj Retirement Home particularly highlighted in its reply to the preliminary report that they agreed with the findings of the preliminary report, and they would observe the proposals when planning improvements and implementing services in the future.*


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-  The NPM recommended that the Tolmin Unit consider arranging a suitable room to enable a peaceful and dignified death for people dying, their relatives, staff and volunteers (e.g. the Hospice Association) without the unnecessary external distractions or limitations imposed by living in a multi-bed room.

*Podbrdo Retirement Home agreed that it would be appropriate to have a room where people could die peacefully, but it also stated that it was unable to provide such a room in current conditions.*

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-  Communal rooms where residents could withdraw with their relatives or other visitors are scarce in Trubar Retirement Home. The NPM recommended considering a rearrangement of the non-functioning reception area.
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-  Since pieces of glass were attached to the sensory tactile board used by residents of Polde Eberl Jamski Retirement Home in Izlake, the NPM recommended that these pieces be attached elsewhere and outside the residents' reach, or smoothed out to prevent potential cuts.

*In their reply to the preliminary report, the management of Polde Eberl Jamski Retirement Home stated that the residents used the multi-sensory room only when accompanied by occupational therapists, so they were never alone in the room. The pieces of glass provided more light effects, and if residents tried to reach for the glass, the occupational therapist re-directed them and ensured their safety. Nevertheless, sharp ends would be smoothed out.*


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## Smoking room

-  The NPM recommended that Radenci Retirement Home examine the possibility of arranging a smoking room, since smoking outside is uncomfortable for residents in cold and bad weather.


*The management of the home thanked the NPM for their comments, proposals and commendations, which they stated that they would try to observe to the best of their abilities and as much as possible during their work. Since the management had failed to provide a precise reply, except a general clarification regarding the recommendation, we understood the recommendation had been accepted and that the management would try to realise it.*

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-  The NPM pointed out that although residents of Medvode Retirement Home had free outdoor access and an area for smoking, smoking was actually disabled. Considering that this was an encroachment on freedom of conduct, we expressed reservations regarding such treatment.


*In their reply to our preliminary report, the management clarified that all residents in the secure ward who smoked were able to smoke whenever they wished.*

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-  The NPM recommended that Danijel Halas Home in Velika Polana examine the possibility of arranging a smoking room, since smoking outside is uncomfortable for residents in cold and bad weather.


*In their reply to the preliminary report, the management stated that the proposal to arrange a smoking room would be included in the annual work plan and submitted for approval to the home's governing body.*

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-  The NPM recommended that Franc Salamon Retirement Home in Trbovlje examine the possibility of arranging a smoking room, since smoking outside is uncomfortable for residents in cold and bad weather.

*In their response to the preliminary report, the management of the home explained that a smoking room was being arranged at the dementia unit. In cold and bad weather, a female resident from the relevant unit was accompanied by the staff to the smoking area.*


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-  The NPM recommended that Trnovo Retirement Home examine the possibility of arranging a smoking room, since smoking outside is uncomfortable for residents in cold and bad weather.


*In their response to the preliminary report, the management stated that it would examine the possibility of constructing a smoking room or an alternative solution.*

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## Website presentation


-  The activities on the website of Danica Vogrinec Retirement Home were provided only for certain months; information was unclear and in abbreviated form. The NPM recommended that the management be more prompt and clear when posting on the Internet.
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-  When reviewing the website of Laško Retirement Home, the NPM noticed the lack of information on the capacity and occupancy of the household unit and data on the anticipated waiting period (although only provisional). The NPM believed that such information would be useful for a future resident when making a decision on staying there; we thus proposed that the website be supplemented accordingly with expected waiting periods also on other wards.
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-  The NPM proposed that Danijel Halas Home in Velika Polana update its website, since incorrect (possible old) information on the capacity of the secure ward was provided when we viewed the website; the sections on house rules, list of events in the current month and publication of news were also missing.

*In their reply to the preliminary report, the management explained that the recommendation had been observed and the deficiency eliminated.*


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-  The NPM recommended that Franc Salamon Retirement Home in Trbovlje advertise its events also on its website. It proposed that the website be updated and advertising of events be equipped with pictures.

*In their reply to the preliminary report, the management explained that they immediately began advertising on their website and updated the website with pictures.*

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## Residents' access to rooms and personal items

-  The NPM recommended that doors to the rooms of residents living in Tisje Retirement Home and the Litija Unit be locked only exceptionally as was done in the past when decided by the residing doctor.
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-  The NPM recommended that staff in Ribnica Retirement Home do not lock residents' rooms without a valid reason. When there is danger of items being removed (a resident with progressive dementia could enter someone else's room and take an item they thought was theirs), room keys could be given to residents able to lock and unlock the room on their own, and able to take care of the key. The staff could lock the rooms of other residents, in which case they would have to be alert and immediately unlock the room and enable access to a resident wanting to access their room.


*In their reply to the preliminary report, the management clarified that the staff would lock the rooms only when they are being aired, since windows on the northern side particularly present a risk of falls when they are open. At other times, the rooms were unlocked. One resident disposed of his own key and locked the room himself.*

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-  The NPM commended the efforts of Medvode Retirement Home to personalise residents' rooms, and also proposed that the same symbols on the doors be replaced with various symbols (e.g. the symbol of the profession that the resident practised) to facilitate residents' orientation in space. It also added that the provision of personal data be reduced due to personal data protection.

*In their reply to our preliminary report, the management claimed that the staff would gradually begin to replace symbols in the secure ward and reduce information. They would further personalise symbols and reduce the provision of personal data.*


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-  The NPM commended Trnovo Retirement Home for innovatively equipping doors of individual rooms with distinctive symbols of professions that residents practised in the past, and it also proposed that the doors of other rooms be equipped in the same or similar manner (e.g. simple symbols) to facilitate orientation.

*In their reply to the preliminary report, the management explained that they would equip all doors with recognised symbols of professions that the residents practised in the past as soon as possible.*


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## Religious ceremonies

-  The NPM recommended that information about contacting a representative of their religion or when organising a suitable ceremony should be provided in a brochure in a visible place in the secure ward (and in other wards if necessary) at the Jurišinci Unit.

*Ptuj Retirement Home particularly highlighted in its reply to the preliminary report that they agreed with the findings of the preliminary report, and they would observe the proposals when planning improvements and implementing services in the future.*


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-  Although Polde Eberl Jamski Retirement Home was willing to help residents when establishing contacts with representatives of their religion, we were unable to find information on the large notice board on the secure ward about whom a resident (or their relative) could contact when experiencing difficulties in contacting a priest to provide suitable religious care. We thus repeated the relevant recommendation provided in this regard during our previous visit.

*The management of Polde Eberl Jamski Retirement Home replied to the preliminary report and clarified that the list or information about whom a resident could contact if in need of a priest was put on the main notice board of the home immediately after the NPM's last visit; they also entered this information in the brochure on residents' rights. But they had failed to put it on the board in the secure ward, which they did subsequently.*


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## Installation of call systems or devices

-  The NPM proposed that Lambrecht Retirement Home in Slovenske Konjice make an agreement with the company maintaining the emergency call system to regularly inform or transfer information to the home. Thus regular control of calls and staff's response time can be maintained, and above all, improvements to the system and the staff's work will be possible, so that the staff would be able to respond to every call without delay.


*In their reply to the preliminary report, the management of the home explained that they had already made an agreement with the call system operator (which was being implemented) that reports on the number of residents' calls and response times of staff were to be submitted to the home on a daily basis. The reports were very useful, since they enabled the staff to implement self-control. In the attachment, the management submitted several examples of reports for various days and months.*

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-  The NPM recommended that accessible call bells for use by residents of Medvode Retirement Home be provided in bathrooms.


*In their reply to our preliminary report, the management of the home clarified that when the residents used the communal bathroom in the secure ward, they were not alone, but always accompanied by a member of staff.*

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-  The NPM recommended that Franc Salamon Retirement Home in Trbovlje verify, repair or replace the entire call system in order to ensure residents' safety. The NPM commended the home's plans for the renovation of the entire call system, and expressed the hope that the plans would be realised in reasonable time.

*In their reply to the preliminary report, the management of the home stated that they had immediately begun to implement the recommendation on the call system. The drafting of the project documentation was also being completed, which served as the basis for a public call to upgrade the entire emergency call system in the home. It was expected that the investment could be completed by the end of 2016.*


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-  When tested, the call bell in the kitchen of the high-level supervision ward of Radenci Retirement Home did not work, so the NPM recommended that the home eliminate the deficiency.


*The management of the home thanked the NPM for their comments, proposals and commendations, which they stated that they would try to observe to the best of their abilities and as much as possible during their work. Since the management failed to provide a precise reply, except a general clarification regarding the recommendation, we understood that the recommendation had been accepted and that the management would try to realise it.*

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## Equipment and arrangement of premises


-  The NPM recommended that business hours and contact information enabling advance reservations for pedicure and a hair salon be placed on the relevant doors at Trubar Retirement Home.
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-  The NPM recommended that additional direction signs be installed in Trubar Retirement Home and the current boards marking the facilities updated, which would enable better orientation. The NPM also recommended that mark, e.g. "You are here.", be added to the map.
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-  The NPM recommended that the management of Logatec Retirement Home consider updating the notice board located at the reception with additional markings. In our opinion, the board at the time lacked information about the chapel, medical premises, the bar, offices of social workers, the Internet point and premises where gym equipment was located.

*In their reply to the preliminary report, the management agreed with the NPM recommendation and ensured to eliminate the deficiencies.*


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 The NPM recommended that certain residents' rooms be repainted; nevertheless, we commended the practice of Danica Vogrinec Retirement Home of painting a room after its resident had passed away.


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 The double and multi-bed rooms in Danica Vogrinec Retirement Home had no partitions or curtains enabling the residents some intimacy or privacy when needed. The NPM thus proposed that the management find a suitable solution (perhaps movable partitions).

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 The NPM recommended that the staff help the residents of Danica Vogrinec Retirement Home who were unable to decorate their personal areas or make them more homely. We also proposed displaying items that residents made themselves during occupational therapy.


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 The NPM believed that the premises for physiotherapy were not large enough considering the number of residents in Danica Vogrinec Retirement Home; we thus suggested that the management examine the possibility of extending the premises or finding more suitable, and above all, larger premises for physiotherapy purposes. The home should also provide more physiotherapeutic devices, which are insufficient for the number of residents.


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 The NPM recommended that cleanliness be diligently and consistently ensured in the dining room of Danica Vogrinec Retirement Home.


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 The NPM proposed that the management of Danica Vogrinec Retirement Home examine the possibility of installing curtains in rooms of residents who were more sensitive about their privacy and those who wanted them.


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 The NPM proposed that empty walls in corridors and joint premises in Danica Vogrinec Retirement Home be used for exhibitions of paintings and photographs, and that items made by the residents during occupational therapy or other workshops be used to decorate the walls. In this way, the residents co-design the premises in which they live, which contributes to the homeliness and friendliness of the premises.

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 Considering the medical condition of residents in the palliative care ward, the NPM proposed that the staff of Laško Retirement Home assist decorating rooms with personal items and encourage other residents and their relatives to also contribute to decorating.

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 The NPM believed that more personal items belonging to residents of the Jurišinci Unit could be in the secure ward, particularly items that residents make during occupational therapy. If the residents are unable to display their belongings themselves or with the help of their relatives, the NPM proposed that the staff take care of that and, for example, provide a board with the names of their family members next to a resident's bed, which would remind them of their loved ones every day.

*Ptuj Retirement Home particularly highlighted in their reply to the preliminary report that they agreed with the findings of the preliminary report, and would observe the proposals when planning improvements and implementing services in the future.*


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 The NPM recommended that in addition to attractive paintings, the communal areas of the secure ward at Kranj Retirement Home should also be furnished with the residents' works. Although we were aware that their abilities were reduced due to illness, we were certain that they could still make useful

and decorative items with the help of staff or occupational therapists. The NPM also suggested that the residents and their relatives be encouraged to decorate rooms with homely items and thus make the already pleasant rooms resemble their home environment even more.


*In their reply to the preliminary report, the management of the home expressed gratitude for fair treatment and for the NPM's findings and proposals, which they stated would be fully observed.*

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-  The NPM recommended that pictures be put on doors or that the doors of rooms be decorated with colours in Kranj Retirement Home to facilitate recognition of individual rooms in which the residents were accommodated.


*In their reply to the preliminary report, the management of the home expressed gratitude for fair treatment and for the NPM's findings and proposals, which they stated would be fully observed.*

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-  The NPM recommended that the staff of Ribnica Retirement Home encourage residents and their relatives to incorporate more personal items, particularly photos, which on the one hand would link the residents with the social environment from which they came, and on the other hand could assist in the therapy of dementia patients by stimulating their memory.


*In their reply to the preliminary report, the management of the home explained that they would try to establish cooperation also with relatives, who had been unresponsive in the past. They would thus try to obtain personal items that would remind the residents of their lives at home.*

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-  The NPM proposed that Radenci Retirement Home improve the readability of material and information presented on the notice board by removing the dining table and chairs in front of the board, or moving the notice board to a more suitable place, or in another way.


*The management of the home thanked the NPM for their comments, proposals and commendations, which they stated that they would try to observe to the best of their abilities and as much as possible during their work. Since the management failed to provide a precise reply, except a general clarification regarding the recommendation, we understood that the recommendation had been accepted and that the management would try to realise it.*

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-  The NPM recommended that additional decoration of premises (e.g. also with items made by residents) be considered in Trnovo Retirement Home, which contributes to the homeliness and friendliness of the premises.


*The management of the home replied to the preliminary report by stating that the proposal had already been discussed and progress would be made in that direction.*

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-  Although the NPM is aware that residents of Trnovo Retirement Home must not be forced to decorate their rooms if they do not want to, the NPM recommended that residents be encouraged to bring their personal belongings, decorate their rooms according to their wishes and use items that remind them of the environments they came from. If two residents are accommodated in one room, the wishes of both residents must be observed in order to prevent the wishes of one resident encroaching on the wishes of the other.

*In their reply to the preliminary report, the management of the home explained that the staff had already been encouraging residents to arrange rooms according to their wishes, and emphasised that the wishes of both residents in double rooms had to be harmonised in not to encroach upon each other's wishes.*


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-  The NPM recommended that a clock be installed in communal areas of the secure ward in Trnovo Retirement Home to facilitate orientation of residents in time.




*The management of the home replied that a clock had already been installed in the communal dining room.*

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-  The NPM recommended that residents of Danijel Halas Home in Velika Polana be encouraged to bring their personal belongings, decorate rooms according to their wishes and use items that connect them with the environments which they came from. This recommendation applies even more, since, according to the management, there were no residents at that time who would tear things up, try to consume them or any other reservations.


*In their reply to the preliminary report, the management of the home stated that they had also observed other proposals (including the relevant proposal) provided in the report, and had eliminated the deficiencies.*

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-  The NPM recommended that broken equipment needed for everyday life be replaced as soon as possible in Danijel Halas Home in Velika Polana.

*In their reply to the preliminary report, the management of the home stated that they had also observed other proposals (including the relevant proposal) provided in the report, and had eliminated the deficiencies.*


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-  The NPM recommended that suitable equipment, i.e. bed, table, chair, nightstand, wardrobe and bed-side reading light, be provided in every room in Franc Salamon Retirement Home in Trbovlje, and additionally recommended that possible worn-out equipment be replaced.

*In their reply to the preliminary report, the management of the home explained that they had immediately begun to implement the recommendation on the equipment in rooms and replaced worn-out beds.*

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## Staff's conduct

-  The NPM recommended that the staff of Tisje Retirement Home and the Litija Unit further dedicate sufficient attention to residents with progressive dementia who are accommodated in other wards, and pay extra attention to their safety.
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-  The NPM recommended that the occupational therapist additionally stimulate the residents of Kranj Retirement Home by telling stories when implementing activities and invite them to actively participate in a more interesting way (stories may refer to ordinary tasks from everyday life relating to, for example, washing, or hanging up, laundry). We also recommended that exercises be variegated with the use of equipment that would additionally aid and motivate certain movements (e.g. small boxes, belts-strips, clothes pegs etc.).


*In their reply to the preliminary report, the management of the home expressed gratitude for fair treatment and for the NPM's findings and proposals, which they stated would be fully observed.*

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-  The NPM recommended that the staff of Trnovo Retirement Home put more effort into establishing communication during feeding, either by discussing food, the residents' past experiences or other topics.

*In their reply to the preliminary report, the management explained that their staff had already made efforts to communicate with residents during feeding, and also pointed out that certain residents wanted to be silent when eating. They would nevertheless further promote high-quality communication.*


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-  The NPM recommended that the staff of Polde Eberl Jamski Retirement Home in Izlake consider the effects that co-create the residents' attitude also in their conduct to the residents and help them improve their well-being with suitable behaviour and encouragement. But above all, they should

observe and protect the personal integrity of the residents and their right to self-determination, or at least to participate in decision making.


*In their reply to the preliminary report, the management clarified that regular meetings with, and training of, the staff were held where suitable communication and treatment of dementia patients were discussed. The training would also be implemented in the future.*

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-  The NPM recommended that two persons/serving staff of Medvode Retirement Home who were laying tables and tidying the dining room establish suitable communication during meals, which would contribute to a more pleasant atmosphere.

*In their reply to the preliminary report, the management explained that a discussion had been held with the employees and the NPM findings were presented. The staff pledged that they would try to improve the atmosphere in the dining room.*


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-  The NPM recommended that the management of Danijel Halas Home in Velika Polana pay attention to residents' claims about the inappropriate conduct of the staff or disputes with other residents, take them seriously, verify them and take suitable measures if necessary. This is the only way to ensure the timely establishment of the actual situation and possible cases of inappropriate behaviour of staff towards residents, or even prevent conflicts between residents.

*In their reply to the preliminary report, the management of the home stated that they had also observed other proposals (including the relevant proposal) provided in the report, and had eliminated the deficiencies.*


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## Contacts with relatives and the outside world

-  Since the NPM recommendation on the suitable placement of the list of rights of residents of Kranj Retirement Home as determined in the ZDZdr had not been (fully) observed, we repeated the recommendation from 2009.


*In their reply to the preliminary report, the management of the home expressed gratitude for fair treatment and for the NPM's findings and proposals, which they stated would be fully observed.*

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-  The NPM recommended that house rules and informative material on complaint procedures which may be used by residents or their relatives be installed on the premises of the secure ward of Trnovo Retirement Home, including the provision of brochures with basic information on the possibility of contacting the mental health advocate.


*In their reply to the preliminary report, the management of the home explained that they would immediately provide informative material in the secure ward.*

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-  The NPM recommended that Radenci Retirement Home display a list of mental health advocates with their contact information in a visible place. We also proposed that the management contact the advocate or the Ministry of Labour, Family, Social Affairs and Equal Opportunities to provide educational material (posters, brochures and similar) for residents.

*In their reply to the preliminary report, the management of the home stated that a list of mental health advocates had been installed on the day of the NPM's visit at the high-level supervision ward. After the NPM's visit, the management also supplemented the notification.*

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-  The NPM recommended that a list of mental health advocates and their contact information be displayed in a visible location (notice board) in Franc Salamon Retirement Home in Trbovlje, and we proposed

that the management contact the advocate or the Ministry of Labour, Family, Social Affairs and Equal Opportunities to provide educational material (posters, brochures and similar) for residents.

*In their reply to the preliminary report, the management of the home explained that the staff had put up a list of mental health advocates and their contact information in a visible location, as per the recommendation, and also provided educational material for residents.*

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The NPM recommended that the list of advocates according to the ZDZdr be displayed on notice boards or in another suitable and visible place in Črnuče Retirement Home.

*In their reply to the preliminary report, the management of the home stated that lists of advocates as per the ZDZdr would be displayed on all notice boards on all floors, in addition to the notice board in the home's clinic where the list was already displayed.*

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The NPM recommended that Črnuče Retirement Home inform their residents of the possibility of contacting a mental health advocate.

*In their reply to the preliminary report, the management of the home stated that lists of advocates as per the ZDZdr would be displayed on all notice boards on all floors, in addition to the notice board in the home's clinic where the list was already displayed.*

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The NPM recommended that Danijel Halas Home in Velika Polana inform their residents of the possibility of contacting a mental health advocate. We also repeated the recommendation made during our previous visit to this institution that a list of mental health advocates and their contact information be displayed in a visible place (notice board) in the home. We also proposed that the management contact the advocate or the Ministry of Labour, Family, Social Affairs and Equal Opportunities to provide educational material (posters, brochures and similar) for residents.

*In their reply to the preliminary report, the management explained that they had put up a notice board.*

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The NPM recommended that relatives be included in preparing individual plans in Ribnica Retirement Home. Due to their illnesses, residents are frequently unable to speak about themselves, their past and skills from the active periods of their lives. When drafting individual plans, the relatives may be of great help to the staff, thus making their inclusion sensible and necessary.

*In their reply to the preliminary report, the management of the home stated that relatives would be more included in the drafting of individual plans. They had already prepared a draft letter, which would be submitted to all relatives.*

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## Secure ward




The NPM determined that the organisation of the ward in Trubar Retirement Home, where persons with progressive dementia were accommodated, was not compliant with the legislation. Regarding the organisation of the ward, which restricts movement, the NPM proposed that the status of the relevant ward be arranged as soon as possible.

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The NPM suggested to Trubar Retirement Home that it act according to the ZDZdr and inform the court regarding persons unable to leave the home of their own free will, persons who would be under such a regime in future, and persons determined in Article 2 of the ZDZdr who fail to give, or are unable to give, consent as per Article 74 of the ZDZdr. We suggested that the home inform us about its conduct regarding detained persons and informing the court, and also whether the court fails to decide on notifications or instigate proceedings.


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 The NPM believes that the form “Statement” in Danica Vogrinec Retirement Home is insufficient, since it lacks the resident’s consent to be accommodated in the secure ward. By signing the form, the resident consents to the use of personal data, the use of audio-visual material, a record of personal belongings and similar, but not explicitly to accommodation. The NPM emphasises that the legal instructions on the possibility of revoking the statement is too narrow. A resident may revoke the statement at any time and in any perceptible way, i.e. in writing, verbally or by conclusive actions, and not only in writing to a social worker of the home or even by registered mail as currently suggested in the form. The NPM thus proposed that the legal instruction be corrected accordingly.

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 Danica Vogrinec Retirement Home notifies the court only after detaining a resident in the secure ward. The NPM stresses that the ZDZdr does not anticipate such an option. Detention of a resident is permissible only on the basis of a court decision in cases when the resident cannot or does not want to consent to detention. Although we are aware that such an arrangement is frequently difficult to observe, it must be respected unless otherwise amended.

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 Due to technical conditions (old building), secure wards on floors prevent all residents from directly accessing green areas, or the possibility of walking is relatively limited in wards on upper floors in Danica Vogrinec Retirement Home; the NPM thus proposed that a different, more friendly arrangement for physically impaired residents be examined in the framework of the planned renovation works.

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 In Lambrecht Retirement Home in Slovenske Konjice, the NPM proposed that the competent court be informed immediately about residents who were admitted to wards without their consent; this practice should also be observed in the future. If a resident is unable to give consent, the home must inform the court thereof even before detaining the resident in a secure ward; in such cases, detention is permissible only on the basis of a court decision. We also recommended that the home inform us if the court fails to make a decision on the proposal.

*In their reply to the preliminary report, the management of the home explained that they had no residents who would be accommodated in the dementia ward against their will. They also emphasised that the staff were aware that the competent court must be informed if a resident is to be accommodated in the secure ward.*

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 The NPM suggested that Tisje Retirement Home and its Litija Unit continue to act according to the ZDZdr and inform the court regarding persons unable to leave the home of their own free will, and persons who would be under such a regime in the future if these are persons determined in Article 2 of the ZDZdr and fail to give, or are unable to give, consent (themselves or their legal representatives in the case of persons with revoked legal capacity) as per Article 74 of the ZDZdr.

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 The NPM recommended that Ribnica Retirement Home immediately submit to the court a proposal to detain a resident or to extend detention in the secure ward, and deliver to the court the psychiatrist’s opinion which it cannot submit simultaneously at a later time.

*In their reply to the preliminary report, the management of the home explained that according to the NPM recommendation, proposals to detain a resident or extend detention in the secure ward would be submitted immediately upon detention, and the psychiatrist’s opinion would be delivered later.*

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 The NPM recommended that Ribnica Retirement Home pay special attention to the deadlines determined by the ZDZdr regarding informing the court and submitting proposals to extend detention.

*The management of the home did not reply to this recommendation in its response to the preliminary report; regarding the general clarification, we determined that they agreed with the recommendation and would try to realise it.*

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The NPM established that there was no permanent presence of a staff member at night on the secure ward of Trnovo Retirement Home and there was also no video surveillance on the ward. The NPM thus repeated its recommendation from 2013 that the home should examine the possibility of the permanent presence of one staff member at night on the ward or at least video surveillance of communal areas.

*In the response to the final report on the visit, the Ministry of Labour, Family, Social Affairs and Equal Opportunities replied that they had asked the management of the home to examine whether they had exhausted all the possibilities provided by the current legislation (including employing more staff due to the needs for special work concepts).*

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The NPM believed that the high-level supervision ward in Radenci Retirement Home complied with the definition of a secure ward as determined by the ZDZdr. As a result, it is mandatory that all provisions of the ZDZdr are observed regarding the special rights enjoyed by persons in a secure ward or residents in a home whose freedom is limited.

*In their reply to the preliminary report, the management of the home explained that the provisions of the ZDZdr were observed in all wards, and not only on the high-level supervision ward. They emphasised that persons residing in the home confirm their voluntary arrival in several ways: by signing a request for admission; by cooperating during the doctor's examination when completing the medical part of the documentation; by signing the agreement on accommodation; familiarisation and signing of a statement on familiarisation regarding the manner of treatment and the rights provided by the ZDZdr. The management also said that a competent social work centre conducted a personal interview with residents if a guardian for a special case is appointed, and established the wishes and needs of the resident in one section of the interview. If the person disagreed with the accommodation, the procedure of accommodation against their will would have already started when the person was in the hospital, according to the home's experience, thus providing rights as per the Constitution and the ZDZdr to such a person. If the resident revoked their consent, the home would act in accordance with the ZDZdr. In the short time the home has been operating, they have had no cases when procedures for accommodation against the person's will would be instigated. Persons who no longer wanted to live in the home were able to leave it because they had sufficient support from their families. In the response to the final report on the visit, the Ministry of Labour, Family, Social Affairs and Equal Opportunities agreed with the warning, stating that if a high-level supervision ward complied with the definition of a secure ward, the home must observe the ZDZdr.*

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The NPM reminded Radenci Retirement Home to observe the provisions of the ZDZdr and the decision of the Constitutional Court no. U-I-294/12-20 of 10 June 2015 on the procedure for admitting residents to the secure ward with or without consent.

*In their reply to the preliminary report, the management of the home stated that they were aware of the obligation to seek consent also from the person declared legally incapable, which it did in practice. The resident and their carer sign the agreement and other necessary documents in the home. The resident does not sign the agreement solely in the event that they can no longer write due to their illness (e.g. after CVI and similar). The home emphasised that it definitely observed the provisions of the ZDZdr and the decision of the Constitutional Court no. U-I-294/12-20 of 10 June 2015 on the procedure for admitting residents to the secure ward with or without consent. If a resident is admitted who has not given their consent, they are admitted only on the basis of a court decision compliant with the ZDZdr. There were few such cases in the home; on the day of the NPM's visit, there were no residents on the high-level supervision ward who would be admitted in such a way. The Ministry of Labour, Family, Social Affairs and Equal Opportunities agreed with the NPM's findings and warnings.*

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The NPM suggested that the management of Radenci Retirement Home examine the possibility of offering residents in secure wards certain activities also in the afternoon, at weekends and during holidays.

*The management of the home thanked the NPM for their comments, proposals and commendations, which they stated that they would try to observe to the best of their abilities and as much as possible during their work. Since the management had failed to provide a precise reply, except a general*


*clarification regarding the recommendation, we understood the recommendation had been accepted and that the management would try to realise it.*

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-  The NPM recommended that communal areas in the secure ward of Polde Eberl Jamski Retirement Home in Izlake be given a (more) personal touch by its residents by displaying their items from occupational therapy or similar, not only for holidays or special events, but throughout the year.


*In their reply to the preliminary report, the management of the home explained that they would observe the NPM proposal and would pay more attention to decorating communal areas with residents' works and placing them in visible areas.*

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-  The NPM recommended that if a resident revoked their consent to stay in the secure ward of Polde Eberl Jamski Retirement Home, the home must observe the fact that the revocation may be submitted in any form, also in the form of conclusive actions (e.g. clearly expressed wish to leave the ward, attempt to open the main door to the ward and similar). It would be advisable to add on the form the wording "in any way" or something similar.


*In their reply to the preliminary report, the management of the home stated that they had already corrected the form for admission to the secure ward according to the NPM recommendation.*

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-  The NPM recommended that if a resident is unable to give their consent to be accommodated in the secure ward, Polde Eberl Jamski Retirement Home must obtain a court decision before accommodating the resident in the ward.


*In their reply to the preliminary report, the management of the home explained that such a procedure would cause additional complications in practice. While court proceedings were underway, a bed in the secure ward would be empty (if relocating a resident to the secure ward); furthermore, the resident requiring supervision would be exposed to danger. If a new resident is admitted (who comes from the home environment), the proposal to the court must be filed by a relative or the closest person, which usually means an additional obstacle when seeking accommodation. The home agreed with the finding of other homes that the provision of the act was impractical.*

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-  The NPM recommended that the staff of Polde Eberl Jamski Retirement Home be reminded that when a resident is kept in a secure ward due to the urgency of the situation before the decision of the court, which is contrary to the ZDZdr, the court must be informed thereof immediately and not a few days after the admission.


*The management of the home emphasised that the delay occurring while submitting the notification to the court would not happen again.*

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-  The NPM recommended that the record of sending the proposal to admit a person to a secure ward or its copy be also included in the resident's file, i.e. in addition to the proposal by Polde Eberl Jamski Retirement Home.

*In their reply to the preliminary report, the management of the home stated that the NPM recommendation would be observed and the record of sending the proposal for detention or a copy would be saved in the resident's file.*

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-  The NPM recommended that doors in the secure ward of Franc Salamon Retirement Home in Trbovlje be coherently equipped with simple symbols facilitating residents orientation in space.

*In their reply to the preliminary report, the management of the home explained that the recommendation had been realised immediately, and doors in the ward were equipped with symbols to help residents with orientation.*

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The NPM commended the decision of Črnuče Retirement Home to close down one of the secure wards and adjust to new conditions; due to ageing and subsequent immobility of the residents, there were no reasons to keep the ward under supervision.

*In their reply to the preliminary report, the management of the home informed us that a change in the organisation of wards occurred on 1 April 2016. They had one secure ward, called 'Spominčice', with 12 residents.*

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The NPM proposed to the management of Medvode Retirement Home that they examine the possibility of ensuring the permanent presence of a staff member in the secure ward at night.

*In their reply to our preliminary report, the management of the home explained that they would certainly examine this possibility, although they were limited in this regard until there were changes in staffing standards. When replying to the final report, the Ministry of Labour, Family, Social Affairs and Equal Opportunities admitted that staffing standards failed to comply with the new work concepts. The Ministry also emphasised that all directors of homes must organise work according to the same standards, and it would thus advise the management to obtain experience from other comparable homes. They will be advised to send their representatives to free education courses organised by the Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Social Chamber of Slovenia. The Ministry also added that the records of the Social Chamber of Slovenia revealed that representatives of Medvode Retirement Home had not attended education courses in 2015 or 2016. Numerous good practices were presented at these courses, which could have been of help to them.*

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Registration in the book at the entrance to the secure ward of Medvode Retirement Home provides information and updated data; however, the NPM expressed concern, since the book is available and accessible to everyone. Anyone can learn about the frequency of visits and personal data of visitors. We recommended the management consider the suitability of the register.

*In their reply to our preliminary report, the management of the home explained that the register had been introduced in all DEOS centres at the request of the social inspection service. They also believed the record was useful, since it revealed the movements of residents leaving the ward, which the register at the reception desk of the home failed to record. Regarding the NPM's concerns, the register was relocated to the internal side of the secure ward.*

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The NPM recommended that Medvode Retirement Home equip the notice board in the secure ward with a copy of the house rules, information on complaint procedures and a list of rights of persons in the secure ward.

*In their reply to our preliminary report, the management of the home stated that the notice board had already been equipped according to the proposals.*

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The NPM recommended that the secure ward of the Jurišinci Unit accept only residents whose accommodation is decided on by the court. Any other conduct is contrary to the law and thus impermissible.

*Ptuj Retirement Home particularly highlighted in its reply to the preliminary report that they agreed with the findings of the preliminary report, and they would observe the proposals when planning improvements and implementing services in the future.*

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The NPM recommended that the Jurišinci Unit inform the social worker about the timely submission of proposals to extend the detention of individual residents to the competent court.


*Ptuj Retirement Home particularly highlighted in its reply to the preliminary report that they agreed with the findings of the preliminary report, and they would observe the proposals when planning improvements and implementing services in the future.*

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-  The NPM recommended that Danijel Halas Home in Velika Polana examine the possibility of verifying the secure ward in accordance with the Mental Health Act and the Rules on staff, technical and premises requirements for institutional care providers and Social Work Centres providing mental health services, and on the verification procedure thereof.


*In their reply to the preliminary report, the management of the home stated that they were planning the verification within the deadline anticipated for the verification of secure wards in retirement homes. The Ministry of Labour, Family, Social Affairs and Equal Opportunities noted that it had again informed the management of the home of the possibility of verifying the secure ward and offered its assistance.*

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-  The NPM repeated its recommendation from 2013 that Danijel Halas Home in Velika Polana supplement informative material for residents admitted to the secure ward, possibly with a brochure on dementia, the particularities of house rules in the secure ward (e.g. exits from the ward), and above all, with a brochure summarising the rights of persons in secure wards, names of mental health advocates and their contact data, as determined in Article 16 of the ZDZdr.


*In their reply to the preliminary report, the management explained that the recommendation had been observed and the deficiency eliminated.*

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-  During its visit in 2013, the NPM proposed that Danijel Halas Home in Velika Polana act according to the ZDZdr when limiting rights under Article 12 of the ZDZdr. Since we were unable to determine during our recent visit whether the conduct when limiting individual's rights provided in Article 12 of the ZDZdr had changed, we repeated the recommendation.


*In their reply to the preliminary report, the management of the home stated that they had supplemented the records on limiting rights in the secure ward.*

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-  We recommended that the Danijel Halas Home in Velika Polana respect the decision of the Constitutional Court of the Republic of Slovenia on the partial annulment of Article 74 of the ZDZdr, since it was delaying the observance of the arrangement in the transitional period at the time of the NPM's visit.


*In their reply to the preliminary report, the management of the home stated that they had also observed other proposals (including the relevant proposal) provided in the report, and had eliminated the deficiencies.*

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-  The NPM recommended that Danijel Halas Home in Velika Polana supplement the consent for detention in the secure ward accordingly and thus explicitly inform residents giving their consent about the possibility of revoking the consent in any available way (verbally, in writing or by means of conclusive actions).

*In their reply to the preliminary report, the management explained that the recommendation had been observed and the deficiency eliminated.*


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-  We recommended that Danijel Halas Home in Velika Polana observe the deadlines determined by the ZDZdr for the decision making of the courts. In the event of deadlines being exceeded, we proposed that the home inform the court of the aforementioned, or it could also inform the Ombudsman. We also pointed out that it was not permissible under the applicable ZDZdr to place residents in the secure ward with no legal basis (i.e. without the resident's consent or a court decision; in the case of persons with revoked legal capacity, they may be placed in secure wards for no more than eight days without the consent of their legal representative).

*In their reply to the preliminary report, the management of the home stated that they had also observed other proposals provided in the report, and had eliminated the deficiencies.*


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-  The NPM recommended that Danijel Halas Home in Velika Polana check the ability to use the call bell in the secure ward individually, since there was a possibility that individuals in this ward could still have the capacity to understand the meaning of the bell and thus its function.


*In their reply to the preliminary report, the management of the home explained that they had introduced "calling hours" for residents who understand the purpose of the call bell.*

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-  We recommended that Danijel Halas Home in Velika Polana post the "List of special rights of detained persons" in a suitable place where residents of the secure ward would be able to see it; the house rules should also be posted in a suitable place.


*In their reply to the preliminary report, the management of the home stated that they had moved the list of special rights of persons accommodated in the secure ward and the house rules to the notice board.*

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-  The NPM recommended that Danijel Halas Home in Velika Polana equip the doors in the secure ward with simple symbols (e.g. flower, sun, animal etc.) to help residents' orientation in space.


*In their reply to the preliminary report, the management of the home said that they had equipped the doors with simple symbols.*

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-  Since the secure ward was not verified, the NPM recommended that the management of Franc Salamon Retirement Home in Trbovlje examine the possibility of verifying the secure ward in accordance with the Mental Health Act and the Rules on staff, technical and premises requirements for institutional care providers and Social Work Centres providing mental health services, and on the verification procedure thereof.


*In their reply to the preliminary report, the management of the home explained that they had submitted the application for the verification of the secure ward in the home and in the Prebold Unit to the Commission for the verification of secure wards at the Ministry of Labour, Family, Social Affairs and Equal Opportunities. The Ministry of Labour, Family, Social Affairs and Equal Opportunities confirmed the receipt of the application for the verification of the secure ward in its reply to the final report, and added that the application was being examined.*

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-  The NPM proposed that Franc Salamon Retirement Home examine the possibility of arranging direct access for residents of the secure ward to green areas.


*In their reply to the preliminary report, the management of the home explained that they were preparing a plan to move the dementia ward to another section of the home where the residents of the relevant ward could have direct access to green areas.*

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-  The NPM recommended that residents of the secure ward of Franc Salamon Retirement Home be further consistently enabled access to green areas and to walk outside.

*In their reply to the preliminary report, the management of the home explained that access of residents to green areas or walking would be provided in the same way as in the past.*

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-  We recommended the Tolmin Unit immediately inform the competent court when admitting residents to the ward without the residents' consent; it should do so also in the future. If a resident is unable to give their consent, the unit must inform the court thereof even before detaining the resident in a secure ward; in such cases, detention is permissible only on the basis of a court decision. We also recommended that the unit inform us if the court fails to decide on a proposal or if a decision not to implement the procedure is issued.


*The management of Podbrdo Retirement Home explained that one of the residents who lacked consent to be placed in the dementia ward during the NPM's visit was relocated to the open nursing ward due to his*

worsened medical condition, which required his relocation from the secure ward. The signature of consent of another resident was missing by mistake, which was later rectified. The management of Podbrdo Retirement Home also clarified that the court was being informed about the detention of residents since the entry into force of the ZDZdr and the court always issued decisions on detention. The management claimed that the clarification we received upon the visit regarding the court decisions not to implement procedures was incorrect. The management of Podbrdo Retirement Home also stated that it would inform the court about admitting residents to the ward when residents do not consent to admission.

In its reply to the final report, the Ministry of Labour, Family, Social Affairs and Equal Opportunities explained that it would pay attention to the elimination of findings regarding the provision of consent for admission to the ward with or without the resident's consent and the content of the consent, including the methods of supervising residents, which may refer to special protection measures according to the ZDZdr. Such and similar examples would be pointed out on the next education course intended for the discussion of dementia patients within the institutional care for the elderly.


The Ministry also stated that a ward, which has not been verified yet or which could not be verified due to the non-fulfilment of technical conditions, and which, according to its activity, functions as a secure ward, must observe the ZDZdr. It also stressed that it was aware that certain older retirement homes failed to provide technical conditions adjusted to modern work concepts, and that their founders were considering how to replace these capacities with more suitable ones.

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-  The NPM recommended that the Tolmin Unit supplement the consent for residents of the dementia ward accordingly, and thus explicitly inform the resident giving their consent about the possibility of revoking the consent in any available way (verbally, in writing or by means of conclusive actions).


*The management of Podbrdo Retirement Home explained that the form for residents' consent in the dementia ward had been supplemented accordingly.*

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-  The NPM recommended that the Tolmin Unit obtain a psychiatrist's opinion if in doubt whether a resident was capable of understanding the content of the statement, and regarding the consequences that signing such a consent would have on them. The psychiatrist should evaluate the capacity to understand accordingly. If a resident was incapable of giving their consent, the unit would have to obtain a decision from the competent court before admission.


*The management of Podbrdo Retirement Home stated that the NPM recommendation would be observed, and the opinion of the resident psychiatrist on understanding the statement and its consequences would be obtained.*


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-  The NPM recommended that residents of all three secure wards of Tisje Retirement Home and the Litija Unit be further consistently enabled access to green areas and walking outside.
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## Implementation of special protection measures

-  The NPM recommended that Trubar Retirement Home in Loka pri Zidanem Mostu always act according to the ZDZdr when limiting the freedom of movement of a restless resident with a certain measure (when ordering restrictions, notifying persons determined by law and keeping of suitable records).
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-  The NPM proposed that when a resident of Danica Vogrinec Retirement Home cannot provide consent to use the belt to prevent slipping and the risk of slipping is present due to the resident's physical weakness or disability, a general physician should be included in deciding on when to use the aforementioned belt.
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-  The NPM proposed to Danica Vogrinec Retirement Home that restricting a resident's movement by means of a belt that prevents slipping is implemented in accordance with the rules applicable to special protection measures when there is a risk of falling from a wheelchair due to the resident's movement

which is the result of a mental disorder (e.g. psychomotor agitation), and there is no other way to prevent the risk of falling. In this case, a column including the measures that were implemented before the introduction of special protection measures should be added to the form in order to prevent the need to use special protection measures.

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The NPM proposed that Danica Vogrinec Retirement Home establish and keep a uniform record on the implementation of special protection measures which clearly states the reasons for the introduction, duration and implementation of special protection measures.

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The NPM recommended that Tolmin Unit with the help of a resident psychiatrist assess whether residents requiring protection in a wheelchair or lounge are capable of releasing the belt or the wheelchair lock, or clearly communicate if they wish to leave the wheelchair or not. If they are incapable, we recommend that the unit observe the provisions for the use of special protection measures as stipulated by the ZDZdr.

*The management of Podbrdo Retirement Home explained that a record of protection measures for fixation straps and bed rails was kept. The use of the above measures is prescribed by the doctor with an entry in the medical record. Fixation straps are seldom used.*

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The NPM recommended that the use of a protection measure in the Jurišinci Unit should always be recorded on a special form or in a report book together with other events and findings.

*Ptuj Retirement Home particularly highlighted in its reply to the preliminary report that they agreed with the findings of the preliminary report, and they would observe the proposals when planning improvements and implementing services in the future.*

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The NPM informed the Jurišinci Unit that restricting an individual on a lounge or wheelchair to prevent them leaving independently actually constitutes the use of special protection measures. The NPM recommended that when such measures are used, the Jurišinci Unit observe the ZDZdr regarding the conditions for the use of special protection measures, time limits on applying the measure, request to keep records and inform relevant persons.

*Ptuj Retirement Home particularly highlighted in its reply to the preliminary report that they agreed with the findings of the preliminary report, and they would observe the proposals when planning improvements and implementing services in the future.*

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The NPM recommended that, in the case of a restless resident who disturbs other residents in the ward, Kranj Retirement Home seek solutions which are not restrictive for others. We thus proposed that one of the possibilities provided by Article 29 of the ZDZdr (special protection measures) is used as a last resort for a resident who is agitated to the degree that their behaviour is dangerous or (may) become a danger to themselves or others.

*In their reply to the preliminary report, the management of the home expressed gratitude for fair treatment and for the NPM's findings and proposals, which they stated would be fully observed.*


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The NPM recommended to Kranj Retirement Home that, when a wheelchair is locked to facilitate the resident's participation in the activities or when eating a meal, a member of the staff should always be present next to the resident and they should immediately unlock the wheelchair at the resident's explicit request, expressed verbally or by means of conclusive actions. Otherwise, this is an example of using special protection measures for physical restriction, which is permitted only when meeting the conditions of, and according to the procedure determined by, the ZDZdr.


*In their reply to the preliminary report, the management of the home expressed gratitude for fair treatment and for the NPM's findings and proposals, which they stated would be fully observed.*

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 The NPM recommended that Kranj Retirement Home act according to Article 29 of the ZDZdr when restricting a resident's limb due to the risk of removing a cannula.


*In their reply to the preliminary report, the management of the home expressed gratitude for fair treatment and for the NPM's findings and proposals, which they stated would be fully observed.*

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 The NPM recommended that Ribnica Retirement Home observe the conditions and limitations as determined in the ZDZdr and keep necessary records on the measure and inform those persons who must be informed on the use of measures as per the Act any time physical restriction is applied with the use of special protection measures.

*In their reply to the preliminary report, the management of the home explained that there had been no physical restriction with straps in the secure ward in the last eight years. Some residents were unaware that they must not or cannot get up from the wheelchair (because they could fall immediately or are being rehabilitated after a broken hip, for example, and must not put weight on their leg). For this purpose, the home had bought three special loungers equipped with small tables that can be installed or removed according to needs. The management also stated that all necessary records and instructions had been in force since the adoption of the ZDZdr about the actions taken if special protection measures are used. Alternative measures were used in the home, i.e. they temporarily employ more staff or transfer a resident to a psychiatric hospital.*

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 In Polde Eberl Jamski Retirement Home, the NPM recommended that the resident psychiatrist assesses whether residents in need of protection when sitting in loungers are able to release straps on their own or communicate clearly if they no longer wish to sit in the lounger. If they are incapable, we recommend that the retirement home observe the provisions for the use of special protection measures as stipulated by the ZDZdr.


*In their reply to the preliminary report, the management of the home explained that they would assess with the help of the resident psychiatrist which residents sitting in loungers were unable to release the straps or could communicate clearly that they wished to leave the lounger. For such residents, the home would observe the provisions for the use of special protection measures as stipulated by the ZDZdr.*

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 Regarding the implementation of special protection measures, the NPM recommended that Franc Salamon Retirement Home strictly observe the ZDZdr.

*In their reply to the preliminary report, the management of the home explained that the aforementioned legislation would be observed consistently also in the future.*


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 The NPM asked Črnuče Retirement Home to consider whether locking wheelchair wheels during meals was not an example of a protection measure, since this practice restricts mobile residents and could be considered a special protection measure.

*In their reply to the preliminary report, the management of the home emphasised that wheelchair wheels were locked during meals solely to enable residents to sit still and independently at a table so that their wheelchairs would not move away from the table. This issue was presented to the resident psychiatrist in order to enter in the rules of applying special protection measures the possibility of locking wheelchair wheels and to obtain consent from the residents and their relatives.*

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## Distribution of medication or therapy

 Regarding medication therapy, the NPM recommended that such therapy which is received by residents of Danica Vogrinec Retirement Home should not be labelled "as needed", as this makes it impossible to determine how many times a day a person receives the therapy. We therefore propose entering how many times a day the person may receive a medication and how many times a day the person has actually received the prescribed therapy in the treatment record.

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The NPM recommended that the Tolmin Unit improve the system of recording doctor's instructions, and (again) inform staff on the urgency of obtaining advance approval to change therapy and immediate recording of changes, and to prevent cases of exceeding prescribed therapy by regular control.

*The management of Podbrdo Retirement Home stated that changes of therapy were always approved by a doctor in advance, which was also recorded, and the staff were informed of this. In the case which was mentioned in the NPM report, the record was insufficient; this was discussed and the staff were notified of the need for consistent record keeping.*

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The NPM recommended that Ribnica Retirement Home inform their psychiatrist that it must be clearly stated whether it is permissible to use both medications when implementing therapy "as needed" in the event of medications (antipsychotics) with combined effects or only one medication in the prescribed quantity.

*In their reply to the preliminary report, the management explained that such therapy was implemented very rarely. It was used in November three times, whereupon, it was agreed with the psychiatrist and the staff that the first medication was to be used first in the case of medications with combined effects, and if that had no effect, the second medication was to be used. The staff are in constant contact with the psychiatrist. They call her on her mobile phone and promptly inform her about illness symptoms and possible worsening of diseases.*

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The NPM recommended that Ribnica Retirement Home inform their staff about special care when crushing medications, and possibly also agree with the doctor to particularly mark medications which may not be crushed.

*In their reply to the preliminary report, the management of the home clarified that the staff would particularly carefully mark medications which must not be crushed. The management also claimed that the staff crushed medications only exceptionally.*

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The NPM pointed out to Radenci Retirement Home that prescribing medications "as needed" must be explained in detail, so that staff know when to give such medications to residents and how many times a day the residents may be given such medication (maximum permissible daily dose). We also recommended that limitations recorded for individual medications be copied consistently from the resident's medical record to other documents where the medication a resident should take or has already taken is recorded or determined.

*In their reply to the preliminary report, the management of the home stated that the therapy "as needed" is prescribed by the psychiatrist in the medical record. The Loram medication is administered only upon restlessness. The management explained that medication was distributed by experienced medical staff who are familiar with medication, thus avoiding the possibility of administering them for different indications. Medication "as needed" is always prescribed by the psychiatrist in a daily recommended dose, e.g. Loram 2.5 mg Vi tbl pp (means that the maximum daily dose to be administered is Vi pills of medication a day). The management explained that, if necessary, nurses consult with the responsible registered nurse or the head of health care (both have many years' experience in the field of psychiatric health care) before starting a therapy. The retirement home has an agreement with the resident psychiatrist that before starting a therapy "as needed" (although it was prescribed in the medical record) the therapy is not administered without prior consultation (by e-mail or phone). The management explained that they were particularly cautious when administering therapy "as needed" and administered it very rarely and according to the aforementioned procedure.*


*The Ministry of Labour, Family, Social Affairs and Equal Opportunities emphasised that special attention would also be paid to the procedure for prescribing medications within the framework of education which it planned to organise regarding the treatment of dementia patients in institutional care of the elderly. The Ministry agreed that the rules on prescribing medications "as needed" would have to be determined in more detail.*

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-  The NPM proposed that Danijel Halas Home in Velika Polana inform the general practitioner and the psychiatrist about the need to prescribe medications clearly, and ask them to define the exact quantity and period the medication may be taken when prescribing medication “as needed”, so that the maximum prescribed dose is not exceeded.

*In their reply to the preliminary report, the management of the home stated that they had also observed other proposals provided in the report, and had eliminated the deficiencies. The Ministry of Labour, Family, Social Affairs and Equal Opportunities stated that it had noticed similar examples to those noted by the NPM. It would therefore include the topic of medications, their administration and effects also in its education for social care service providers. The Ministry has been unsuccessful in its efforts to inform doctors of retirement homes of the findings.*

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-  The NPM pointed out to Franc Salamon Retirement Home in Trbovlje that prescribing medication “as needed” must be explained in detail, so that staff know when, and how many times per day, to give medication to residents.

*In reply to the preliminary report, the management of the home explained that the doctor from Trbovlje Medical Centre, who implemented out-patient clinic services in the retirement home, arranged the prescribing of medication “as needed” by explaining when a resident was to take such a medication and how many times a day. The doctor made notes in residents’ medical records; the expert staff who were competent to provide such services in the retirement home were also informed about the notes.*

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## General medical and dental services


-  The NPM commended the presence of a doctor in Danica Vogrinec Retirement Home on week days and the trial availability of a doctor also at weekends and outside business hours, and availability of the psychiatrist also outside business hours.
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-  The NPM recommended that the Jurišinci Unit and Ptuj Retirement Home agree with the psychiatrist on the days and times when she would be present in the home and the unit. The staff and residents would thus be able to prepare for her, and relatives would also be able to see her and obtain basic information on the medical condition of their relatives residing in the home. We also recommended that the Jurišinci Unit agree with the psychiatrist on the method of contact if a resident’s condition worsens between her visits.

*Ptuj Retirement Home particularly highlighted in their reply to the preliminary report that they agreed with the findings of the preliminary report, and stated that they would observe the proposals when planning improvements and implementing services in the future.*

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## Complaint procedures

-  The NPM recommended that all collection boxes intended for anonymous complaints and commendations in Trubar Retirement Home be clearly and visibly marked. The possibility of anonymously expressing opinions is very important, particularly when dealing with more delicate issues or conflicting opinions of residents and staff.
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-  We repeated the recommendation we made in 2011 to Lambrecht Retirement Home in Slovenske Konjice that a box for collecting complaints (and also commendations and recommendations) be placed in the secure ward.

*In response to the preliminary report, the management of the home explained that the box for commendations and complaints was at the reception of the home. At the same time, they also said that due to the extension of premises in the Mavrica Unit (balcony glazing), the staff had not installed the box, but they had made it together with the residents. The reason for not installing the box in a suitable location was reconstruction or a major construction intervention. As soon as the premises are*

*completed and suitably arranged (within two weeks), the box will be placed in a visible and accessible place (living area).*

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The NPM recommended that Tolmin Unit place sheets of paper and a pen next to the collection box in the ward to enable residents who were capable, or relatives who wished to do so, to submit anonymous complaints.

*The management of Podbrdo Retirement Home explained that they had put a writing pad and pen next to the collection box for complaints.*

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The NPM recommended that Kranj Retirement Home always make the box for complaints in the secure ward accessible to residents and their relatives.

*In their reply to the preliminary report, the management of the home expressed gratitude for fair treatment and for the NPM's findings and proposals, which they stated would be fully observed.*

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The NPM recommended that Ribnica Retirement Home inform staff about complaint procedures, which they may have to explain to residents or their relatives, and they must particularly know what to do when receiving a complaint. We also suggested that complaints procedures be displayed on the notice board of the secure ward.

*In their reply to the preliminary report, the management of the home clarified that information on complaint procedures in the form of a picture in a frame was fixed on the walls in the secure ward and on all floors of the home and in the lobby. According to the management of the home, better visibility of complaint procedures in a written form will be ensured. During regular monthly meetings with staff, the management reminded them about the procedure when receiving a complaint.*

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The NPM proposed that Radenci Retirement Home install a collection box for complaints and commendations in the high-level supervision ward, since certain disagreements may be communicated only when an anonymous method of submitting complaints is provided.

*The management of the home thanked the NPM for their comments, proposals and commendations, which they stated that they would try to observe to the best of their abilities and as much as possible during their work. Since the management had failed to provide a precise reply, except a general clarification regarding the recommendation, we understood the recommendation had been accepted and that the management would try to realise it.*

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The NPM proposed that a collection box for complaints and commendations be placed in the secure ward of Franc Salamon Retirement Home and that information on possible complaint procedures be displayed in visible places.

*In their reply to the preliminary report, the management of the home explained that they had immediately installed the collection box for complaints and commendations in accordance with the recommendation and also displayed information on complaint procedures in the dementia ward.*


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The NPM was of the opinion that a special collection box for complaints is to be provided in Črnuče Retirement Home, and a complaint form should also be provided. Although residents may communicate complaints verbally, certain disagreements may be communicated only when an anonymous method of submitting complaints is provided.


*In their reply to the preliminary report, the management of the home stated that a special box for collecting complaints would be installed at the reception, and lists of advocates as per the ZDZdr would be put on all notice boards on all floors, in addition to the notice board in the home's clinic, where the list was already displayed and the collection box installed since the opening of the retirement home.*

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-  The NPM pointed out to Medvode Retirement Home that for receiving anonymous complaints, it would be better if the book of comments and complaints was available at reception. It would thus be possible to make anonymous complaints without the possibility that someone might read them immediately.


*In their reply to the preliminary report, the management of the home agreed with the recommendation and said that they had already put the book of comments and complaints on the counter in the reception.*

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-  The NPM pointed out to Medvode Retirement Home the importance of being able to submit complaints anonymously, which is enabled with the installation of a collection box, which we did not see in the lobby.

*In their reply to the preliminary report, the management of the home agreed with the recommendation. They would install the collection box in the reception lobby as soon as possible.*


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-  The NPM recommended that Danijel Halas Home in Velika Polana check collection boxes more frequently, since the complaint might no longer be topical if left for a month. We recommended that the home keep a transparent record of complaints, so that they can be found at all times and the discussion of an individual complaint can be verified.


*In their reply to the preliminary report, the management of the home stated that they had also observed other proposals provided in the report, and had eliminated the deficiencies.*


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## Other

-  The NPM recommended that Trubar Retirement Home examine the possibility of introducing supervision, which can contribute to the development of relations between the employees and also their successful cooperation, which also contributes to better services for residents of the home.
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-  The NPM recommended that Danica Vogrinec Retirement Home produces clear instructions regarding accessibility to medical documentation in the event of emergency, and if necessary to arrange this by contract between the medical centre and the social care institution, because its inaccessibility could seriously endanger residents' health.
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-  We asked for clarification as to why there were discrepancies between the data on the official capacity of Danica Vogrinec Retirement Home and the data on residents according to the categories of care.
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-  The NPM recommended that Ribnica Retirement Home promote as many activities as possible in which residents can get involved, and to stimulate residents to participate in these activities. We also recommended that the management strive to keep the work in the ward as stable as possible to enable residents to orientate better in time and space.

*In their reply to the preliminary report, the management of the home explained that another rack had been installed where the residents can find didactic games. The home has also bought several additional gadgets in the shape of animals to additionally occupy the residents and enable them to spend their time more actively. The management also stated that the room on the right side would be reorganised by the staff and equipped differently to make it more suitable for group activities. Following the NPM recommendations, a larger table would be installed, thus enhancing the feeling of participation and inclusion in group activities. A weekly schedule of activities was prepared for the social carer, who works in the secure ward eight hours a day. She would also be keeping a daily record about who participated in activities and possible short comments.*

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-  The NPM recommended that Ribnica Retirement Home ensure badges or sew-on patches for the staff to enable their identification and to encourage them to actually wear the badges on their uniforms.



*In their reply to the preliminary report, the management of the home explained that staff's names, surnames and posts would also be put on T-shirts to identify them. All the upper parts of uniforms have sew-on patches that cannot be removed. Employees frequently remove the top part of the uniform and so cannot be identified, because the T-shirts do not have their names on them. Different colour T-shirts enabled only the identification of their job profile. The management undertook to ensure that all newly purchased T-shirts would have information on them.*

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The NPM recommended that surveys used to verify the satisfaction of residents, their relatives and the staff be observed when planning improvements in Ribnica Retirement Home, since their purpose is to point out areas into which energy is to be directed, including possible ways to improve certain situations.

*In their reply to the preliminary report, the management of the home stated that they were glad to be placed among the top ten retirement homes in Slovenia according to the surveys of residents' satisfaction over the years. In the last four years, they had taken note of many complaints from residents and thus significantly improved their well-being. The management emphasised that the home did not keep the surveys' results for mere decorative purposes.*

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The NPM recommended that Ribnica Retirement Home try to ensure that residents' replies in the satisfaction surveys genuinely reflect their perceptions of life on the ward. After careful consideration, relatives or other people who are close to the resident should be asked for help only when the residents are unable to complete the survey themselves. The person helping the resident with the survey should be informed that the replies must not reflect their own observations, but those of the resident. The observations of relatives are subject to another survey. It is better to leave certain sections of the survey empty (unanswered) than to state something that is not a true reflection of the resident's perception of life on the ward.

*In their reply to the preliminary report, the management of the home explained that a misunderstanding must have occurred during the visit, because they had never asked for help from residents' relatives when surveying the residents. Only surveys intended expressly for relatives, which are completely different, are submitted to them.*

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The NPM proposed to the management of Črnuče Retirement Home that they provide additional training on verified programmes for work with dementia patients, and recommended continuing the internal education which has been underway and which the NPM commended.

*In their reply to the preliminary report, the management of the home stated that training had been implemented successfully, and that they had implemented external education and internal training of the staff.*

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The NPM expressed concern regarding the latest satisfaction survey results of residents, their relatives and the staff of Medvode Retirement Home, and its expectation that conditions would improve in the future.

*In their reply to the preliminary report, the management of the home explained that they had invested a lot of effort in this field and would continue to do so in the future, and consistently care for the well-being of the residents, their relatives and the staff. In its reply to our final report, the Ministry of Labour, Family, Social Affairs and Equal Opportunities expressed their concern about the low level of satisfaction of residents and staff, and the negative atmosphere in the home, and stated that in the coming months they would pay special attention to developments there. The Ministry also ascertained whether inspection supervision was planned in the home in 2017, which was confirmed. The inspection was to be conducted in the retirement home in the first months of 2017.*


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The NPM proposed that all staff be included in the education process and that they be enabled education outside Medvode Retirement Home at least once a year. We commended the efforts of the management to introduce internal education courses in the home which could be attended by more staff members.


*In their reply to our preliminary report, the management of the home explained that they would continue the practice of internal education, and would try to enable external education for as many staff members as possible, which would contribute to better work.*

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-  The NPM recommended that Franc Salamon Retirement Home introduce monitoring of the level of satisfaction of staff, residents and their relatives, since this is one of the most efficient methods of establishing satisfaction or dissatisfaction of the above groups.


*In their reply to the preliminary report, the management of the home stated that they monitored the satisfaction of staff, residents, their relatives and users of home help services regularly, i.e. once a year. Since 2014, the home has had a quality certificate, the ISO 9001:2008 standard in the field of certification of institutional care for the elderly, assistance to individuals and families at home, economic activity intended for a higher quality of life and care for the elderly for the services implemented in an institution and the living environment of the individual. An integral part of the annual certification of the home is the monitoring of satisfaction of the staff, the residents, their relatives and the users of home help services, which means that control of the above monitoring is implemented every year for certification purposes.*

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-  The NPM commended the implementation of intervision in the form of a weekly meeting of the internal expert staff, and recommended that Franc Salamon Retirement Home examine the possibility of introducing team intervision, since it could contribute to the development of better relations between the members of the expert team and enable their successful cooperation in the expert team, which would result in better quality services for the home's residents.


*In their reply to the preliminary report, the management of the home explained that the supervision of providers of social care at home was regularly undertaken by mag. Danica Hrovatič. In November 2016, they concluded an agreement on implementing supervision of expert workers in the retirement home with supervisor Dr Zoran Milivojević.*

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-  The NPM recommended that the staff of Polde Eberl Jamski Retirement Home in Izlake assess which residents require constant supervision at night, and also implement it accordingly. Disturbing all residents by entering their rooms and waking them (intentionally or not) is considered unnecessary and exaggerated by the NPM.


*In their reply to the preliminary report, the management of the home clarified that supervision of the majority of residents was necessary during the night, since many dangerous situations had been prevented by supervision. There were some five residents in the entire home who had made it explicitly clear that they did not wish to be supervised during the night. These residents were last visited at 10 pm and then in the morning on the next day.*

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-  The NPM proposed that the management of Polde Eberl Jamski Retirement Home consider using badges or sew-on patches to facilitate the identification of staff.

*In their reply to the preliminary report, the management of the home stated that badges with names, surnames and posts were provided for all staff members. However, it was the responsibility of each individual to place the badge in a visible place on the uniform. The staff were regularly reminded about wearing their badges. On the day of the NPM's visit, only one employee in the Rožmarin Unit had no badge. The reason for this was that when she wore an apron, the badge bothered her during cooking.*

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-  To provide smooth and high-quality care to persons in the high-level supervision ward, the NPM recommended that the staff of Radenci Retirement Home be continually educated on working with dementia patients.

*The management of the home thanked the NPM for their comments, proposals and commendations, which they stated that they would try to observe to the best of their abilities and as much as possible during their work. Since the management had failed to provide a precise reply, except a general*

*clarification regarding the recommendation, we understood the recommendation had been accepted and that the management would try to realise it.*

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The NPM proposed that the management of Radenci Retirement Home ensure a sufficient number of staff on the high-level supervision ward for group activities and that they use a permanent group of staff if possible.

*In their reply to the preliminary report, the management of the home explained that 21 dementia patients on the high-level supervision ward were taken care of by at least four staff members in the morning (occupational therapist, nurse, medical assistant and a housekeeper). Other medical staff were included in treatment relating to the residents' medical condition (registered nurse, physiotherapist). At least three staff members were present on the high-level supervision ward in the afternoon, and one employee was present at night. The management explained that medical care staff members regularly participated in group activities after they had provided care and medical services to the residents. This was usually between 9 and 11 am and 3 and 5 pm. In addition to the occupational therapist and the housekeeper, the medical assistant with the 3<sup>rd</sup> level of disability also contributed to the creative use of residents' time; she was on sick leave at the time of the NPM's visit. All other services were included in activities according to the schedule of activities organised by the occupational therapist. The staff team is permanent for the entire first floor, not only for the high-level supervision ward, which is on the left side. The team includes eleven medical workers, who work in shifts. This was at the request of staff members who requested to be transferred from the high-level supervision ward to ward 1 on the right due to mental stress. Most of the staff on the high-level supervision ward were working there for the second year. During absence due to sick leave, the other three floor teams replace the staff on the high-level supervision ward.*

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In Radenci Retirement Home, the NPM could not locate a schedule of daily activities (e.g. in a form of a poster) in a visible place in the high-level supervision ward or the promotion of events and activities, the NPM thus recommended that residents be informed about the implementation and the course of activities in a suitable way.

*The management of the home thanked the NPM for their comments, proposals and commendations, which they stated that they would try to observe to the best of their abilities and as much as possible during their work. Since the management had failed to provide a precise reply, except a general clarification regarding the recommendation, we understood the recommendation had been accepted and that the management would try to realise it.*

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The NPM recommended that Radenci Retirement Home examine the possibility of introducing team intervision, since it could contribute to the development of better relations between the members of the expert team and enable their successful cooperation in the expert team, which would result in better quality services for the home's residents.

*The management of the home thanked the NPM for their comments, proposals and commendations, which they stated that they would try to observe to the best of their abilities and as much as possible during their work. Since the management had failed to provide a precise reply, except a general clarification regarding the recommendation, we understood the recommendation had been accepted and that the management would try to realise it.*

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Regarding weekly and monthly meetings of the expert team or management whose objective is the successful and efficient cooperation of the expert team members and provision of high-quality services to residents, the NPM determined that intervision or its beginnings were present in Trnovo Retirement Home. The NPM commended such conduct of the management of the home and supplemented its recommendation to examine the possibility of introducing team intervision, so that the current form of team intervision could be further developed.


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Relating to the language barrier of a resident of Trnovo Retirement Home who comes from France, the NPM recommended that the staff further pay particular attention to the relevant resident and his needs.


*In their reply to the preliminary report, the management of the home explained that the staff always paid attention to all residents, particularly to those in special circumstances (such as a language barrier). All the requisite attention would also be paid to the resident from France.*

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-  The NPM recommended that Ribnica Retirement Home dedicate more attention to educating their staff on working with dementia patients and communicating with such residents. As provided below, the desire for such (further) education was also expressed by the staff.


*The management of the home did not reply to this recommendation in their response to the preliminary report; regarding the general clarification, we determined that they agreed with the recommendation and would try to realise it.*

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-  The NPM recommended that Kranj Retirement Home be particularly attentive when correctly keeping documentation and filing documents.


*In their reply to the preliminary report, the management of the home expressed gratitude for fair treatment and for the NPM's findings and proposals, which they stated would be fully observed.*

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-  The NPM recommended that the management of Kranj Retirement Home protect and consistently observe the wishes of their residents in order to prevent unauthorised entries and visits by persons whom the residents do not want to see and to prevent the imposition of religious beliefs.


*In their reply to the preliminary report, the management of the home expressed gratitude for fair treatment and for the NPM's findings and proposals, which they stated would be fully observed.*

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-  The NPM recommended that satisfaction surveys of staff, residents and their relatives be introduced and then repeated periodically, since the satisfaction of these three groups particularly affects the general well-being of the residents in the Jurišinci Unit, possible improvements and also the quality of their life.


*In their reply to the preliminary report, the management of Ptuj Retirement Home explained that satisfaction surveys of the residents, their relatives and the staff had been conducted in June 2016. Further development and the planning of improvements would be implemented within the E-Qalin standard. The education of staff for the project had already been completed; the assessment of the criteria and indicators would be implemented in autumn. The survey results would serve as the basis for improvements adjusted to residents.*

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-  The NPM recommended that Tolmin Unit carefully examine the reasons for the dissatisfaction of individual residents, possibly also on the basis of more detailed questions in a new survey, and then adopt measures to improve the satisfaction of all residents.

*The management of Podbrdo Retirement Home stated that, according to the results on satisfaction, it was possible to deduce that the majority of residents were satisfied with the services (4.3). Nevertheless, certain individual residents had expressed dissatisfaction, which was being addressed by means of individual dialogue.*

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-  The NPM recommended that Tolmin Unit make an agreement with the post office for the postman to give notifications of mail only in the event of registered mail, while the social worker then informs the carer of the dementia patient about the mail. The expiry of the time limit for mail being delivered to the resident is thus prevented in the case of the absence of a carer or untimely response.

*The management of Podbrdo Retirement Home explained that when a postman delivered registered mail, the receptionist took him to the resident, who signed the receipt for the mail. If the resident was unable to sign, the postman left a notification and the resident's carer was duly informed. Registered mail was thus not accepted by the social worker, as the NPM was incorrectly informed during the visit.*

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The NPM recommended that the staff of Lambrecht Retirement Home in Slovenske Konjice write only information which is not personal on the notice board next to residents' beds, or which does not encroach on residents' integrity, so that its disclosure would not be harmful to the resident or even contrary to legislation.

*In their reply to the preliminary report, the management explained that they were aware that the integrity of every resident must be protected. Only information which was not sensitive and did not affect personal integrity was posted on notice boards next to beds, e.g. schedules for physiotherapy treatments and occupational therapy, warnings about diet, resident's wishes on the arrangement of their belongings etc.*

## Control visits to retirement homes in 2016

The observance of a total of 106 recommendations provided during previous regular visits to the institutions was verified. Some 55 new recommendations were made during recent visits, and eleven unobserved recommendations were repeated. The new commendations were included in the statistics of the recommendations given during regular visits in 2016; they are enumerated and provided in the first chapter.

	Total	Adopted	Rejected	Realised	No data
<b>Legend</b>					
<b>Število kontroliranih priporočil</b>	106	18	14	72	2
<b>Share</b>	100 %	17 %	13.2 %	68 %	1.8 %

### Danijel Halas Home in Velika Polana

During our previous visit in 2013, the NPM made seven recommendations. We established that the home accepted three recommendations, which were not (fully) implemented. The home failed to accept three recommendations, and realised one. Eighteen new recommendations were made, of which one was accepted and would be implemented within reasonable time; the remaining ones were accepted and implemented.

### Trebnje Retirement Home

During our previous visit in 2013, the NPM made twelve recommendations. We determined that all recommendations had been realised, which was commended. No new recommendations were made.

### Saint Joseph Home in Celje

During the previous visit, the NPM made twelve recommendations. It was established that the home observed most of the recommendations made by the NPM during its visit in 2015, and also (at least) partially realised them, which was commended. No new recommendations were made, but we pointed out the unaccepted recommendations, which were repeated.

### Lambrecht Retirement Home in Slovenske Konjice

During our previous visit in 2011, the NPM made seven recommendations. We established that the home had accepted three recommendations, which were not (fully) implemented. The home had implemented four recommendations, which was commended. Five new recommendations were made.

### Notranje Gorice Residential Centre for the Elderly

During the previous visit, the NPM made eleven recommendations. It was established that the home had observed all the recommendations made by the NPM during its visit in 2014, and also realised many of them (6), which was commended. No new recommendations were made.

### **Retirement Home Idila**

During the previous visit, the NPM made eleven recommendations. It was established that the home had observed almost all the recommendations (10) made by the NPM during its visit in 2014, and also (at least) partially realised them, which was commended. No new recommendations were made, but we pointed out the unaccepted recommendation, which was repeated, and we proposed that it be realised as soon as possible.

### **Kranj Retirement Home**

During our previous visit in 2009, the NPM made seventeen recommendations. We established that the home had accepted one of these recommendations, which was not (fully) implemented. One of the recommendations was not accepted. However, it was commendable that the home had implemented as many as fifteen of the recommendations made upon the previous visit. Ten new recommendations were made, and all were accepted, according to the home's response report.

### **Trnovo Retirement Home**

During the previous visit in 2013, the NPM made sixteen recommendations. It was determined that ten recommendations had been accepted and realised and six had not, so we repeated them. Nine new recommendations were made, and all were accepted, according to the home's response report. Five commendations were also given.

### **Polde Eberl Jamski Retirement Home in Izlake**

During our previous visit in 2012, the NPM made six recommendations. We established that the home had accepted one recommendation, which had not been (fully) implemented. Five recommendations were implemented in full, which was also commended. Eleven new recommendations were made. According to the home's response report, nine recommendations had been realised, one was accepted and would be implemented, and one recommendation was not accepted.

### **Laško Retirement Home**

During the previous visit in 2015, the NPM made seven recommendations. We established that two recommendations had been observed and the majority (3) also realised, which was commended. Two new recommendations and seven commendations were made. The home's response report had not been received as of the drafting of this Report, so we lack information regarding the response to the two new recommendations.

## **4.2 Thematic visits to institutions detaining persons with mental disorders**

On 17 and 18 September 2016, we visited several institutions detaining persons with mental disorders and examined special supervision wards in psychiatric hospitals, a secure ward of a (special) social care institution and dementia wards which, as we had already determined during previous visits, comply with the definition of secure wards as determined in the Mental Health Act (ZDZdr). These institutions are Vojnik Psychiatric Hospital, special social care institution Nina Pokorn Home in Grmovoje, Zimzelen Retirement Home in Topolšica, Begunje Psychiatric Hospital, Jesenice Retirement Home and Dr Janko Benedik Home in Radovljica.

**The purpose of the NPM thematic visits to the institutions detaining persons with mental disorders was to answer a question about the scope of activities available to patients in special supervision wards of psychiatric hospitals or residents in secure wards of social care institutions on Saturdays and Sundays, when there were usually fewer members of staff in the said institutions.** We wanted to establish: whether there were sufficient staff on these wards to implement the anticipated activities; what instructions were given by occupational therapists, who were usually absent at the weekend, and whether the activities were actually implemented (and were not mere dead letters).

During the visits, the NPM also paid attention to signs suggesting that torture and other forms of cruel, inhuman or degrading treatment or punishment occur in places of deprivation of liberty (as defined in Article 4 of the Act Ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment – MOPPM). Regarding the findings from the visits, the

NPM may make recommendations to the relevant institutions treating persons with mental disorders, and particularly to the competent authorities, i.e. the Ministry of Health (MZ) and the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MDDSZ) **so that necessary measures can be taken to prevent patients or residents from being left on their own during weekends and holidays, and so that they can be offered free-time activities and help them improve or at least maintain their abilities or mental health.** The NPM may also submit proposals and comments regarding applicable or draft acts or other legal regulations.

## Visits to institutions, findings upon visits and responses from individual institutions visited

### Vojnik Psychiatric Hospital

Following the visit to the hospital, the NPM's general finding was that **there were very few activities available to patients at the weekend**, which was also obvious from the lists of activities at both the wards that were visited. The patients are usually left on their own and to their own creativity. They can play board games, which quickly lead to conflicts if not guided and supervised by the staff. Since fewer staff are on the wards during weekends, there are few possibilities for such activities.

In both wards, we particularly **missed activities which patients could implement themselves or with the minimum engagement of the staff.** The staff in the female admission ward particularly emphasised good experience in the past with knitting. We thus believe that similar activities could be found with the suitable participation of an occupational therapist, which could be implemented without potentially hazardous objects (knitting needles). Patients are still in the hospital on Friday afternoons, when the workday of the staff responsible for activities of patients ends. The patients remain in the wards, frequently closed in their rooms and communal areas, with short walks outside or visits.

**We are certain that the most suitable solution would be for sufficient staff to remain on the wards during the weekend who, in addition to their urgent duties, would also be able to oversee the active spending of patients' free time.** We nevertheless believe that patients' time would be better spent already with the suitable inclusion of, and preparation by, an occupational therapist, irrespective of the number of staff on wards during the weekend on the occasion of our visit. **We recommended that an occupational therapist be included in preparing an activity plan for weekends, who should give the staff suitable instructions on implementing activities and provide the necessary materials.** It should not be neglected that weekends are not only free time between two (working) weeks, and that the therapeutic process in wards should also be continued at the weekend, thereby contributing to the patients' speedy recovery, and particularly to their well-being, maintaining work activity and learning new skills.

*In their response to the preliminary report, the management of the hospital stated that they would consider the recommendations and come to an agreement with all participants about the possibility of implementing the NPM proposals in special supervision wards.*

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### Special social care institution Nina Pokorn Home in Grmovje

The relevant social care institution takes care of adults with special needs. Since this is their home, where they frequently spend most of their lives, it is even more important that their time is spent qualitatively and that suitable activities are available to them. The residents of the secure ward cannot leave the ward independently; some receive visits occasionally or not at all. **We thus emphasised that it was even more important that residents were able to implement activities with which they could spend their free time actively and usefully at weekends, also according to their wishes and needs.**

**When visiting this institution, we recommended that the occupational therapist prepare a list of weekend activities.** The list may be general or adjusted to individual residents. The occupational therapist would have to observe the composition of the staff on the ward at the weekend and thus related limited possibility of staff participation in individual activities. A possible option would be for the occupational therapist to give residents 'homework' on Friday and also provide them with suitable materials and tools if necessary. If the latter pose a risk to residents, the staff would hand out the tools before the activity. The staff would have to be informed about the 'homework' in order to supervise the activity and encourage the resident to complete the work.

**We believe that spending free time actively would also be useful for residents in terms of therapy and maintaining their mental, physical and thus related work skills.** In particular, this would prevent residents from sitting resignedly in the ward during the weekend, smoking more or even becoming restless, irritable and difficult to manage due to the lack of work and monotony.

*In their response to the preliminary report, the management of the home explained that they had recently received younger residents without the formers' consent on the basis of court orders and were thus faced with a very diverse population in terms of interest and motivation. Their staff also noticed that interest in more intensive activities in free time was increasing. So far, activities at weekends have not particularly been planned in advance, but were certainly implemented occasionally in accordance with the residents' expressed interest (for the most part, these included socialising during walks or board games).*

*Since interest in activities during weekends was increasing, the occupational therapist had already committed herself for this purpose, together with the responsible registered nurse at the unit, and they had prepared activities for weekends (Saturdays, Sundays, holidays). According to the management of the home, the intensity of activities always correlates with the available staff, schedules and residents' interest, which varies from day to day. The management of the home is striving to pay more attention to providing ongoing social and sports activities in the secure ward because this is in their genuine interest, and a happy service user is the basic criteria of quality.*

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### **Zimzelen Retirement Home in Topolšica**

We determined that many activities were also available to the residents of the home at weekends. The cooperation between the occupational therapist and the staff in the ward, who try to provide various activities for the residents of secure wards also during weekends, was positive and complementary. Certain clarifications provided by female residents to whom we spoke revealed that, with some effort, the residents in the ward could feel even better. **We thus proposed that the management of the home try to balance activities which enhance residents' mental health and physical activities, which enable the residents to maintain a good psychophysical condition. We also recommended that occasional major activities (concert, children's performance, dance, trip and similar) be organised at weekends and thus additionally vary the lives of residents during weekends.**

*According to the management, the NPM's recommendations were based on a female resident's statement. On that note, the management added that residents' statements reflected their current awareness of the situation, which was the result of their dementia. Activities that enhance residents' mental health and physical activities also took place during weekends, which was evident from the activity plan available to the NPM and which was also established in the first sentence of its concluding findings. Providing more activities at the weekend was more difficult. Performances, concerts and the like are provided by external providers, who do not provide their services at the weekend. In the history of events on the home's website, it was evident that some weekend events were occasionally organised.*

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### **Jesenice Retirement Home**

Although the management of the home undoubtedly wished many activities to take place in dementia wards on Sundays and during holidays, to which the list of activities not being divided by days for the entire week particularly pointed, the NPM raised a question during its visit: were activities even possible if there was only one staff member on the ward? The concern was justified, as was also proven by the staff's clarifications and the residents' allegations stating that activities on Sundays and during holidays were reduced mainly to watching television and to visits by relatives.

It must also be noted that the activities which the staff of both wards (Rožmarin and Sončna enota) manage to organise and implement in addition to their other duties require extra effort and present an additional burden. We were wondering how one trainee managed to suitably provide care and safety for 35 residents, who for the most part were suffering from dementia, and also implement certain activities (reading stories), which was certainly a great burden for him. The same also applies to the employee in the Rožmarin unit. **We thus stated that the management of the home has to re-assess its staffing structure in dementia wards at weekends and during holidays and if necessary provide at least two permanently present staff members on every ward. If staffing standards fail to allow the aforementioned, we proposed that the management contact the relevant ministry with a request to change staffing standards and also to inform the Ombudsman thereof.**



**We also thought that suitable preparation of activities while providing materials and instructing staff, which would be done by the occupational therapist, would significantly facilitate the staff's work during weekends and also increase the number of activities for residents, thus improving the quality of life in the home.**

*In their reply to the preliminary report, the management of the home first elaborated on the organisation of work by units on Sundays and during holidays, i.e.:*

- the Rožmarin unit, which is not a secure ward,<sup>8</sup> housed thirteen residents receiving care IV. When no immobile residents are in a unit, one member of staff is present constantly and is also fully employed in this unit. When there are immobile residents in a unit, two employees are present at all times; additional employees participate in morning care, preparations for sleeping, during breaks and, if needed, according to residents' wishes and needs;*
- fifteen residents are in Sončna enota, of whom four residents require care I, two residents require care II, eight residents care III/A and one resident care III/B; in Mala sončna enota, there are ten residents, of whom six residents require care II and four require care III/A; one nurse and three carers work on Sundays, including one trainee, who provides assistance. These employees are also responsible for the Zeleni bor unit, with sixteen residents, of whom fourteen require care III/A and two require care III/B. At least one staff member must be constantly present in Mala sončna enota, Sončna enota and Zeleni bor unit, while other employees do their tasks and rotate between the three units. This organisation was also seen at lunchtime during our visit.<sup>9</sup> The work was organised in such a way that one employee was present in Sončna enota, two employees were preparing residents for lunch in Zeleni bor and two employees went to the kitchen to fetch lunch. Lunch was first served in Mala sončna enota and Sončna enota. Two employees remained in these two units to help feed the residents; one employee distributed lunches in Zeleni bor, where he was met by the other two employees. They distributed lunches together and helped feed the residents – more residents need help with feeding in Zeleni bor than in Mala sončna enota and Sončna enota combined.*

*A total of five people are thus employed in Sončna enota, Mala sončna enota and Zeleni bor, who work as a team according to agreements and needs regarding the arrangements in individual units and while observing residents' needs. On Sundays two employees usually spend most of their time in Sončna enota and Mala sončna enota.*

*On the basis of the concluding findings of our report, Jesenice Retirement Home made the following changes:*

- in accordance with the current standards, the management decided to employ an extra person in Rožmarin unit on Sundays, who will help with care and free-time activities of the residents in this unit while being guided by the staff member who is usually present;*
- five employees will remain in Sončna enota, Mala sončna enota and Zeleni bor, but without a trainee. For the most part, two staff members will be present in Sončna enota and Mala sončna enota, with the exception of a lunch break and when distributing linen and meals. The decision as to who will remain permanently in the unit while other staff members rotate is subject to agreement between the employees;*
- text was added to the list of activities, stating that free-time activities intended for entertainment and physical activities of residents are implemented on Sundays and holidays, but to a minor extent than during the week. The occupational therapist will prepare material for free-time weekend activities, which will be suitable for the season, holidays etc.*

*Jesenice Retirement Home emphasised that standards for employees of social care institutions were over 30 years old, and the structure of residents had changed significantly over time. There were many more immobile residents or residents with poor mobility and with dementia. Similarly to other retirement homes, the staff of Jesenice Retirement Home also want a change in the employment regulations which could facilitate work in the units and implement a change in the organisation of work, which would have positive effects for residents and staff. In spite of several years' of efforts by competent bodies in social care institutions to amend the regulatory framework, the latter remains the same. Great changes are foreseen for these institutions regarding the legislation in the future; one of the major changes will be the long-anticipated adoption of the Act on long-term treatment.*

*A heterogeneous group of employees was brought together in September who would try to prepare a solution within the current employment regulations while observing employees' wishes about changes in working hours and relieving them by reducing the number of working days. The working group will try to draft a work plan, which would change working hours of employees who currently work 6 hours*

<sup>8</sup> The Ministry of Labour, Family, Social Affairs and Equal Opportunities did not verify the Rožmarin unit as a secure ward; however, the NPM believes, as is evident from the report on the regular visit to this home in 2013, that the unit fits the definition of a secure ward as determined in point 17 of Article 2 of the ZDZdr.

<sup>9</sup> The home's statement was incorrect; the NPM representatives were present during breakfast.

and 40 minutes to an 8-hour working day. The first meeting of the group took place in 24 November 2016. The main guideline of the working group and the heads responsible for organising work in the retirement home is the satisfaction of residents and staff.

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### **Dr Janko Benedik Home in Radovljica**

Although we are aware that more employees mean better care for residents and that more activities can be implemented, **we determined when visiting this home that only two employees were able to ensure an interesting and active Sunday for residents.** Group reading, baking and helping in the kitchen are activities which were familiar to residents in their active period of life. These are certainly activities in which residents like to participate, as we were able to notice during our visit. If they are encouraged and directed by the staff in such activities, success is certainly guaranteed.

**We proposed that the management and staff of the secure ward pay sufficient attention to residents spending time outdoors also at weekends.** We know that relatives take many residents out of the ward and in the vicinity of the home at the weekend. However, the staff must take residents who do not receive visitors, but who wish to go outside, out in the fresh air.

*At a meeting with the staff, the management of the home discussed the preliminary report on the visit immediately after receiving it. The management stressed in their reply that the NPM recommendation would be observed. The list of activities for the entire week is available on the notice board. The working group agreed to maintain the planned and adopted list of activities and to remain consistent when implementing activities at weekends. The staff would take residents whose relatives do not visit at the weekend for a walk in the fresh air. A staff member can take three residents at a time. They would make sure that all residents in the secure ward go for a walk. A record would be kept thereof. The two carers would be responsible for implementation. The management of the home also stated that the activities that were agreed on were implemented somewhat insufficiently at weekends, which was not compliant with the agreed terms.*

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### **Begunje Psychiatric Hospital**

Although we received a clarification that fewer activities were available in the hospital during weekends than during the week, similarly to other visited institutions, **we assess as very positive the practice that the occupational therapist agrees with individual patients about their activities during the weekend,** i.e. by giving them 'homework'. We pointed out already during our visit that it would be useful if the staff responsible for patients at weekends were also acquainted with the agreement. In which case, they could encourage patients to do their 'homework', help them if necessary, give them materials and tools if these were not provided by the occupational therapist or if these were too dangerous for the patients to keep.

**We proposed to the management of the hospital that they provide patients with as many books as possible; these could be obtained from libraries when they discard books. (By observing patients' comments), we also proposed that new board games be provided when necessary, particularly if the existing ones are worn out or if individual pieces are lost.** On that note, we add that it is important that the staff try to encourage patients to become involved in the activities, particularly when patients cannot make decisions to actively participate in activities in the ward or leave the ward due to their medical condition or the treatment they are receiving.

*In their reply to the preliminary report on the thematic visit, the management of the hospital explained that they had studied the report and agreed with the findings. Regarding the staffing issues mentioned in the report, the management added that they had tried to obtain the maximum number of employees as prescribed by the founder regarding the limits on recruiting. A group service takeover takes place regularly with regard to the transfer of information on the activities of occupational therapy during weekends, so that the staff are informed of activities that are to take place at weekends. The management assured us they would also try to provide their patients with the best care possible that is also safe and patient-friendly, and that they were happy to receive such constructive comments from the NPM.*

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## Concluding findings of the thematic visit

**The NPM determined that the majority of institutions visited had drawn up lists of activities for their patients or residents. However, it was frequently revealed from such lists that no major or important activities were anticipated at weekends. This time was intended particularly for relatives' visits and going outdoors for residents or patients who had no visitors.**

No special weekend activities for maintaining motor or working skills were anticipated in the institutions due to the absence of a physiotherapist and occupational therapist. The activities particularly depend on the time the staff may, or are ready to, spend on exercise and other activities.

**All of the above, and as we were able to determine during visits and particularly when speaking to patients or residents and staff, points to the fact that the reason for limited weekend activities lay primarily in the lack of staff on the wards of institutions where persons with mental disorders were kept.** If there is only one employee or perhaps two in the best case, it is unrealistic to expect that, in addition to their other duties (care, help with feeding, preparation and distribution of medication and similar), they would be able to spend quality time with residents in the ward. It is thus common for patients or residents to sit in the wards on their own, watch television and similar. **We believe that the competent ministries must immediately review staffing standards in hospitals and social care institutions and observe patients' and residents' need to spend time actively in secure wards or special supervision wards at the weekend.** Some institutions emphasised in their replies to the preliminary report that staffing standards, partly also due to their obsolescence, no longer meet the needs of (current) service users in these institutions. Moreover, the claims that they had been highlighting the need to change standards for some time, and nothing was done about this, is most concerning.

**As a particular deficiency let us mention the lack of instructions for the staff provided by an occupational therapist and physiotherapist about which activities should be implemented during weekends. The preparation of suitable materials and tools for such activities would also be necessary.** An example of good practice is when certain tasks or activities are determined in an individual agreement between an occupational therapist and a patient or resident, who is then encouraged to do such tasks at the weekend by the staff, who also help and direct the patient or resident.

**Notwithstanding the foregoing, we encountered staff in most of the institutions concerned who, despite having many (other) duties and tasks, still manage to find time for residents or patients, to sit with them, talk to them, participate in board games, read to them or take them outside in the area surrounding the institution. Such conduct by the staff, their effort and care for residents or patients is commended, and we also encourage them to continue such practice.**

## 4.3 Visits to special social care institutions

In 2016, we visited two **special social care institutions (Dutovlje and Nina Pokorn Home in Grmovje) and a unit of a combined social care institution, i.e. the Marof unit of Idrija Retirement Home.** When visiting the latter unit, we conducted a **regular visit**, during which we examined the circumstances important for the final assessment of possible inappropriate treatment in the relevant institution. As part of the **thematic visit**, we visited **Nina Pokorn Home in Grmovje**, where we examined the type and quantity of weekend activities provided for residents or patients. During a **(control) visit to Dutovlje social care institution**, we particularly verified the observance of recommendations made upon the visit in 2015. The visits were carried out during regular control planned in advance, **and were unannounced.**

**The visits took place according to an established order; at the beginning of a visit, we split up, so that one part of the control group conducted an interview with the management of the institution or a unit, and the other part of the group, usually NGO representatives, went to the secure ward (or secure wards if there were more of them in an institution), where they inspected all rooms, spoke to staff and residents, and monitored life on the ward for a while, i.e. particularly the treatment of residents and staff conduct.** During the **concluding discussion, we informed the management of our findings and made initial recommendations.** Following each visit, the group prepared a **report with findings and recommendations.** One of the integral parts of the report for the Marof unit of Idrija Retirement Home was the **opinion of the expert from the psychiatric field** who visited the home at a later date

and provided their opinion on the basis of their findings on medical and health care. The report on the visit was submitted to the institution. Following the institution's response, a **final report** was prepared, which was sent to the relevant institution, the **Ministry of Labour, Family, Social Affairs and Equal Opportunities, and a courtesy copy was submitted to the social inspection service.**

To the residents of a special social care institution, the institution in which they are placed is home, since they spend most of their lives there. Which is why living conditions are even more important, and determining their appropriateness is a vital mission of the NPM. When visiting the **Marof unit of Idrija Retirement Home**, for example, we stressed that due to the dilapidation of the unit, the staff must pay extra **attention to the condition of the equipment in bathroom** and (other) areas in secure wards. Care for the hygiene of the residents in individual institutions is undoubtedly also important. We highlighted in the relevant unit that, according to the NPM, the **interval of bathing every three weeks** was too long and failed to ensure normal hygienic conditions. For residents who require more frequent bathing because they are physically active, sweat more during summer or get dirty, such long intervals between baths could even be understood as **ill-treatment**. We frequently notice deficiencies when **medication is prescribed "as needed."** We also stressed in this unit that it would be suitable for doctor to accurately determine the period in which a certain medical treatment may be repeated. This is the best way to prevent exceeding the maximum prescribed dose of a psychotropic medication.

We prepared a total of 23 recommendations. The institutions concerned **responded positively** to our visits and provided recommendations. When conducting a **control visit to Dutovlje social care institution**, we established that most of the recommendations we made during our visit in 2015 had been observed. The NPM made **17 recommendations** upon its previous visit to this institution. We determined that the institution had **accepted 7 recommendations**, which had not been (fully) implemented. It was encouraging to observe that the institution **realised 10 recommendations** made upon the previous visit. This shows that the institution had taken the recommendations seriously and made an effort to implement most of them, or at least tackle their implementation. Relating to the aforementioned, we determined that conditions in this institution (particularly after the opening of the renovated secure ward) were improving with regard to the spatial situation and residents' satisfaction. Nevertheless, there were still possibilities for improvement to which point **6 recommendations which were repeated or made anew on the basis of findings determined during the last visit.**

We made **17 recommendations** when conducting a regular visit to the **Marof unit of Idrija Retirement Home**. We expect that the home will accept and observe them. Since we visited the home at the end of 2016, we have been waiting for the home's response during the preparation of this Report, including clarifications on observing the recommendations or their possible implementation. This was also the reason we were unable to include the response of this institution to our recommendations.

During the **thematic visit** (more on this visit can be found in a separate chapter) to Nina Pokorn Home in Grmovje, we **particularly emphasised that it is imperative that the residents be able to spend their time qualitatively and have access to suitable activities** since the institution provides a home for adults with special needs, where they may spend most of their lives. The residents of the secure ward cannot leave the ward independently; some receive visits occasionally or not at all. It is thus even more important for residents to be able to do things with which they can spend their free time actively and usefully at weekends, also according to their wishes and needs. Spending time actively would also be useful for residents from a therapeutic point of view and maintaining their mental, physical and thus related work skills. In particular, this would prevent residents from sitting resignedly in the ward during the weekend, smoking more or even becoming restless, irritable and difficult to manage due to the lack of work and monotony.

## Secure wards at (special) social care institutions visited in 2016

**The Marof unit at Idrija Retirement Home** has two secure wards. The dementia ward ('Sončnica') and the secure ward ('Mavrica') are on the second floor. There are 14 female residents in the Sončnica dementia ward (13 were present during our visit, one resident was at an examination in the hospital); 22 residents are in the Mavrica secure ward. The visit took place on 10 November 2016. **The management of the Marof unit of Idrija Retirement Home failed to provide a reply to the preliminary report before the preparation of this Report; the deadline for their reply has not expired, which is why the response of the institution is not provided, or No data is stated below the recommendations.**

**Dutovlje social care institution** has one secure ward with capacity for 12 residents. At the time of the NPM's visit, 14 residents were in the ward due to court decisions on detention as per the provisions of the ZDZdr. On 10 May 2016, we conducted a control visit to the relevant home and also verified the observance of recommendations made during our previous (regular) visit, which took place on 2 July 2015.

**Nina Pokorn Home in Grmovje** has one secure ward with capacity for 12 residents. At the time of the NPM's visit, 14 residents were staying in the ward due to court decisions on detention as per the provisions of the ZDZdr. The visit to the home was implemented as part of a thematic visit on 17 September 2016.

## Review of recommendations and responses

### Living and other conditions



We noticed in the Marof unit of Idrija Retirement Home that direct access to green areas was not possible for residents of secure wards. We highlighted that the Rules on staff, technical and premises requirements for institutional care providers and Social Work Centres providing mental health services, and on the verification procedure thereof determine that persons accommodated in secure wards must be enabled access to safe open premises or external surfaces within the scope of possibilities. We thus recommended that this be observed when renovating the building, which would also satisfy one of the requirements for the verification of secure wards. Our discussion partners explained that the unit had recently bought a strip of green area between the building and the adjacent hill to be used as a promenade or garden, which the NPM considered commendable.

*We are waiting for a response.*

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When visiting the Marof unit of Idrija Retirement Home, we recommended that, due to dilapidation of the unit, the staff pay extra attention to the condition of the equipment in bathrooms in secure wards. This is necessary not only to improve the living conditions of residents, but also because individual residents with certain medical conditions could be injured due to such irregularities.

*We are waiting for a response.*

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We informed the Marof unit of Idrija Retirement Home that according to the NPM, the interval of bathing every three weeks is too long and does not ensure normal hygienic conditions. For residents who require more frequent bathing because they are physically active, sweat more in summer or get dirty, such long intervals between baths could be understood even as ill-treatment of the individual. We thus recommended that the unit strive to shorten the bathing interval. On this note, we can add that the interval between baths is much shorter in comparable institutions, i.e. 14 days.

*We are waiting for a response.*

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The NPM recommended to Idrija Retirement Home that the Marof unit provide at least partial privacy to residents and their visitors with the possible installation of movable partitions, particularly if the resident is unable to leave the ward and privacy is not possible in (multi-bed) rooms. The NPM also recommended that when renovating secure wards, a special room should be planned, which will enable privacy for residents of secure wards when receiving visitors.

*We are waiting for a response.*

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The NPM recommended that the Marof unit of Idrija Retirement Home install a call bell system, determine the manner of transferring the call to staff members and hold staff responsible for responding promptly. If this is technically possible, we recommended that records of calls and the response time of the staff

also be established. This is particularly important, because the staff are not permanently present on secure wards at night.


*We are waiting for a response.*

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-  The NPM recommended that the Marof unit of Idrija Retirement Home continue activities aimed at achieving a better response from surveyed relatives, since this is the only way to obtain relevant results from satisfaction surveys.<sup>10</sup>

*We are waiting for a response.*


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-  The NPM recommended that the Marof unit of Idrija Retirement Home arrange legends of records in a way that the labels would also be clear to visitors, relatives and newly employed staff<sup>11</sup>.

*We are waiting for a response.*


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## Health care

-  We recommended that the Marof unit of Idrija Retirement Home inform the resident doctor about the established deficiencies, and recommend to him that, when prescribing treatments “as needed”, he should clearly mark how many times a medication “as needed” may be administered per day, and in the case of soporifics, how many times these may be administered per night, including how much time must pass between individual administrations of different medications if this is necessary for certain medications according to their basic characteristics.


*We are waiting for a response.*

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-  We recommended that the Marof unit of Idrija Retirement Home try to identify reasons for exceeding prescribed treatments and to prevent such irregularities from happening in the future with appropriate measures.


*We are waiting for a response.*

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-  We recommended that in the case of hospital-acquired infections, the Marof unit of Idrija Retirement Home take suitable measures to prevent them from spreading, also by means of the staff’s special care, so that staff, residents and their visitors disinfect their hands when coming into contact with infected persons.

*We are waiting for a response.*

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-  We recommended that the Marof unit of Idrija Retirement Home strive to include as many employees as possible in satisfaction surveys, and to seriously discuss problems mentioned in the survey as significant weaknesses at work. We are certain that problems could be reduced within the framework of the management’s efforts.

*We are waiting for a response.*

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10 Relatives’ responsiveness in 2015 was exceptionally low, a mere 7 per cent (10 responses). In 2016, the management set the ambitious goal of obtaining at least 50 per cent of completed surveys. They hoped that at least 80 per cent of these would be pleased with their services.

11 The table of daily activities is set up according to residents (rows) and days (columns). After examining the table, the NGO representatives noticed that the legend was deficient, since the labels entered were not included in the legend, or the labels in the legend were not in the table. They pointed this out to the responsible person, who immediately ensured that suitable labels were entered in the legend.

-  We recommended that the Marof unit of Idrija Retirement Home record the need for an extraordinary examination of a resident by a general practitioner or a psychiatrist in a way that prevents the resident being overlooked or forgotten at the time of the doctor's visit.

*We are waiting for a response.*


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-  We recommended that the Marof unit of Idrija Retirement Home find a way to integrate work and social and health care by increasing cooperation and thus improve the quality of caring for residents.

*We are waiting for a response.*


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## Judicial proceedings

-  The NPM recommended that the Marof unit of Idrija Retirement Home supplement the form for admission by consent, since the brochure presenting the secure ward includes three methods of revoking consent, in addition to written and verbal methods, also "by means of actions from which the revocation (of consent) can be assumed". Paragraph three of Article 74 of the ZDZdr must be observed, which determines that a person who has consented to admission to a secure ward may at any time revoke their consent, explicitly or by actions from which such an intent may be concluded, and demand to be discharged from the secure ward. In such a case, the person must be discharged immediately.


*We are waiting for a response.*

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-  The NPM recommended that the Marof unit of Idrija Retirement Home keep the acknowledgement on the notification of the court that a resident must be kept in the secure ward or their detention extended since such an acknowledgement proves the observance of statutory time limit.


*We are waiting for a response.*

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-  We recommended to Dutovlje social care institution that it inform the relevant ministry about the accommodation decided on by the court, which exceed the capacity of the institution's secure ward, but apply irrespective of the negative opinion, so that a suitable solution can be found as soon as possible to the issue of providing sufficient capacities for placing residents according to court decisions.

*In their response to the preliminary report, the management of the institution stated that they had no comments on the recommendation, which was understood as the institution's readiness to observe the recommendation.*


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-  We recommended to Dutovlje social care institution that it pay attention to all possible methods of revoking consent in the case of residents staying in secure wards on the relevant legal basis (written, verbal, conclusive actions).

*In their response to the preliminary report, the management of the institution stated that they had no comments on the recommendation, which was understood as the institution's readiness to observe the recommendation.*

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## Special protection measures (SPM)

-  We recommended that Marof unit of Idrija Retirement Home pay attention as to which residents know and are able to unlock wheelchairs and which are not. According to the NPM, physical restraint in wheelchairs or loungers regardless of whether it is implemented with a strap, a table in front of the resident or by any other means, when a resident is unable to independently remove the obstacle is a form of special protection measure as defined also by the ZDZdr. In such case, the ZDZdr must be

fully observed regarding the ordering of the measure, its duration, supervision of the restrained person, keeping of appropriate records and informing.

*We are waiting for a response.*


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-  Although we commend the protection of edges of a room for calming down, we still repeat the recommendation made to Dutovlje social care institution in 2015 in this regard. We believe that a solution should be found for elements which could pose a threat to the safety of restless and agitated residents (e.g. sockets, hard surfaces etc.).

*In their response to the preliminary report on the control visit, the management of the institution explained that time and possible occurrences would be the best indicator as to what solution regarding the equipment and rooms for limiting movement would be most suitable.*


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## Complaint procedures

-  We recommended that the Marof unit of Idrija Retirement Home consider providing forms and a pen to enable complaints to be submitted anonymously, which is currently not possible in practice.


*We are waiting for a response.*

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-  Since a request to staff for a pen and paper may already reveal the identity of a complainant who, perhaps, would like to remain anonymous, we recommended that Dutovlje social care institution find a way for residents to obtain a pen and paper without involving staff (e.g. by placing them in a suitable box or similar).


*In their response to the preliminary report on the control visit, the management of the institution stated that the staff would try to find a way to make pen and paper available without staff involvement.*

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-  We recommended to Dutovlje social care institution that it further monitor the satisfaction of all three groups (residents, relatives and the staff) and invest efforts in eliminating elements that cause dissatisfaction when determining negative trends in individual fields, in order to improve general well-being in the institution.

*In their response to the preliminary report, the management of the institution stated that they had no comments on the recommendation, which was understood as the institution's readiness to observe the recommendation.*

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-  We recommended that Dutovlje social care institution consider providing a suitably equipped room to provide a private and safe place (also) for closer contacts with their partners for residents who do not pose a risk.

*In their response to the preliminary report, the management of the institution stated that they had no comments on the recommendation, which was understood as the institution's readiness to observe the recommendation.*

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## Examples of good practice and commendations

We determined in the **Marof unit of Idrija Retirement Home** that the unit has **arranged communication with residents and visitors in exemplary fashion**, i.e. in brochures, the website and the displayed list of residents' rights, house rules and other documents, which are published and accessible to all interested parties, which is particularly commendable. Being well-informed reduces the possibility of misunderstanding, contradiction and dissatisfaction among residents or relatives relating to living



conditions, individual services and detention itself. On the basis of the NPM recommendation upon its previous visit, **Dutovlje social care institution** supplemented the form intended for consent to admission in a secure ward, which is an example of good communication: “I am aware that consent may be revoked at any time and I may demand to be dismissed from the secure ward.” Such supplementation of the form was commended, but we also added that the institution must observe the fact that consent may be revoked in any form (written, verbal, conclusive actions). In the case of reasons for an individual's complaint, it is mandatory for all options to be available to individuals to submit complaints (also anonymously if necessary) and that such complaints be discussed promptly. We thus commended information received from **Dutovlje social care institution** that the collection box for complaints installed in the secure ward is emptied at least once a week.

## 4.4 Visits to psychiatric hospitals

In 2016, we visited **five psychiatric hospitals**, i.e. **two were regular visits** (Ljubljana University Psychiatric Hospital and Idrija Psychiatric Hospital), **one was a control visit** (Maribor University Medical Centre, Department of Psychiatry, Unit for Forensic Psychiatry), whereby we paid particular attention to the observance of recommendations made on the previous regular visit to the relevant institution, and **two were thematic visits** (the latter are discussed in a separate chapter), whereby we examined the type and amount of activities available to residents or patients at the weekend (Vojnik and Begunje psychiatric hospitals). During all visits, we checked the observance of recommendations made by the NPM on its last visit and other circumstances important for a final assessment of cases of possible ill-treatment, punishment or even torture in the relevant institutions.

The visits were carried out during regular control which is planned in advance; all visits were unannounced. The visits took place according to an established order; **we were divided into two groups, with part of the control group conducting an interview with the management of the institution, and the other part of the group, usually NGO representatives, inspecting ward, where they examined all rooms in the ward, spoke to staff and patients, and monitored life on the ward for a while, i.e. particularly the treatment of patients and staff conduct.**





During the **concluding discussion**, we informed the management of our findings and made our initial recommendations. Following each visit, the group prepared a **report with findings and recommendations**. One part of the report comprises the opinion of the expert from the psychiatric field, who visited the relevant institution at a later time, and provided their opinion based on their findings regarding medical and health care.

Following the response of the institution to the preliminary report, we drafted a **final report** which was submitted to the relevant institution, **the Ministry of Health and the Psychiatric expert council of Republic Slovenia at the above Ministry**. The reports on individual visits are available on the Ombudsman's website.

The reports on visits were thus drafted on the basis of inspecting secure wards, discussions with the management of the relevant institutions, discussions with randomly selected residents, and on the basis of reviewing documentation of randomly selected cases.

**The institutions regularly responded to our recommendations and, in most cases, agreed with our findings or recommendations and assured us that some deficiencies had already been eliminated or that improvements were planned.**

**During the visits, 66 recommendations were made, half of which were realised immediately, while most of the remaining recommendations were accepted, but not yet realised. Seven or eleven per cent of recommendations were rejected.**

	Total	Adopted	Rejected	Realised	No data
<b>Legend</b>					
<b>Number of recommendations</b>	66	26	7	21	12
<b>Share</b>	100 %	39.4 %	10.6 %	31.8 %	18.2 %

During a control visit to the **Forensic Psychiatry Unit**, the observance of **17 recommendations made during the previous regular visit to the institution in 2014 were inspected**. In addition to **four rejected recommendations from the previous visit, which were repeated, eight new recommendations** were made, which were statistically included among the recommendations made during regular visits in 2016. We determined that seven recommendations had been realised and six accepted but not yet implemented.

## Regular visits in 2016

### Ljubljana University Psychiatric Hospital

There are officially 18 beds in the **male admission ward**. Fifteen patients were staying there at the time of the NPM's visit. No minors were accommodated in the male admission ward at the time of our visit.

Seventeen patients were accommodated in the **female admission ward** at the time of our visit. The capacity of the female ward is 22 beds; occasionally, additional beds are installed. No minors were accommodated in the female admission ward at the time of our visit.

There are smaller rooms in the **gerontopsychiatry ward (G1)**, usually double and triple rooms; the capacity of the ward is 15 persons. There were 15 patients in the ward, i.e. 8 women and 7 men.

The **ward for treatment of behavioural psychological changes (G2)** has four rooms; two rooms for men and two for women. There are four beds in each room; the ward can accommodate 16 persons. On the day of the NPM's visit, the capacities of G1 and G2 were full.

**The A1 ward is a secure ward for women.** The ward was not full (19 beds) at the time of our visit. There were 18 female patients accommodated in the ward, aged 23 to 65.

**The detoxification ward (DTO)** is a secure ward. There are officially 17 beds in the ward, i.e. 16 regular ones and one spare bed for cases of emergency intervention. Thirteen patients were staying there at the time of our visit. The youngest patient was 16; the oldest was 51 years old. The minor was placed in the ward on the basis of a court order.

**The ward for intensive prolonged treatment** is a semi-open ward. The ward officially has 15 beds and one additional one for emergency interventions, where the accommodation of a mother and child is also possible if necessary. Eight male and female patients were in the ward at the time of the NPM's visit.

Three patients were accommodated in the **ward for the treatment of co-morbid disorders** at the time of the NPM's visit; the official capacity of the ward is six patients.

### Idrija Psychiatric Hospital

**The capacity of the hospital is 200 beds.** On average, there are 159 patients in Idrija Psychiatric Hospital, and occasionally also 180 or more. On the day of the NPM's visit, there were 189 patients in the hospital.

**Idrija Psychiatric Hospital has four secure wards.** The capacity of the **general psychiatric (female) ward S2** is 21 patients; 17 patients were in the ward at the time of the NPM's visit.

**The capacity of the general psychiatric (male) ward S3** is 22 patients; 20 patients were in the ward at the time of the NPM's visit.

The **gerontopsychiatry ward L2** can accommodate 17 male and female patients; on the day of the NPM's visit, there were 15 male and female patients in the ward.

The **general psychiatric ward L3** can accommodate 22 male and female patients; on the day of the NPM's visit, there were 17 male and female patients in the ward.

The total capacity of 31 rooms in four secure wards is 82 patients; on the day of the NPM's visit, 69 male and female patients were accommodated in these wards.

## Control visits in 2016

### **Maribor University Medical Centre, Department of Psychiatry, Unit for Forensic Psychiatry (hereinafter: Unit for Forensic Psychiatry)**

The total capacity of the **Unit for Forensic Psychiatry** during this NPM's visit was 48 patients, since the sub-unit **E1** was also open, in addition to sub-units **F1 and F2**.

A total of 12 patients can be accommodated in F1; the capacity of F2 and E1 is 18 patients each. There were 15 patients in F1 at the time of the NPM's visit, i.e. the capacity of the sub-unit was thus exceeded by three patients. The discussion partners explained that there were no patients in F1 who could (already) be accommodated in the other sub-units. Overcrowding is thus quite frequent in this sub-unit. Such problems no longer occur in other sub-units.

At the time of the NPM's visit, 14 patients were accommodated in sub-unit F2 and 13 patients in E1. Six months ago, overcrowding was still present, particularly in sub-unit F2; this problem was eliminated.

Female patients are separated from male patients according to rooms. At the time of the NPM's visit, two female patients were in F1, i.e. one convict and one detainee. Two female patients were in F2 and also in E1.

Sub-unit E2 is generally prepared to receive patients, but it cannot be opened yet due to the lack of sufficiently trained staff. When opened, the unit is intended for treating addiction.

## Living conditions



We commended the consistent implementation of measures for dealing with hospital-acquired infections. We proposed that the staff of Idrija Psychiatric Hospital inform other female patients about the importance of hospital measures since, due to their lack of knowledge, patients believe that they will become infected and ill.

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital stated that it would inform the staff in wards about the NPM observations and emphasise improving communication with patients about methods and measures to prevent and manage hospital-acquired infections and the risks of transmitting such infections.*

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We recommended that Ljubljana University Psychiatric Hospital find a better way of accommodating patients than by placing a mattress on the floor. Until this issue is resolved in a suitable way, we proposed that a patient accommodated in a temporary bed be ensured the same living conditions as other patients.

*In its response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that they were in the process of buying portable beds with adjustable height. Since the relevant case referred to the temporary use of portable beds in a limited space (surface area of rooms), they were objectively unable to comply with all the NPM's demands for a nightstand and bed-side reading light. The patients stay in such beds only for a day or two, and only in the two admission wards. According to the management, the medical staff would further discuss the reasons for accommodation in such beds with patients. Patients frequently expressed the desire to stay in such beds (sense of security, the use of special protection measures is not necessary and falling of restless patients from higher beds is prevented). The management also stated that they would arrange keys for lockers.*


*The Ministry of Health agreed with the NPM's opinion that the current situation was unsuitable, although dealing with patients at great risk of injury and for whom special protection measures should be used. The Ministry was pleased to learn from the management of the hospital that suitable beds, which can be lowered, would be purchased by the end of 2016.*

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-  We recommended to Ljubljana University Psychiatric Hospital that the staff speak to patients before accommodating them with a mattress on the floor (until finding a more suitable and dignified solution), once it is (already) clear to them why they had to be accommodated there.


*The response of the management is provided under the previous recommendation above.*

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-  We recommended that Ljubljana University Psychiatric Hospital update information on the notice board in the male admission ward, including the menu. We also repeated the recommendation from 2012 to place (an empty) form C-1 on the notice board. Patients staying in the ward on the basis of their own consent should be given a copy of their statement when giving consent.


*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that the menu had been placed on the door of the dining room. An empty C1 form had been posted on notice boards. The management also considered the possibility of placing displays with all information in secure wards. They particularly emphasised that a copy of the C1 statement would be given to patients.*

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-  We recommended that Ljubljana University Psychiatric Hospital replace defective equipment (e.g. headphones), possibly such that replacing defective parts would be easier and more cost-efficient for the hospital. This particularly applies to equipment which is important for calming down patients, which actively contributes to treatment and enables qualitative spending of their free time.


*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that patients had received new headphones for listening music via computer, whereby they were enabled more qualitative spending of free time.*

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-  We recommended that Ljubljana University Psychiatric Hospital allow patients who want to wear their own daytime clothes, and which would not present a risk to themselves or others, to do so, whereby the washing of these clothes would be ensured by their relatives or could be done in the hospital (e.g. as part of occupational therapy).


*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital explained that they encouraged patients to wear their own clothes. However, some patients have no relatives or they do not visit, in which case the hospital provides them with tracksuits suitable for different seasons of the year. In the case of the intensive geriatric ward, the hospital stated that it was generally inappropriate and unsuitable for patients to be wearing their own clothes, because this did not enable suitable medical care and also increased hygienic risk (e.g. incontinent dementia patients). The management said they would further encourage patients to wear their own clothes in intensive and secure wards.*

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-  We recommended that Ljubljana University Psychiatric Hospital also provide day clothes for plus-size female patients, i.e. larger clothes. We believe that female patients who stand out from the average, e.g. due to their size, are already bullied and pushed aside, which is why Ljubljana University Psychiatric Hospital must make an effort to offer them the same possibilities as other female patients.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that they provided all sizes of pyjamas, tracksuits and T-shirts, also for plus-size patients.*

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-  We recommended that, if an employee is absent for a long time from a ward (such as the absence of an occupational therapist on the geriatric ward), Ljubljana University Psychiatric Hospital ensure

their replacement, since the quality of work and life on the ward may worsen. Although we are aware that staff try to implement occupational therapy, this is undoubtedly difficult without an appropriately trained therapist.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital explained that long-term sick leaves of employees (over 30 days) were replaced in accordance with the law.*

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We recommended that Ljubljana University Psychiatric Hospital itself, or with the help of the relevant social work centre and NGOs (Red Cross, Caritas), provide basic necessities to patients in social distress who cannot afford such necessities.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that all patients received personal hygiene necessities upon admission if they did not have their own. In the case of patients in social distress, the hospital cooperates with relevant social work centres and NGOs, which has been the practice for many years.*

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Since our last visit, the conditions in ward A1 had not changed significantly, so we recommended that the management of Ljubljana University Psychiatric Hospital strive to improve conditions in the ward. Rooms with multiple beds are less suitable for accommodation and provide less privacy and rest for individual female patients. Two toilets and only one bathroom raise doubts about whether all female patients can suitably attend to their hygiene (especially since this room is also used as a smoking room).

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital explained that they had had the toilets renovated in ward A1 two years ago. They were currently preparing to renovate the entire ground floor of building A, including ward A1 with smoking rooms.*

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We recommended that Ljubljana University Psychiatric Hospital provide new covers for the sofa in ward A1 and try to improve living conditions for female patients.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that all dilapidated and torn sofas in Ljubljana University Psychiatric Hospital were being renovated.*

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We recommended that Ljubljana University Psychiatric Hospital try to equip the rooms in ward I3 in a way that provides space for socialising in a pair or small groups, and to encourage patients to get involved in various social activities, i.e. to spend the day actively.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that they did not quite understand the proposal of the NPM representative to provide space for socialising in pairs in I3 secure ward, but they would certainly try to provide a more people-friendly environment.*

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We recommended that Idrija Psychiatric Hospital display a weekly menu on notice boards in wards.

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital stated that they were trying to make the menu accessible to patients in secure wards. Additional measures implemented by the hospital in future were planned to focus on improving staff awareness about the importance of accessing information on the menu for patients accommodated in secure wards. The hospital was intending to appoint persons to monitor the visibility and accessibility of menus on notice boards, and to post them again if patients intentionally and/or unintentionally remove them from notice boards.*

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We informed Idrija Psychiatric Hospital about the inadmissible practice of an internal agreement on wearing hospital clothes during the first few days of accommodation in order to prevent exits, at their own consent. Consent may be withdrawn at any time, which is stated already in the patient's consent form, and the patient may then leave the ward (if the court does not issue an order on forced confinement). We

again repeated that experience shows that the practice of wearing hospital clothes does not contribute to strengthening patients' personal identity or self-confidence. Since the individualisation of clothing in secure wards might be an important part of the therapeutic process, the NPM proposed that Idrija Psychiatric Hospital inform the patients to the greatest extent possible of the possibility of wearing their own daytime clothing and encourage them to do so, except when such practice is hindered or prevented by the specifics of the patient's medical condition.

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital explained that, with regard to the NPM recommendation, they wished to emphasise their consistent practice and efforts to ensure that patients wear their own clothes when staying in the hospital, and that the hospital also encouraged them to do so. The internal agreement on wearing hospital clothes in the first days of accommodation in the hospital was not used to prevent exits. Patients in secure wards use hospital clothes to meet specific criteria dictating their application:*


- **medical** – a patient is in hospital clothes for medical reasons (acute psychopathological symptoms, physical illnesses, injuries, various levels of incontinence etc.);
- **hygienic** – when the provisions of the Programme on the prevention and control of hospital-acquired infections are being observed;
- **social/individual approach** monitoring social conditions of the patient, which is observed when a patient has no additional personal clothes, no relatives or financial means for paying washing costs.

*With regard to this recommendation, the hospital stated that it would continue to insist on regular agreements within its medical team concerning the wearing of daytime clothes by patients, while taking into consideration strengthening the personal integrity, self-esteem, and dignity of patients, and by taking into consideration the specific criteria described with the aim of reducing the share of patients in hospital clothing.*

*In the response to the final report on the visit, the Ministry of Health wrote that it agreed with the position of the NPM stating that patients should not wear hospital clothes during the day (without good reason). The Ministry informed the Ombudsman about the letter addressed to the Expanded Professional Board of Psychiatry at the Ministry. In 2009, the Board issued the opinion that patients and hospital staff must be encouraged to wear their own personal clothes (with the exception of special cases). Since this was not being done in certain hospitals, the Ministry turned to the Board with a request to re-evaluate this issue.*


*The Ministry later informed us of the Board's decision of 9 February 2017, which substantively resembled the opinion of this authority in 2009. The Board in its opinion clearly encourages the wearing of personal clothes in all secure wards in psychiatric hospitals, including the forensic unit, with the exception of special cases (somatic indications, medical interventions, special conditions, geriatric patients). All patients in hospital yards and nearby exits should wear their own clothing as per the recommendation. This applies to the medical staff and patients in open wards, with the exception of special cases (somatic indications).*

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-  We recommended that the Unit for Forensic Psychiatry try to find a suitable solution to prevent exceeding capacities in sub-unit F1, possibly with an appropriate rearrangement of individual rooms (e.g. for implementing special protection measures) or accommodating certain patients from sub-unit F1 in other sub-units while providing sufficient treatment and safety for these patients.

*To the preliminary report on the visit in 2016, the management of the Department of Psychiatry replied that the opening of sub-unit E1 had enabled the unburdening of capacities of F units, thus temporarily resolving part of the issue. Due to this measure, some less acute patients may be transferred to unit F2, which is one of the F units, i.e. secure wards, if the number of patients increases (occasional increase in the number of patients from detention/prison, which is particularly noticeable recently). Units F1 and F2 function as high-risk units with higher protection.*

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-  Since we established that the atrium still had no overhanging roof, which would facilitate patients' staying in the fresh air in the case of unfavourable weather conditions, we recommended that the Unit for Forensic Psychiatry try to provide such a roof as soon as possible.

*To the preliminary report on the visit in 2016, the management of the Department of Psychiatry replied that the NPM recommendation would be forwarded to the management of Maribor University Medical Centre; however, consultation with other stakeholders (Prison Administration of the Republic of Slovenia and Ministry of Health) would be necessary regarding this issue.*

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When visiting the Unit for Forensic Psychiatry, our discussion partners explained that patients in sub-unit F1 were without exception still in pyjamas, putting on daytime clothes only when they leave the unit, i.e. when they go for exercise or fresh air in the fenced yard. This was also established when examining the sub-unit. Since this clarification differs from the one we received in 2014, we understood that this recommendation had not been accepted by the Unit, so we repeated it.

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## Smoking room



**We recommended that Idrija Psychiatric Hospital place chairs or benches in the smoking room. If not possible otherwise, these should be fixed to the floor, and ashtrays should also be provided.**

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital stated that they had followed the legal obligations when providing the smoking area. The premises intended for smoking were equipped with ashtrays, but there were no chairs. The hospital had had negative experience from the time when the premises were still equipped with chairs. In addition to the risk when ensuring the safety of patients and staff, the hospital also established that the area had become "the only and too frequented space for socialising." Patients would stay in the smoking room much longer and the number of patients in the room would exceed the permitted number. Patients who do not smoke would also stay in the smoking room. From the aspect of the health and responsibility of health workers, the limit of therapeutic tolerance was thus exceeded and it even encouraged behavioural patterns harmful to health and the grisly consequences of smoking also affecting those in any way connected to smokers. The management explained that they would not install furniture in the area intended for smoking. The hospital would further care for persons/patients in secure wards who smoke, also by enabling free exits with the nursing staff and individual placing of chairs in the smoking room for physically disabled persons. It would also provide ashtrays in the smoking room and promptly replace used and broken ones.*

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We are aware of the lack of space in ward A1 and the needs of female patients who smoke. For this reason, we recommended that Ljubljana University Psychiatric Hospital examine the possibility of arranging a special area for smoking, thus preventing the use of the bathroom for smoking, which is also used by other female patients who do not smoke.

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We recommended that the staff provide suitable ventilation of the smoking room in the male admission ward, and if necessary, Ljubljana University Psychiatric Hospital should examine the option of (additional) artificial ventilation of the room. We also proposed that cigarettes for smokers be lit directly in the smoking room, or a device should be placed in the smoking room allowing the safe lighting of cigarettes, which could not be removed.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital claimed that they were in the process of finding the most effective ventilation system, or installing smoking rooms, which requires more building interventions. Placing (electric) lighters in smoking rooms presented too great a safety (fire) risk. The opening times of smoking rooms are provided in the house rules, which are on the notice board and on the doors of smoking rooms.*

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We proposed to Ljubljana University Psychiatric Hospital that the opening hours of the smoking room in the female admission ward also be placed on the door of the smoking room, so that it is accessible to female patients at all times.

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## Residents' access to rooms and personal items




We recommended that Idrija Psychiatric Hospital enable female patients to freely access their personal belongings also after 8 pm.

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital stated it must be emphasised in regard to this recommendation that the hospital had not received any complaint*


referring to the dissatisfaction of patients on this issue. They explained that the NPM's recommendations would be examined during ward group meetings: the aspect of providing safety, including the financial aspect when reviewing the number of annually replaced wardrobe locks when patients lose their keys, or these are stolen from them etc. The management emphasised that they would continue to agree on the storage of valuable possessions individually with every patient upon their admission and provide clarification on the methods of protecting personal items. According to the management, individual treatment as practised by Idrija Psychiatric Hospital enables patients to access their personal belongings at any time also at night (if this is necessary).


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-  We recommended that Idrija Psychiatric Hospital ensure patients' privacy in toilets and enable suitable locking. This would prevent other patients from entering toilets which are occupied in spite of a clearly visible sign on the door. For safety reasons, the staff could have keys which would enable the unlocking of toilets from the outside at any time.

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital explained that they would examine the technical aspects of installing suitable locks on the toilet doors to enable the suitable privacy of patients in toilets, and also provide suitable safety with the option of being open from the outside.*

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-  We recommended that the staff of Ljubljana University Psychiatric Hospital keep only wardrobe keys for those patients in admission wards who are unable to take care of the keys themselves or for whom keeping the key would pose a safety threat for the relevant patient or others.
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-  We recommended that discreet supervision of individual patients be implemented in the male admission ward of Ljubljana University Psychiatric Hospital who could take advantage of the (permanently open) bathroom, instead of generally locking all bathrooms for all patients. We highlight that the NPM had stated already in 2012 that limiting access to bathrooms was not appropriate. The same recommendation is also made for the female admission ward.

*In its response to the preliminary report, the management of Ljubljana University Psychiatric Hospital explained that rooms and bathrooms in intensive and secure wards were no longer locked.*


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## Installation of call systems or devices

-  We recommended that Idrija Psychiatric Hospital install a call bell system and thus prevent possible risks to patients.

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital claimed that they were considering an adjusted system (that included the safety aspect) of call bells upon their next renovation. The possibility of installing the call bell system was seen particularly in bathrooms and toilets, not in rooms. It is expected that patients suffering from various forms of dementia would not know how to use the device, or risks would not be reduced with a call bell system in admission wards. The management explained that they were already reducing risks with the permanent presence and close proximity of staff in all secure wards, and regular control and monitoring of the psychophysical condition of patients. Certain medical conditions of patients in admission wards prevent the effective use of call bells, which is why only a prompt response by the staff is efficient for preventing possible risk. Regarding the reduction of risk to patients, the management was considering improving the call bell system (paggers) used by staff.*

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-  We recommended that Ljubljana University Psychiatric Hospital always keep the buttons of call bells activated. Although we are aware that Ljubljana University Psychiatric Hospital is not a somatic hospital, a call to the staff may be urgent in certain cases (e.g. if a patient is restless), which is why the buttons should be active and the staff's response prompt.



*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that buttons of call bells in secure wards had been removed due to the risk they posed to patients (strings) and non-functionality; although they were aware of the importance of call bells. Since there were sufficient staff present on secure wards, the management believed that the response of their medical personnel was prompt.*

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## Equipment and arrangement of premises



The management of the Unit for Forensic Psychiatry explained that there had been no new developments regarding a (special) room for visitors. Since we determined that the recommendation we made on our visit in 2014 had not been observed, we repeated it on the occasion of the latest visit.

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We recommended that all wards of the Unit for Forensic Psychiatry be decorated accordingly, also by installing items made during occupational therapy in a way that is safe for patients. We also suggested that paintings and other items be removed just before the implementation of works (e.g. painting of the ward) and then be reinstalled after the works are completed.

*In their response to the preliminary report on the visit in 2016, the management of the Department of Psychiatry said that the recommendation had been realised for the most part. "More friendly colours" would be used during the next painting.*

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We recommended that the staff of Idrija Psychiatric Hospital encourage patients to decorate their rooms with creative items made during occupational therapy irrespective of the hospital's renovation plans.

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We recommended that patients in Ljubljana University Psychiatric Hospital in the Centre for the Treatment of Drug Addiction be further encouraged to decorate and personally adjust their rooms, and to allow pictures and posters to be put on walls in a way that does not damage the walls. We also proposed to Ljubljana University Psychiatric Hospital that walls in the ward for intensive prolonged treatment be painted because they are dirty and covered with graffiti.

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We repeated the recommendation made on the 2012 visit that Ljubljana University Psychiatric Hospital should make an effort to make patients' rooms as homely as possible. Patients' rooms and communal areas could be decorated with items made by the patients during occupational therapy which do not pose a threat to them.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that photo wallpaper would be placed on certain walls in secure wards, which was being bought at the time, while other rooms would be made more pleasant. The management emphasised that excessive decorating of rooms, numerous items, flowers, curtains, tablecloths and other things could pose a general safety risk in certain situations. The hospital had purchased new sofas in all secure wards.*

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We commended the decorating of dining and living rooms, but we also suggested that patients' rooms, and in particular hallways in Idrija Psychiatric Hospital, be decorated with patients' items, which have an aesthetic and attractive (optimistic) value. Decorating their living environment is also a visual stimulus for patients, making the place more homely and patient-friendly.

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital explained that it would examine the possibilities for improving the living environment for patients in intensive units of wards regarding the upgrade of hallway equipment and rooms with items of an attractive and aesthetic value while observing safety aspects. The management would include the NPM comments in the conceptual design project for renovating facilities that would start in 2016 in order to provide a friendlier and better quality living environment and better living standard for persons being treated in wards after the reconstruction of hospital facilities.*


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## Staff's conduct

-  We proposed that the management of Ljubljana University Psychiatric Hospital examine the possibility of employing another person on ward I3, who could speak with patients and perhaps engage with those who spend most of their time lying on their beds or wandering aimlessly in the hallway, or the possibility of including volunteers more in life on the ward.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that they were not engaging volunteers at the time; only appropriately trained medical staff speak with patients.*


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-  We recommended that the Unit for Forensic Psychiatry of Maribor University Medical Centre observe the NPM opinion that forcing patients to be involved in occupational therapy with threats of losing their benefits is not acceptable. The staff should strive to actively engage patients to cooperate; no coercion is acceptable.

*In their response to the preliminary report on the visit in 2016, the management of the Department of Psychiatry claimed that patients were motivated to participate in occupational therapy within therapeutic procedures. The staff had been informed of this, and motivation was provided only by trained occupational therapists.*


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## Contacts with relatives and the outside world

-  Relating to the fact that sub-unit E1 accommodates patients with the fewest restrictions regarding contacts with the outside world, we recommended that the Unit for Forensic Psychiatry in cooperation with Maribor University Medical Centre enable the installation of a computer, which could be used by individual patients (those with no restrictions on use) independently or as part of occupational therapy.


*In their response to the preliminary report on the visit in 2016, the management of the Department of Psychiatry stated that they were in the process of obtaining new computer equipment for the needs of the entire Department of Psychiatry, and they were hoping that one of the old working computers could be installed in E1; however, there was a problem of space, which was lacking until the opening of the entire unit (additionally with sub-unit E2). The opening of sub-unit E2 was anticipated in 2017.*

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-  We recommended that Idrija Psychiatric Hospital consider the possibility of enabling access to the Internet for patients, since the temporally limited option is not the most suitable now, when access to information and the possibility of communicating mean a lot to many people.

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital explained that it would examine the possibility of improving access to the Internet also outside the current time frame, while observing the aspects of ensuring information safety, privacy and therapeutic requirements, but within limits that are professionally acceptable and founded.*

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-  We repeated what had been proposed already in 2013, that Idrija Psychiatric Hospital examine the possibility of providing at least partial privacy during visits in the communal living area (at least) for patients and their visitors who so desired, perhaps with the use of screens placed in the section where it would be least disturbing to life in the ward.

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital stated that they were striving to provide broad possibilities of contact with relatives. During visits, patients may stay with their relatives in their room, living area, a special room intended for socialising with relatives, or in the near and wider vicinity of the hospital's park. The management stated that visits to patients in secure wards rarely took place at the same time. The main reasons for that were in the hospital's remoteness from their place of residence, work obligations of relatives, nature of illness and poor social network of patients. When patients staying in the same room receive visitors at the same time, it is agreed individually where the visits will take place. A psychiatrist permitted the*

*majority of patients accommodated in intensive secure wards to go out in the vicinity of the hospital if accompanied by relatives. The management emphasised they would examine other aspects of ensuring the privacy of patients and relatives during visits.*

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We recommended to Ljubljana University Psychiatric Hospital that it provide contact data on advocates of patients' rights and a description of the complaint procedure on a notice board in the Centre for the Treatment of Drug Addiction.

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We proposed that Ljubljana University Psychiatric Hospital enable access to the Internet for female patients in ward A1, particularly in those cases when a patient is trying to find a job with the help of the Internet or arrange other things to facilitate her return to the social environment.

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We proposed that Ljubljana University Psychiatric Hospital provide a sufficient number of staff in the male admission ward (and other wards) at the time of exits in order to prevent the occurrence of the patients' not being able to go out on a certain day because of the lack of staff.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that it had completely renovated the outdoor terraces in intensive wards, where patients could spend most of their time when they had no other activities. The management supported socialising on the terrace. Patients who were mobile, active and were not subject to auto- or hetero-aggressive risk, were regularly taken for walks by the staff, of which a record was also kept.*

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We recommended to Ljubljana University Psychiatric Hospital that patients, who had no restriction regarding access to the Internet, be enabled free access to the computer and connection to the Internet also in the case of staff sick leave.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital explained that access to computers and the Internet was possible on the premises of occupational therapy also during the absence of occupational therapists. The management stated that they would examine the possibility of simpler access to the Internet.*

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We recommended that Ljubljana University Psychiatric Hospital enable at least a partial access to mobile phones in order to find contact numbers important to patients whose safety assessment suggests that they would use the phone without harming themselves or others, and also to use it for calls with limited supervision or no supervision by the staff.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that patients in intensive and secure wards could always access and use mobile phones. During an acute stage of illness, mobile phones were taken by the medical staff for safekeeping, but patients had access to them at any time. The safekeeping of mobile phones prevents their theft, misplacement and the like, and thus unnecessary costs.*

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We recommended that Ljubljana University Psychiatric Hospital, despite the commendable readiness of the staff to enable patients in admission wards to use the telephone in the out-patient room, give patients as much privacy as possible when making calls.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital explained that when calling from the telephone in the ward, patients are ensured privacy with the use of a portable telephone. Patients also have access to a public telephone, as required by the ZDZdr.*

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## Admission to special supervision wards


 All patients in ward I3 of Ljubljana University Psychiatric Hospital were given statements which they signed upon admission and the decisions issued; nevertheless, we proposed that, after a while, each patient be given the opportunity to again provide their consent to their accommodation in the special supervision ward, and to have the opportunity to understand their status with a suitable explanation and be provided with all information or clarifications relevant for them, since certain patients do not remember this later, and appear to be ignorant and unaware of their position (display restlessness, dissatisfaction).

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital claimed that the recommendation was partly incomprehensible, since the hospital followed the ZDZdr in all cases when accommodating patients in special protection – secure (closed) wards. The patients are informed of the time limits on how long they may/must stay in such a ward according to the ZDZdr, with a court decision, which they have in their possession. If they agree to treatment in a secure ward, they sign a suitable form, and the same therapeutic procedures apply to them as in open wards, which means that when they speak to a doctor, they learn everything about the treatment and the envisaged duration.*


*The NPM additionally clarifies that the recommendation referred to patients who had consented to admission and accommodation in a special protection ward. We believe that it would be right if, after a while, particularly in cases of long-term stays in such wards, their willingness to stay in such wards was verified again.*

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## Special protection measures (SPM)

 In 2014, we recommended that the Unit for Forensic Psychiatry ensure the implementation of special protection measures in a way that completely prevents the viewing by other patients of patients to whom a measure is being applied (by removing other beds, installing suitable screens or other means of separating the patient to whom the measure is being applied from other patients). Since we determined that the recommendation we made on our visit in 2014 had not been observed, we repeated it on the occasion of the latest visit.

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 During this visit to the Unit for Forensic Psychiatry, we also established that the form “Record of use of special protection measure (SPM)” was the same as after its revision on 2 July 2015. There is still no special section on measures implemented before the implementation of SPM. We thus repeated the recommendation from 2014.

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 When reviewing records on implementing SPM, we established certain irregularities in record keeping; we thus recommended that the Unit for Forensic Psychiatry particularly inform the staff about the meticulous completion of documentation, which is in fact determined in the ZDZdr regarding SPM.


*In their response to the preliminary report on the visit in 2016, the management of the Department of Psychiatry stated that they had examined the said irregularities, pointed out the errors, and conducted monitoring during an internal assessment and regular annual inspection of the Ministry of Health. No new errors had been detected, and the management would make sure that no new errors are made. All persons responsible for completing documentation had been informed about penal sanctions for violations anticipated by the ZDZdr.*

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 We recommended that the management of Idrija Psychiatric Hospital consider the colour of the rooms used for physical restraint, and the possibility of reducing the number of beds to one, or to install a screen between the beds to prevent other patients from seeing the patient subject to SPM.

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital explained that the renovation of certain rooms in which special protection measures were implemented was included in the short-term plan of investment maintenance for 2016/2017 in order to improve their appearance.*

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 The expert proposed that Idrija Psychiatric Hospital amend the form on the record on the use of SPM with an abdominal safety belt with perineal band. A section about measures implemented before the application of special protection measures should be added (e.g. discussion, de-escalation techniques, additional medicament therapy etc.). It would be advisable to add a list of techniques used before the application of special protection measures which could simply be marked when completing the form. The role of a doctor ordering SPM (name and surname) should also be defined in more detail. Until this field is systemically arranged, it would be sensible to use the same forms which are used to implement special protection measures.

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 According to the NPM, the implementation of SPM in an armchair in the living room is not suitable, since it fails to ensure suitable privacy and safety for the patient being restricted. If Idrija Psychiatric Hospital implements restriction in an armchair as a SPM, we ask that it immediately cease this practice (unless the relevant patient agrees to the presence of other patients) and implements SPM only in rooms that are used for such purposes (on a bed or armchair) under constant supervision.

*The response of Idrija Psychiatric Hospital is presented under the following recommendation.*

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 The NPM believes that physically restricting a patient in a lounge is an SPM, and all provisions of Article 29 of the ZDZdr must thus be observed and acted on accordingly. We suggested that the management of Idrija Psychiatric Hospital inform its staff thereof and also provide effective control of the implementation of SPM and the observance of statutory provisions.

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital claimed that their position regarding the placement of older people in the armchair in the living room, which was stated during the Ombudsman's (actually the NPM's) last visit in 2013, remained unchanged. They firmly insisted on their position, and would further advocate and defend it with their expert authority. They highlighted that patients with delirium conditions and severe dementia with psychological and behavioural disorders were accommodated in the intensive section of the geriatric ward. The worsening of conditions and the need for hospitalisation are usually displayed with simultaneous infectious diseases or conditions after injuries or surgery. According to Idrija Psychiatric Hospital, a dementia patient in a geriatric ward thus requires suitable somatic and psychiatric diagnostics and treatment. Accompanying measures ensure optimum conditions for persons who in their current state usually require constant care and help with all activities. Disorders in balance and motor skills are particularly problematic with dementia patients, and seen in the increased possibility of falls, and frequently also in the inability to walk. Due to poor understanding of the disorder and the severe decline of cognitive abilities, patients are usually uncritical of their condition and exposed to frequent falls and injury. Damage to the skeleton or brain haemorrhages are proven to significantly increase the mortality of dementia patients. As per the fundamental characteristics of the dementia patient's condition and subsequent disability, the management of Idrija Psychiatric Hospital believes that the nature of protection measures is also specific with regard to patients not suffering from dementia. The patients usually need assistance with all essential activities (hygiene, eating, moving). In order to avoid falls, protection measures are applied in a wheelchair or lounge. The management claims that the same protection measures are used by other medical and social care institutions for the same reasons for older people due to the same or similar conditions, particularly when organic mental disorders and/or psychotic conditions are combined with somatic complications, and the nature of these measures is not subject to the same monitoring standards. The fact that such a protection measure is considered a special protection measure only when an elderly person is being treated in a psychiatric institution, and that once they are transferred to a somatic hospital or a social care institution this is no longer the case, does not stand up to serious expert scrutiny and additionally stigmatises the psychiatric hospital. According to the management of Idrija Psychiatric Hospital, a special protection measure as per Article 29 of the ZDZdr is an emergency measure used in order to enable the medical treatment of a person or in order to eliminate or control dangerous behaviour in cases when their life or the life of others is endangered, when their health or the health of others is grossly endangered or when the person's behaviour is causing a serious physical damage to themselves or others and the endangerment cannot be prevented by other, milder measures. The management believes that a prescriptive standard for introducing SPM is clear, and the key elements for implementing it include the urgency of implementation (ultimate measure), justification for implementation and the existence of an objective danger to the life and health of an individual or property. In their opinion, the measure of restricting someone in a lounge (or e.g. in a bed with rails) as implemented by hospitals, including psychiatric ones and social care institutions, to prevent possible*

*injuries due to falls (consequently, even death) by its nature and method of implementation does not fall within special protection measures in the sense of Article 29 of the ZDZdr, since the reason for it and the degree of restriction do not contain the essential elements in Article 29; in particular, one of the most important elements is not given in such cases, which is controlling dangerous behaviour for which an SPM is intended in particular. The management believes that the relevant measure involving a lounge may be defined as a milder preventive measure before the actual implementation of SPM, when the type and level of the actual danger to the elderly person due to their medical condition and the urgent need to implement the measure are so severe that the implementation of SPM is justified professionally. This specific measure, which in accordance with an assessment and risk assessment is implemented by all hospitals, only ensures the basic safety of the patient and also enables the patient to live in a friendly social environment within a therapeutic group or living room. In spite of the severe deterioration of cognitive abilities, and speech and perception disorders, co-habitation with other patients and therapeutic staff is an important condition for attaining suitable communication, emotional response and appropriate supervision. The management also asked how to ensure constant supervision of a person, i.e. of ten persons simultaneously at the same time in ten locations with three nurses covering the ward if the measure with the lounge is considered an SPM as per Article 29 of the ZDZdr, since according to the NPM, persons must be separated in order to respect their privacy when implementing SPM. According to the aforementioned, the management believed that supplementing forms for SPM as was proposed by the NPM did not seem necessary or reasonable.*

***The NPM further explained that the ZDZdr is clear when defining SPM in Article 29. SPM thus includes restriction with safety belts. The NPM is certain that it does not matter to which "surface" the safety belts are tightened to restrict a patient's movement. If someone is in a lounge and thus equipped with safety belts which prevent them from getting up and leaving at will, then the NPM believes this is a case of SPM. All requirements determined by the ZDZdr must thus be observed regarding the introduction of the measure, time limits, keeping of records and informing. The opinion of the management of Idrija Psychiatric Hospital that the requirements of the Act are different in the case of implementing the measure in social care institutions is incorrect, since it has no basis in the Act. During its visits, the NPM pointed out several times that SPM also refers to the use of safety belts which prevent elderly persons from getting out of wheelchairs, or if a wheelchair is locked and the elderly person is unable to unlock the lock on their own. The NPM's opinion is similar in the case of restricting (fixing) limbs in order to prevent the removal of a cannula. Regarding the concern expressed by the management of Idrija Psychiatric Hospital on the isolation of a patient and the lack of staff for the constant supervision of restricted patients, let us only highlight that is the NPM's opinion that isolation is not necessary if a patient agrees to being placed among other patients or does not object to it (explicitly or does not show this with their actions). The NPM also expects that the experts would provide their opinion on the division of so-called protection measures and special protection measures. We have already contacted the Ministry of Health regarding the issue of the division, which explained that the Expanded Professional Board of Psychiatry at the Ministry was preparing recommendations and guidelines for the use of SPM in psychiatry. It was anticipated that the above recommendations or guidelines would be presented to the expert public in 2017. We also submitted the relevant question to the Health Inspectorate of the Republic of Slovenia (ZIRS) and asked for their opinion.***

*The ZIRS explained that its opinion on the nature of the measure of physical restriction with safety belts was not an explanation of the regulation. Regardless of the foregoing, the ZIRS explained that it was understood from the definition in paragraph one of Article 29 of the ZDZdr that SPM was a measure used to enable treatment. Paragraph five of this Article did not determine only the obligation of psychiatric hospitals and social care institutions to enter data on the implementation of SPM in medical records of relevant persons, but also the obligation to establish and keep a special record as per paragraph two of Article 99 of the ZDZdr. The ZIRS is responsible for verifying that psychiatric treatment providers keep such records, that the records include all requested elements and that time limits are observed when ordering SPM. The ZIRS does not verify the justifiability of ordering SPM, since this exceeds its powers. If the justifiability of the order or professional implementation of SPM were doubted during the verification of the aforementioned records of a psychiatric treatment provider, the ZIRS would submit the case to the competent Medical Chamber of Slovenia or another relevant chamber or the Ministry of Health for resolution.*

*When physical restriction with safety belts is not an urgent measure, the ZIRS believes that medical procedures are discussed as per the ZPacP, i.e. the patient's consent (informed consent) is necessary for the procedure before which the doctor responsible for treatment, the doctor performing the procedure or a qualified doctor must provide suitable clarifications (explanatory duty). Paragraph one of Article 37 of*

*the relevant Act stipulates that in the case of persons with mental disorders or persons with other reasons affecting their ability to decide, the legal representative of the person provides consent if the person is unable to give consent on their own. The ZIRS believes that without a comprehensive and suitably implemented explanatory duty, neither a patient who is capable of making decisions nor a legal representative of a patient incapable of making their own decision can provide legally valid consent to any medical procedure, i.e. also to the introduction of SPM. The explanatory duty is thus of key importance also when a patient cannot decide for themselves, in which case suitable clarifications are given to the legal representative or persons mentioned in paragraph four of Article 37 of the ZPacP. According to the ZIRS, this also arises from the commentary on Article 37 of the ZPacP, which states, inter alia, that in all cases when a legal representative has not been appointed (yet), the persons close to the patient make decisions on medical procedures and care (according to item two of Article 2 of the ZPacP, these are persons other than close family members, but who are in a close relationship with the patient or are at least likely to display this characteristic).*

*Regarding the conduct of an inspection as per the ZDZdr and minor offence procedures relating to the ZPacP, the ZIRS does not determine such forms of physical restriction; as a result, no measures against individual providers were adopted in this regard.*

*In the response to the NPM's final report, the Ministry of Health stated that it must be reconsidered if SPM were actually involved in both cases in connection with the comments referring to the implementation of SPM as per Article 29 of the ZDZdr and when restricting dementia patients in loungers in living rooms. The dilemma about the definition of SPM as per the ZDZdr and when these are only protection measures for patients was highlighted several times. To harmonise the practice and observe the protection of human rights in all cases of restriction, the Ministry of Health would strive to include the proposal among the amendments to the ZDZdr to also determine protection measures in addition to SPM which are not the result of dangerous behaviour, but which include special medical requirements (keeping still during intravenous infusion etc.), somatic medical conditions (spinal cord injuries) or risk of falling (from bed, chair, wheelchair etc.).*

*In addition to the aforementioned, the Ministry agrees with the comments/recommendations of the NPM regarding the implementation of SPM and hopes that the Expanded Professional Board of Psychiatry would adopt new expert guidelines, whose preparation was announced in the reply to the latest inquiry of the Ministry of Health. The Ministry also added that it was expected that the new expert guidelines for the application of SPM would be harmonised with the comments/recommendations of the NPM.*

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We believe that special attention must be paid to ensure suitable privacy of male and female patients, particularly during personal care. We thus proposed that Ljubljana University Psychiatric Hospital further emphasise this issue also by informing staff thereof and perhaps special education of the staff on this topic.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that they would make more efforts to ensure patients' privacy. They particularly stressed that they would examine all possibilities of ensuring privacy in rooms where SPM were being implemented.*

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We recommended that Ljubljana University Psychiatric Hospital separate cases of discreet supervision, which is implemented in a way least visible and disturbing for the patient, from cases of constant supervision.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital claimed that every case of discreet supervision is recorded in medical documentation, and a form on the application of special protection measures is completed, although the ZDZdr does not require this for cases of discreet supervision. The management believed that discreet supervision was not very burdening for a patient, and was also sufficiently reliable to serve its purpose and not burden the patient.*

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In its 2012 report, the NPM proposed that Ljubljana University Psychiatric Hospital implement SPM only in rooms intended for the application of these measures in order to prevent other patients from seeing restricted patients, unless the patient subject to restriction explicitly wanted to be accommodated in

a room with other patients. Since the situation remained the same in the male and female admission ward, we repeated this recommendation also on the occasion of this visit.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that they took care of the personal dignity of all patients, including those subject to SPM. The management was of the opinion that rooms could not be divided architecturally in a way that the rooms for supervision of SPM would be completely separated from the hallway. For this purpose, it was also impossible to install curtains or blinds (risk of suicide). But the management would nevertheless re-evaluate other possibilities.*


*The Ministry of Health agreed with the NPM's opinion that the use of SPM in a living room and/or in the presence of other patients was not appropriate. Regarding the application of SPM, the Ministry has informed all psychiatric hospitals about its correct implementation several times; most recently in letter no. 010- 27/2014/5 of 26 March 2015. In spite of these warnings, errors have continued. By the end of 2016, the Expanded Professional Board of Psychiatry was to adopt new expert guidelines on the application of SPM. It was expected that a uniform document for reporting on SPM would become an integral part of the guidelines, and that the adoption of new expert guidelines would help eliminate established deficiencies and errors in the use of SPM in psychiatric hospitals.*

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-  We repeated the earlier recommendation to Ljubljana University Psychiatric Hospital that the physical restriction (SPM) of female patients in the living room, i.e. in the presence of other patients, may be permitted only if this is requested by the patient.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital claimed that SPM were applied in living rooms only occasionally (fixation on a lounge for patients who gave their consent, for patients for whom sensory, social and functional stimulation was useful, for patients who fall off chairs etc.) and to patients who consented after the staff had spoken to them. The management thought that the complete isolation of patients in a room for SPM was not always recommended or appropriate. Other patients frequently proved themselves to be very caring towards restricted patients.*


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-  Exceeding time limits for informing of relatives is not permissible and is contrary to the ZDZdr; however, according to the examined records these were not very frequent. We thus proposed that the management of Idrija Psychiatric Hospital inform the staff about being meticulous in keeping records and timely informing all relevant persons as determined by the Act.

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital stated that it would dedicate special care to managing and keeping records related to the ZDZdr, and would regularly remind staff of the urgency and need to keep records promptly and diligently.*

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## **Distribution of medication or therapy**

-  The expert proposed that Idrija Psychiatric Hospital use combinations of psychotropic medications which may lead to serious complications outside official indications and contrary to the recommendations provided in fundamental characteristics of medications only when reasons exist for the use of such combinations and that these reasons be carefully recorded and justified in medical documentation together with the patient's consent.

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital wrote that during the visit the expert highlighted the comment by a person who mentioned the administration of medication by intramuscular injection without his consent. The expert believed that the field had to be arranged legally, and anticipated the possibility that a person was not able to understand a clarification on receiving psychopharmacotherapy and provide their consent for the administration of the therapy. There was a need for a systemic arrangement of the field. The management believed that a different recommendation was described in the summary of the NPM's findings and recommendations, which did not comply with the initial complaint and content. The problem of prescribing combinations of psychotropic medications outside official indications and the non-compliance with recommendations*



regarding the fundamental characteristics of medications were mentioned. The management thus suggested that the proposed finding and recommendation be excluded from the summary and that only the initial issue be presented in the summary.

**The NPM additionally explains that, regarding the comments of Idrija Psychiatric Hospital, the expert clarified that the recommendation did not refer to the comment made by a person who mentioned the administration of medications by intramuscular injection without his consent, but to the established combination of antipsychotic Clozapine and a extended-release antipsychotic intended for intramuscular administration. According to the expert, the aforementioned combination is contrary to the description of the producer's recommendations on the fundamental characteristics of Clozapine, since extended-release antipsychotics intended for intramuscular administration can no longer be removed from the body after application and their action cannot be stopped in the case of agranulocytosis. The expert further stated that it was determined that the two antipsychotics were prescribed outside official indications, and it would be necessary to provide the reasons for such a combination in the documentation (e.g. inefficiency of other medications, non-cooperation in the treatment etc.). The expert also determined that the simultaneous administration of Leponex and Xeplion was advised in one case. According to the expert, the aforementioned was not compliant with the producer's recommendations, and such a combination should have been justified in the medical documentation. He also determined that some other patients had been prescribed antipsychotics without a more detailed definition of the reason for prescribing outside official indications (e.g. inefficiency of other medications).**

*In the response to the NPM's final report, the Ministry of Health stated that it could not take a position regarding the content of expert issues, but it commended the fact that the application of individual medications or therapies is being spoken about more openly. According to the Ministry, possible errors or decisions on the use of less efficient medications/therapies were due to various reasons, but it was certain that these did not include bad intentions. The Ministry thus advocates the practice that doctor's decisions and possible errors be spoken about openly in order to improve the system.*

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## Complaint procedures



We recommended that Ljubljana University Psychiatric Hospital place the complaint form near collection boxes or hand over a copy to patients upon their admission enabling them the possibility of making an anonymous complaint without the knowledge of the ward staff. A document describing the complaint procedure should also be displayed next to the collection box.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that the protocol of complaint procedures was displayed in all wards, and the complaint forms were placed near collection boxes (the complaint was thus always anonymous), but without pens, which could be used as dangerous weapons. The patients may obtain pens from the medical staff.*

*Relating to the NPM's recommendation about complaint procedures and the response of the management of Ljubljana University Psychiatric Hospital that patients could obtain pens only from the medical staff, the Ministry of Health wondered if patients were able to contact mental health advocates. This question was also raised in regard to the NPM's recommendation that, after a while, patients should be given the opportunity to again give their consent to their accommodation in the special supervision ward and clarifications about their situation. The Ministry believed this to be the task of the advocate.*

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We recommended that the management of Idrija Psychiatric Hospital consider the possibility of providing a pen to patients who might want to submit complaints anonymously, while observing the safety aspect for the relevant and other patients.

*In their response to the preliminary report, the management of Idrija Psychiatric Hospital explained that collection boxes were installed in all secure wards where patients could anonymously submit their complaints, commendations, suggestions and opinions relating to the medical treatment received. Suitable forms (OB BPE/12 01) were placed next to the collection boxes, but no pens. One of the reasons was that a pen could present an actual or potential risk of self-harm or injuries to someone else. The management further added that informing patients in secure wards about where, when and how they*

could obtain a pen to complete the said form, i.e. any time during the day from the ward staff, was well established. The patients can also write letters to their loved ones or other people important to them, and write complaints about disagreeing on being detained in the secure ward. On this note, the management stressed that the staff observe the mission and values of Idrija Psychiatric Hospital, which were based on awareness of, and respect for, the fundamental rights of every patient, their personal integrity and dignity, their moral and cultural values, religious and philosophical beliefs. They stated that the staff were encouraged to implement their duties independently within the therapeutic programme/treatment plan, and they would further implement the well-established practice of providing sufficient pens if patients need to submit anonymous comments, commendations, suggestions and opinions about medical treatment. The staff would continue to inform patients about where, when and how they could obtain pens, and would also care for their safety or make sure that patients return the pens.


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## Other

-  Although we are aware that the presence of relatives is disturbing to other patients in fully occupied rooms, we nevertheless proposed that Ljubljana University Psychiatric Hospital examine the possibility of providing a room for palliative care and the presence of relatives with a dying person.


*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital wrote that patients were accommodated in a single bedroom in the case of palliative care, where relatives can visit them.*

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-  We also recommended that Ljubljana University Psychiatric Hospital observe the recommendations made by the NPM during its 2012 visit and which have not been realised yet.

*In their response to the preliminary report, the management of Ljubljana University Psychiatric Hospital stated that they would do their best to observe the current recommendations.*

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-  We proposed that the Ministry of Health respond accordingly to the wishes and proposals of Ljubljana University Psychiatric Hospital and promptly inform us about efforts to open a suitably equipped paedopsychiatric ward in Slovenia as soon as possible. On that note, the Ministry should explain to us why Ljubljana University Psychiatric Hospital did not receive a reply to its proposal for comorbidity treatment, or it should submit the relevant reply to us.

*In its response, the Ministry stated that it could not discern to which complaint it failed to reply regarding the paedopsychiatric ward and with regard to the complaint for comorbidity treatment. It thus assumed that it was perhaps the question of the new treatment method, which was submitted for discussion by the Health Council, which was competent to make such assessments.*

*Relating to the secure psychiatric ward for children and adolescents, the Ministry further explained that it had called on the expert institutions several times to place the issue of intensive psychiatric discussion of children and adolescents among their priorities. With letter no. 181-337/2013/8 of 12 February 2016, the Ministry asked Ljubljana University Psychiatric Hospital and the Paediatric Clinic of Ljubljana University Medical Centre to place the establishment of a special secure ward for psychiatric treatment of children and adolescents among their priorities and submit the supplemented programme proposal to the Health Council for discussion as soon as possible. At its session of 27 May 2015, the Application Assessment Committee of the Health Council had already discussed the application of Ljubljana University Psychiatric Hospital to approve the secure psychiatric ward for children and adolescents, and adopted the decision that the programme was professionally justified and reasonable, but the financial part of the application had to be supplemented. Since the Ministry failed to receive a response, it asked Ljubljana University Psychiatric Hospital and the Paediatric Clinic of Ljubljana University Medical Centre with letter no. 181-337/2013/9 of 14 March 2016 to place the establishment of a special secure ward for psychiatric treatment of children and adolescents among their priorities and submit the supplemented programme proposal to the Health Council for discussion as soon as possible. The request was also repeated in letter no. 162-3/2016/2 of 21 March 2016, whereby both institutions were asked to state their position on the allegations of Ljubljana Šiška Social Work Centre of 18 March 2016, which informed the Ministry of Health that a growing number*

of children under the age of 18 had not been receiving suitable treatment and help in the closed ward of Ljubljana University Psychiatric Hospital in recent years, while the Paediatric Clinic refused to admit them. The Ministry's appeal was successful, and Ljubljana University Psychiatric Hospital informed the Ministry on the same day that the Expanded Professional Board of Psychiatry and the Expanded Professional Board of Paediatrics would meet at the request of the President of the Health Council. The meeting was held on 10 May 2016 at Ljubljana University Psychiatric Hospital. It is evident from the minutes of the meeting between Ljubljana University Psychiatric Hospital and Ljubljana University Medical Centre of 18 August 2016 that both managements harmonised their positions regarding the placement of an intensive (closed) ward for child and adolescent psychiatry. The Ministry thus expected that the relevant ward would finally be established after many years of discussion.



We recommended that Idrija Psychiatric Hospital ensure that the staffing composition on wards is compliant with staffing standards. We also recommended that the hospital inform the competent ministry in the event of problems when ensuring suitable staffing composition, or when it is believed that staffing standards are not suitable.

In their response to the preliminary report, the management of Idrija Psychiatric Hospital stated that they had been actively striving for several years to attain modern staffing standards in the field of psychiatry, and the recognition of a higher staffing standard than the current one in psychiatric hospitals, particularly in intensive and geriatric care. The hospital had submitted the need to adjust the staffing standards to modern forms of treatment and the needs arising from the requirements of international standards for treating persons with mental disorders several times to the Ministry of Health and the Health Insurance Institute of Slovenia, but had not received anything more than understanding about the situation and excuses regarding the lack of financial resources. Insufficient and inappropriate staffing standards in psychiatry were particularly highlighted in the comments on the Resolution on the National Health Care Plan 2015–2025 – Together for a healthy society, where the lack of staff was displayed in a comparative table, which, according to the management of Idrija Psychiatric Hospital, was self-explanatory.


Number per 10,000 residents	Great Britain	Austria	The Netherlands	Slovenia
No. of psychiatrists	1.1	1.18	0.90	0.53
No. of psych. nurses	10.4	3.78	9.90	0.58
No. of neurologists	0.1	0.82	0.37	0.08
No. of psychologists	0.9	4.90	2.80	0.16
No. of social workers	5.8	10.34	17.60	0.04

\* Annex to the explanation of the Mental Health Act.

The management of Idrija Psychiatric Hospital explained that they had pointed out to the Ministry that the need to expand and improve the staffing structure and make a better assessment of medical treatment programmes in the existing mental health services had been completely overlooked among the objectives and measures in the Resolution intended to improve the quality and safety of treatment. The Resolution should have established a basis for adopting measures needed to enhance and develop new programmes and improve their assessment at health programme providers working in the field of mental health, and in particular, to improve the staffing structure in mental health care. Regarding the fact that workers with appropriate expert knowledge are the only efficient means of implementing various forms of therapeutic treatment, only a good staffing structure in treatment procedures can guarantee safe and high-quality treatment. When planning the network and staff in mental health services, it is imperative to observe all requirements for complex, timely, comprehensive, interdisciplinary and continuous treatment, and the desired balance between hospital and out-patient activities and services in the community and their interaction, including the current staffing deficit in Slovenian mental health services. The management's comments were not accepted, nor were the comments made on the Dementia Management Strategy, where they also highlighted the need to form a new standard for treating the psychological and behavioural disorders of dementia patients in psychiatric hospitals, whereby the following factors in caring for such patients would have to be observed: increased complexity and scope of caring interventions; higher costs of care; cooperation of a specialist in internal medicine in treatment procedures; cooperation of special clinical pharmacy; spatial and other conditions for improving safety etc. They also stated that they would further strive


*for better conditions of work, living and treatment, and the appropriate staffing structure, which would enable safe and qualitative treatment, regardless of the NPM's recommendations or opinions, but they expected the NPM to support them actively in accordance with its authorisations. The management believed that was the only way to protect the interests of persons with mental disorders, their integrity and dignity, in the long term, and contribute to the realisation of their fundamental rights arising from the Patient Rights Act and the ZDZdr.*

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 We recommended that Maribor University Medical Centre ensure the requisite number of staff for qualitative work and care of patients in the Unit for Forensic Psychiatry, and above all, to regularly and promptly fill vacant positions.

*In their response to the preliminary report on the visit in 2016, the management of the Department of Psychiatry stated that they would again inform the management of Maribor University Medical Centre of the relevant matter, particularly of the fact that the Official Gazette of the Republic of Slovenia published new Rules on the implementation of security measures of compulsory psychiatric treatment and care in a health establishment of compulsory psychiatric treatment at liberty and compulsory treatment of alcoholics and drug addict, which had already been submitted to the management of Maribor University Medical Centre and the Systematisation Committee of Maribor University Medical Centre.*

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 We recommended that the Unit for Forensic Psychiatry further strive to fill all envisaged posts of occupational therapists; until then, other staff members in individual wards should ensure the implementation of patients' activities (e.g. visit to the gym).

*In their response to the preliminary report on the visit in 2016, the management of the Department of Psychiatry stated that the reply to the relevant recommendation was the same as submitted to the report of the previous visit.*

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#### **Some examples of good practice:**

- the walls were pleasantly decorated in sub-unit E1 of the Unit for Forensic Psychiatry with items made during occupational therapy and items by individual patients (wood burned plates). Posters with photographs from events where patients from this sub-unit were socialising (picking chestnuts, cooking day etc.) were also commendable;
- the expert particularly commended the fact that Ljubljana University Psychiatric Hospital did not reject patients due to occupancy, but was tackling this issue by transferring patients to other suitable wards;
- it is commendable that a walk in the vicinity of Ljubljana University Psychiatric Hospital is organised twice a day, regardless of the season or weather (after a morning meeting and in the afternoon after 5 pm) since the Hospital was aware of the importance of such walks, according to the occupational therapist;
- according to our discussion partners, the rooms in Idrija Psychiatric Hospital were no longer locked, which is commendable;
- at the time of the NPM's visit, brochures with the house rules of the ward in Idrija Psychiatric Hospital were attached to the notice board; these are now handed out to patients or relatives, according to the ward staff, which the NPM finds commendable.

#### **Some examples of bad practice:**

- we recommended that Ljubljana University Psychiatric Hospital find a better way of accommodating patients than by placing a mattress on the floor. Until this issue is resolved in a suitable way, we proposed that a patient accommodated in a temporary bed be ensured the same living conditions as other patients;
- we pointed out the inadmissible practice of an internal agreement in Idrija Psychiatric Hospital on wearing hospital clothes in order to prevent exits during the first few days of accommodation, particularly of patients admitted to secure wards on the basis of their own consent. Consent may be withdraw at any time, which is stated already in the patient's consent form, and the patient may then leave the ward (if the court does not Issue an order on forced confinement). The NPM again repeated that experience shows that the practice of wearing hospital clothes does not contribute to strengthening the patient's personal identity or self-confidence. Since the individualisation of clothing in secure wards might be an important part of the therapeutic process, we proposed

- that Idrija Psychiatric Hospital inform patients to the greatest extent possible of the possibility of wearing their own daytime clothing and encourage them to do so, except when this is hindered or even prevented by the specific nature of the patient's medical condition;
- the implementation of SPM in an armchair in the living room is not suitable, according to the NPM, since it fails to ensure suitable privacy and safety for the patient being restricted. If Idrija Psychiatric Hospital implements restriction in the armchair as an SPM, we ask that it immediately cease this practice (unless the relevant patient agrees to the presence of other patients) and implements SPM only in rooms used for such purposes (on a bed or armchair) under constant staff supervision;
  - we proposed that the Ministry of Health respond accordingly to the wishes and proposals of Ljubljana University Psychiatric Hospital and promptly inform us about efforts to open a suitably equipped paedopsychiatric ward in Slovenia as soon as possible. Furthermore, the Ministry should inform us of the reasons Ljubljana University Psychiatric Hospital did not receive a reply to its proposal for comorbidity treatment, or it should submit the relevant reply to us;
  - all patients in ward I3 of Ljubljana University Psychiatric Hospital are given statements which they signed upon admission and issued decisions; nevertheless, we proposed that, after a while, each patient be given the opportunity to again give consent to their accommodation in the special supervision ward, and to have the opportunity to understand their status with a suitable explanation and be provided with all information or clarifications relevant for them, since certain patients do not remember this later, and appear to be ignorant and unaware of their position (display restlessness, dissatisfaction).

## 4.5 Visits to residential treatment institutions and youth homes





In 2016, we visited **four residential treatment institutions and youth homes**, i.e. Maribor Youth Home (MD Maribor), Jarše Youth Home (MD Jarše), Fran Milčinski Smlednik Educational Institution (VIZ Smlednik) and Logatec Education and Training Institution (ZVI Logatec).

All visits took place in accordance with the **NPM's visit plan for 2016**. During the visits, we examined the **observance of recommendations** made by the NPM during its last visit, and the **living conditions of children and adolescents in the institutions and their treatment**. We also checked the circumstances important for a final assessment of cases of possible ill-treatment, punishment or even torture in a visited institution. **All four visits were unannounced.**

The members of the visiting group, consisting of the Ombudsman's representative and two representatives of NGOs, held a discussion with the management of the institution in three cases, which was followed by an inspection of the premises and surrounding area. **Most of the time was spent in discussion with the children, adolescents and staff, and monitoring the dynamics in a group or in individual units or residential groups.** In one case, the visiting group first visited a residential group, then held a discussion with the management at the central unit of the institution. We also witnessed direct educational work, examined the institution's documentation and randomly selected personal files of children and adolescents, and observed the conduct of childcare workers and other staff.

In most cases, we gave the **initial findings and recommendations** to the management of the institution **already after the discussion. The visiting group then prepared a preliminary report with findings, recommendations and commendations.** Following the response of the institution, their clarifications were included in the **final report, which was submitted to the institution and the Ministry of Education, Science and Sport (MIZŠ).**

For the most part, the institutions responded positively to our visit and the recommendations; most of our recommendations were accepted and some already implemented. **From a total of 59 recommendations, 36 were accepted, 11 already implemented, and only 6 were rejected; the institutions or the MIZŠ did not take a particular position on 6 recommendations.** The MIZŠ also responded positively to our visits and recommendations, most of which it accepted.

	Total	Adopted	Rejected	Realised	No data
Legend					
Number of recommendations	59	36	6	11	6

Until 2016, there were **three youth homes** (Malči Belič Youth Care Centre, Maribor Youth Home and Jarše Youth Home) in Slovenia, including **seven institutions for care and education** (Planina Residential Treatment Institution, Veržej Primary School – Dom Unit, Kranj Residential Treatment Institution, Višnja Gora Educational Institution, Slivnica pri Mariboru Residential Treatment Institution, Logatec Education and Training Institution and Fran Milčinski Smednik Educational Institution), and **one special education institution** (Črna na Koroškem Special Education, Work and Care Centre), which functions under the auspices of the Ministry of Labour, Family, Social Affairs and Equal Opportunities.

**The MIZŠ plans to combine these institutions in the future. The first example of such integration occurred on 1 September 2016, when Slivnica pri Mariboru Residential Treatment Institution was affiliated with Maribor Youth Home.**

Youth homes accommodate children and adolescents for whom primary family members or guardians are unable to provide sufficient care and education, who are educationally at risk and problematic, and also children and adolescents with emotional, behavioural and learning difficulties. In most cases, the children and adolescents are directed to youth homes by social work centres. Residential treatment institutions accept children and adolescents with behavioural disorders between the ages of 6 and 17, with the exception of Planina Residential Treatment Institution, which also accepts children and adolescents with mental disorders. Institutions for adolescents accept adolescents between the ages of 14 and 18, who can stay in the institution until the age of 21. Adolescents are placed in such institutions on the basis of decisions issued by social work centres in the case of a threat in the family, and on the basis of court decisions (as educational measures) and also on the basis of placement decisions concerning educational programmes.

## The NPM's findings based on the visits

The NPM determined that all institutions visited in 2016 **comply with the legislative standards** regarding the number of children and adolescents in groups and with the number, type and level of education of staff as is stipulated by the law.

**The institutions have observed the majority of the NPM's recommendations from previous visits. According to the DPM, the institutions fulfil their missions accordingly.** The recommendation that social and educational professionals should do more when treating behavioural deviations and violations of house rules, and prepare expert bases together with the institutions for appropriate and more uniform treatment of adolescents with explicitly aberrant behaviour, with instructions for suitable educational measures, was not fulfilled. **Educational work in institutions is implemented on the basis of the applicable educational programme drafted twelve years ago, regarding which the NPM stated in its reports from 2013 and onwards that it had to be updated.**

Although spatial conditions and equipment in the institutions were suitable, the NPM noticed that the **reduction of financial resources for investment, and maintenance and renovation of equipment** was obvious in all the institutions we visited. **The NPM thus calls on the MIZŠ to provide sufficient funds for this purpose in spite of the financial crisis.**

The concluding observations from the visits or recommendations and commendations of good practices are provided below. In the 2015 report, we particularly highlighted the issue of the growing number of children and adolescents with explicitly dissociative disorders, such as disorders in relationships with their peers and adults, disorders at work, thefts, pottering and wandering, violence, swaggering and sexual maladjustment. The managements of all the relevant institutions further point to an increase in functional disorders, which significantly hinder children and adolescents in their personal development

and demand additional expert discussion, either psychosocial, psychotherapeutic or psychiatric assistance, frequently with the application of medication therapy.

The institutions stressed this issue several years ago, but they became particularly vocal in 2016. We have been dealing for several years in Slovenia with issues of insufficient or completely absent paedopsychiatric assistance for vulnerable children and adolescents and problems with their placement in (in)appropriate institutions. Usually the majority of these children and adolescents come to the institutions without correct diagnoses. The institutions claim that certain adolescents completely reject the institution, programme of work, services, implementation of expert activities and everything that the institutions try to do and for what they are trained. They determined that there is no suitable group for such children, to which they could be directed or suitable programmes and institutions. These children are literally thrown into the same institution regardless of the type and cause of their problems or individual treatment needs. The institutions receive children exhibiting extremely aggressive behaviour and set patterns of manipulatively resolving personal problems and functioning in the social environment, and severe paedopsychiatric problems that call for individual treatment in a peaceful environment and without additional triggering impulses, including drug and alcohol users and regular cigarette smokers, who smoke with the consent of, or even support of, their parents, who permit such behaviour and even bring them cigarettes to the institution without permission. It was revealed in practice that paedopsychiatric services in Slovenia decline the treatment of children and adolescents with severe mental health problems and related aggressive and hetero-aggressive behaviour, which is why the only solution in this field is urgent hospitalisation in closed intensive wards in psychiatric hospitals together with adult patients, resulting in severe violations of children's and adolescents' rights. The Ombudsman has pointed out for several years that the treatment of children and adolescents with mental health and related hetero-aggressive behavioural problems is not merely a pedagogical problem. Too often these children and adolescents are not admitted or are excluded from institutions or schools, or are admitted to secure wards of psychiatric institutions together with adult patients.

## Institutions visited

### **Maribor Youth Home (MD Maribor)**

Maribor Youth Home has five residential groups in four locations and one youth apartment. Residential groups are intended for children and adolescents between the ages of 8 and 18 or more if they are unable to live with their parents in primary families for various reasons, and if they have emotional and behavioural problems. Male and female adolescents above the age of 18 live in the youth apartment who are unable to return to their primary family after they finish their stay in the residential group, thus enabling adolescents a good transition from the group to real life. We visited residential groups 1 and 4. There were 9 adolescents in residential group 1, i.e. 6 boys and 3 girls; there were 7 adolescents in residential group 4, i.e. 3 boys and 4 girls.

### **Jarše Youth Home (MD Jarše)**

MD Jarše is a public institution implementing the activity for adolescents of both genders between the ages of 12 and 18. The mission of MD Jarše is to provide conditions for successful education and healthy personal development, while providing adolescents and families with all the necessary assistance in accordance with modern interdisciplinary findings on the human personality and their rights and freedoms. The following public programmes are being implemented in MD Jarše: primary school educational programme (with adjusted implementation and additional expert assistance), educational programmes within residential groups and an educational programme of a production school. On the day of the visit, there were 61 adolescents in the home (the total capacity is 76 adolescents).

### **Fran Milčinski Smladnik Educational Institution (VIZ Smladnik)**

VIZ Smladnik implements educational activity for primary school adolescents with emotional and behavioural disorders. The institution can accommodate up to 40 adolescents. At the time of the NPM's visit, there were 23 adolescents in the institution, i.e. 10 girls and 22 boys. The youngest was 11 years old, the oldest was 15. Educational work is implemented in four educational groups with a maximum of 10 adolescents per group. The first educational group is for girls, while the other three groups are for boys. There were five primary school programme grades (6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> grades) in the 2015/2016 school year. Classes take place in the morning. The Ježek residential group is a remote unit of VIZ Smladnik, which is located in Gunclje pri Ljubljani. The residential house, which can accommodate up to 8 adolescents, is intended for male and female adolescents between the ages of 14 and 21, who continue their education in vocational or secondary schools. Six boys were living in the house at the time of our visit.

## Logatec Education and Training Institution (ZVI Logatec)

ZVI Logatec implements two basic activities, i.e. an educational one in programmes of lower vocational schools, and a training one in three educational groups and two residential groups located in Ljubljana and Postojna. ZVI Logatec took over the residential group in Postojna from Planina Residential Treatment Institution in 2012. ZVI Logatec accepts adolescents between the ages of 14 and 18, but also accommodates adolescents above the age of 18 who are transferred to the institution on the basis of court decisions. Only boys are accommodated in the main unit in Logatec, but girls are also accommodated in the residential groups. The residential groups accept adolescents who are mature and responsible enough to go to school independently or go to work. At the time of our visit, the main unit housed 21 adolescents in three educational groups; 9 female and male adolescents were in the residential group in Postojna, and 5 female and male adolescents were in the Rdeča kljuka residential group in Ljubljana. The most frequent reasons for placing adolescents in institutions were truancy and running away from home, early school leaving, conflicts in the social environment, minor offences and criminal offences. ZVI Logatec deals with a very challenging population, which, due to the incredible efforts of the staff to create a pleasant atmosphere and the best conditions for learning, and who help adolescents to create a positive self-image, remains a haven for many adolescents.

## Review of recommendations and responses

The institutions accepted most of our recommendations, and have also implemented some of them. In the response, the headteacher of MD Maribor even doubted whether the supervision of youth homes fell within the jurisdiction of the NPM, and made comments on the implementation of the visit and comments on individual recommendations. The headteacher obtained further clarifications about the powers of the NPM and the Ombudsman to implement supervision from the Information Commissioner and the Ministry of Justice. In its response report, the MIZŠ wrote that the headteacher had been informed in writing that the Ombudsman could visit MD Maribor at any time, announced or unannounced.

The recommendations made in 2016 to all four institutions were divided into individual sets.

## Living conditions

⊖ When speaking with NPM representatives, adolescents in MD Maribor said that they were not allowed to put pictures or images on the walls of their rooms which display their personal interests. The NPM assessed this prohibition as unfounded. Since the adolescents reside in the home for a lengthy period and thus do not change rooms at short intervals, the NPM proposed that the adolescents be allowed to decorate rooms according to their own wishes and with suitable content. The NPM believed that the relevant prohibition was not compliant with the MD's objective of creating a homely and family environment. The NPM suggested a change in the rules and the inclusion of arranging and decorating rooms in the individual work programme, with the possibility of using an item of furniture (e.g. a chair) from home.


*In their reply to our preliminary report, the management of MD Maribor explained: "Communal areas are dull, cold? Subjective assessments from your side are unacceptable and unprofessional. Classic curtains are also no longer used in modern apartments. Judging on the basis of the messy wardrobes of children and adolescents, a full refrigerator, curtains and flower pots or a possible stain in the bathroom is utterly unacceptable, since a person may have a thousand flower pots, diamond curtains, a large garden with a greenhouse outside their house, but that does not create a sense of homeliness. A friendly home is created by people, the atmosphere, relations, and not subjective experience and perceptions about things and rooms. Painting the inside of a refrigerator, painting of individuals' wardrobes is a severe intervention in the intimacy of a group and an individual. In our assessment, it is an inadmissible encroachment on the lives and work of children and adolescents. The adolescents can decorate their room according to their wishes given the spatial possibilities and while also considering their roommates. Due to limited financial resources, we wish the walls to remain undamaged. Adolescents who will be accommodated in these rooms at a later time also deserve to have nice and undamaged rooms."*

⊕ The NPM proposed that ZVI Logatec decorate the communal and sleeping areas in cooperation with the residents to repair broken/worn out furniture (polish damaged wooden tables and chairs, perhaps change covers on sofas, display adolescents' handicrafts on the shelves, equip the shelves with books, put paintings, photographs, posters etc. on the walls).




*In their reply to our preliminary report, the management of ZVI Logatec explained: "The interior equipment in educational groups is 23 years old; it cannot be expected to be in a different shape with such aggressive adolescents. Polishing and painting such dilapidated equipment is meaningless. We have been asking for funds for years, but so far unsuccessfully. Difficult adolescents would undoubtedly have a better attitude to new equipment than they have to the currently worn-out equipment. We are currently applying to a tender of the Ministry to obtain earmarked funds, which will also include floor coverings in rooms and interior equipment."*

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-  The NPM proposed that ZVI Logatec obtain new mattresses.


*In their reply to our preliminary report, the management of ZVI Logatec explained: "When assessing the condition of mattresses, we can state that all mattresses were replaced in the last two years. The covers of mattresses are removed arbitrarily by adolescents, despite the childcare workers' instructions and the fact that such conduct is not permitted. In this way, the mattresses get dirty faster and are also destroyed."*

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-  The NPM proposed that ZVI Logatec urgently arrange a suitable temperature in sleeping and communal areas where the adolescents spend their time.


*In their reply to our preliminary report, the management of ZVI Logatec explained: "You also mentioned cold rooms. It is true that we are saving because we spend a lot of money on heating; the institution has not been functionally insulated since its establishment, and austerity measures are necessary. I must add that none of the adolescents or the adults have fallen ill due to the temperatures. All windows and doors in all educational groups were replaced three years ago; the windows are properly sealed; they only need to be closed. In spite of constant warnings, the adolescents do not contribute to maintaining the temperature."*


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-  The NPM proposed that ZVI Logatec arrange the status of a triple room in a way that reflects the actual circumstances. The room should be equipped in a suitable manner to enable the accommodation of three persons, or its intended use should be formally changed into a double room.

*In their reply to the preliminary report, the management of ZVI Logatec explained that the headteacher would send a proposal to the MIZŠ to reduce the capacity of the Rdeča kljuka residential group by one resident, in which case the intended use of the room from a triple to a double room would be changed formally.*


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-  The NPM recommended that VIZ Smladnik maintain suitable temperatures in all rooms. In their reply to the preliminary report, the management of VIZ Smladnik explained: "The windows in all four residential groups were replaced during the autumn holidays, which will contribute significantly to maintaining a constant and higher temperature in individual groups."
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-  The NPM recommended that the staff in the Ježek residential group (VIZ Smladnik) consider minor changes regarding the equipment and decoration of premises in order to create a more homely feeling and a sense of belonging for the adolescents, resulting in better motivation to maintain order and cleanliness.

*In their reply to our preliminary report, the management of VIZ Smladnik explained: "Regarding the arrangement of premises in the residential group, the staff, while guided and supported by the headteacher, will try to adjust the environment in the residential group more to the wishes and needs of the adolescents. Let us mention the fact that the adolescents today find it difficult to clean their own rooms, let alone get actively involved in cleaning communal areas. Nevertheless, we have quite a lot of reserve and manoeuvring space in this field."*


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-  The NPM proposed that MD Jarše replace the obsolete equipment in the production school in accordance with its financial capacities.

*In their reply to our preliminary report, the management of MD Jarše explained: "We have approached the obsolete equipment in the production school systematically, and are trying (within the scope of financial capacities) to renovate and modernise the equipment one step at a time."*


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## Educational programme

-  The NPM proposed to ZVI Logatec that individual discussions be included in the weekly schedule.

*In their reply to the preliminary report, the management of ZVI Logatec assured us that individual discussions would be included in the weekly schedule.*


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-  Regarding the preliminary visit of the NPM on 22 October 2014, we determined that no significant changes had occurred in the legislation as per the functioning of residential treatment institutions which would provide suitable legal bases for some of their activities. The NPM thus again proposed to the MIZŠ that it accelerate its activities for the preparation of a regulation which would arrange the functioning of residential treatment institutions in a more uniform way and provide suitable legal bases for some of their activities.

*In their reply to our preliminary report, the management of MD Jarše explained: "Regarding the recommendations made by the Ombudsman in connection with suitable legal bases for the functioning of residential treatment institutions, we are optimistic, since we assess that despite certain disagreements in the last year, some progress has been made in the relationship between the MIZŠ and residential treatment institutions. A certain level of dialogue has been established, which, in comparison to the previous period, is taking place on a higher and more intensive level."*


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## Cooperation

-  The NPM proposed that ZVI Logatec re-establish cooperation with local voluntary associations or the Faculty of Education. The volunteers or students, as part of their compulsory practice, could provide homework and study help for the adolescents and also act as positive role models for them in an indirect way.


*In their reply to our preliminary report, the management of ZVI Logatec explained: "The residential group cooperates with external associations in fields where this is reasonable. We accept students from the Faculty of Education for practice every year. These students are also invited to cooperate with us on a regular basis."*

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-  The NPM proposed that ZVI Logatec enhance cooperation between the staff in residential groups and other staff in the institution to intensify mutual assistance, exchange of good practices and knowledge and participation at various education courses.

*In their reply to our preliminary report, the management of ZVI Logatec explained: "Childcare workers in residential groups regularly cooperate with childcare workers in the main institution. They would also attend joint education courses when these are organised within the institution."*

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-  The NPM proposed to ZVI Logatec that, when an adolescent is involved in psychiatric treatment, their childcare worker contact the psychiatrist to ensure the exchange of important information for better treatment and therapy.

*In their reply to our preliminary report, the management of ZVI Logatec explained: "Childcare workers in residential groups always contact the psychiatrist and/or other expert workers when an adolescent is involved in psychiatric treatment, but for the most part receive no reply. We want cooperation and work for it, but unfortunately this is not mutual. We do not receive any information from the majority of psychiatrists, especially from the Clinical Department of Mental Health (KOMZ)."*

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Regarding the problems pointed out by VIZ Smlednik, the NPM proposed that authorisations involving the transport of high-risk adolescents who might try to escape during the journey back to the institution or prevent their involuntary return in another way be arranged at the regulatory or executive level.

*In their reply to our preliminary report, the management of VIZ Smlednik explained: "Your proposal stated that authorisations for the transport of high-risk adolescents be arranged at the state level. Every child who leaves the institution without permission is in distress of some kind, making them high-risk. It would thus be necessary to arrange the same methodology for discussing all children placed in any state institution intended for children with special needs. The most suitable solution would be if such transport were organised by the police, who also have suitable vehicles and the appropriate authorisations."*

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The NPM proposed that VIZ Smlednik encourage adolescents to submit their work (photographs, drawings and other possible projects) to competitions, tenders or other competitions.

*In their reply to our preliminary report, the management of VIZ Smlednik explained: "In cooperation with the heads of interest areas, we encourage applications to various tenders or competitions, and we also implement them."*

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The NPM proposed that the Ježek residential group (VIZ Smlednik) connect with volunteers or students of the Faculty of Education (or another suitable faculty), who will be able to offer free homework and study help to the adolescents.

*In their reply to our preliminary report, the management of VIZ Smlednik explained: "The residential group will try to contact volunteers of the Faculty of Education regarding homework and study help."*

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## Forms of work



As per the findings with regard to resolving of conflicts in MD Maribor between individual adolescents in a group, the NPM proposed considering the introduction of weekly meetings where developments in the group would be analysed, and thus possible conflicts could be solved.

*In their reply to the preliminary report, the management of MD Maribor explained: "We believe that the staff, including children and adolescents, have sufficient opportunities for education and discussions, and we do not need further regular meetings or round tables."*

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The NPM recommended that MD Maribor organise regular meetings or less formal gatherings (e.g. round tables) of childcare workers where they could exchange experience and knowledge or consult about the most appropriate conduct in the case of certain problems when dealing with adolescents.

*In their reply to the preliminary report, the management of MD Maribor explained: "We believe that we have sufficient opportunities to exchange experience and knowledge (joint expert meetings, group meetings, intervision, supervision, consulting with external institutions which deal with the development of children and adolescents, and experts from paedopsychiatry, psychiatry etc.). Every group has a meeting with children and adolescents at least once a week, and more if necessary. At meetings, we also analyse and resolve promptly. If necessary, conflicts are/must be resolved immediately, and we do not wait until the next meeting. Your opinion is thus a somewhat biased statement taken out of the context and reads like an inappropriate comparison between the units. The childcare worker had also obviously expressed herself inadequately about the empathy, or you misapprehended the point that was made, which arises from your statement that all you could hear was "it's important to give and not only to receive". There are obviously many clarifications which you failed to understand correctly, some others were inappropriately articulated ... and all of the above questions the relevance of such visits to our institution. With no set criteria, the assessments are the result of personal, unprofessional and general evaluations."*


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## Free-time activities

-  The NPM commended free-time activities and holidays of several days organised by MD Maribor, and also encouraged them in the future, but assessed the selection method as less appropriate. Every adolescent should be given the opportunity to ski, go to the sea or sail; the NPM thus proposed that if such holidays cannot be provided for all adolescents who express such wishes, MD Maribor should prepare a plan or a fair selection method, which should be based also on other objective reasons and not only on success in school.


*In their reply to the preliminary report, the management of MD Maribor explained: "A fair and thoughtfully conducted selection is always implemented to select children and adolescents for projects in which not everyone can participate. Educational achievement is not the only criterion for participation in the project; the general progress of an individual is always assessed (this can be a newly learned skill in personal hygiene, or improved self-image, improved care when cleaning their room and tidying personal things, or improved attitude to school work, development of independence, responsibility etc.). Educational achievement is never the sole criterion observed for participation in projects. This finding also relies on a general assessment and poor familiarisation with the full situation. If you were interested, the staff who were on duty at the time of the visit could undoubtedly explain that many projects of adventure education take place in our home, in which every child has the opportunity to participate at least once. We have problems with motivating children and adolescents to attend projects of adventure education rather than with their inappropriate selection. Let me explain that in this school year, we implemented the following adventure education projects: 10-day winter holiday in Areh; seven days of sailing (twice); seven days of cycling on Pašman Island; 10-day summer holiday in Kaštel Lukšič; 14-day summer holiday on Brač Island; camping by the River Kolpa; 5-day winter holiday in Rogla; two-day trip to Budapest, and many one-day projects around Slovenia."*

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-  The NPM proposed that childcare workers in ZVI Logatec actively encourage adolescents to participate in various extra-curricular activities or introduce a system of minimum hours of activities of their choice which an adolescent must implement in a week.


*In their reply to our preliminary report, the management of ZVI Logatec explained: "The childcare workers already actively encourage adolescents to participate in various extra-curricular activities. But it is nevertheless true that there is frequently insufficient interest in such activities. Money is also one of the obstacles, since most parents do not have the financial means to pay for extra-curricular activities, which are often payable. In the past, the institution was able to contribute a certain amount of money, but due to the general social situation, this has been impossible for the past few years. We childcare workers thus frequently find ourselves in a vicious circle. In warmer months, we encourage adolescents to do outdoor activities and some of them have been responding positively."*

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-  The NPM proposed that ZVI Logatec offer help when making appointments with dentists, gynaecologists and other possible specialists, and raise the adolescents' awareness about the importance of screening.

*In their reply to our preliminary report, the management of ZVI Logatec explained: "We dedicate special attention to the issue of health in the residential group, particularly prevention, hygiene and sex education. Most of our adolescents' general practitioners are in Ljubljana, with whom we cooperate if necessary. As part of sex education, we motivate girls to see a gynaecologist, and also provide assistance if necessary. We raise awareness about oral hygiene and encourage adolescents to see a dentist. One of our main principles is independence and the assumption of personal responsibility, which is why we guide the adolescents to gradually arrange these visits themselves."*

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-  In VIZ Smladnik, the NPM noticed that some time had passed since the last implementation of an extra-curricular activity because of the absence of a mentor for them. We thus recommended that VIZ Smladnik actually implement extra-curricular activities in accordance with the schedule and that the possible shortfall in hours be supplemented.

*In their reply to our preliminary report, the management of VIZ Smladnik explained: "In the case of a shortfall in extra-curricular activity, the children were redirected to other extra-curricular activities, since the mentor was absent for a lengthy period. In this case, we were unable to provide a replacement mentor for the activity."*

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## Recommendations for the MIZŠ



The NPM proposed that the Ministry expand the possibility of subsidising transport to ZVI Logatec also to adolescents' closest family members.

*In its response to the final report of ZVI Logatec, the MIZŠ explained: "Care for the family is in the jurisdiction of the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MDDSZEM), which is why we cannot give an opinion on this proposal." We informed the MDDSZEM of the situation and our proposal, but we had not received a reply before submitting this Report to print.*

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The NPM again recommended that the MIZŠ provide resources to improve equipment on the premises and workshops for practical classes in ZVI Logatec.

*In its response to the final report of ZVI Logatec, the MIZŠ explained: "We again reply to the proposal on providing funds for improving equipment on the premises and workshops for practical classes that we can operate in the field of investments only within the budgetary possibilities."*

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The NPM again proposed that the MIZŠ provide resources for the construction and equipment of a suitable gym in ZVI Logatec.

*In its response to the final report of ZVI Logatec, the MIZŠ explained: "We reply to the proposal on providing funds for the construction and equipment of a suitable gym that we can operate in the field of investments only within the budgetary possibilities."*

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The DPM recommended that the MIZŠ establish uniform legal bases for the functioning of all residential treatment institutions, and to consider a special act or autonomous provisions within the legislation to regulate the organisational structure and operation of these institutions.


*In its response to the final report of ZVI Logatec, the MIZŠ explained: "On the occasion of the first amendment to the Placement of Children with Special Needs Act, we will propose a legal basis which will enable the preparation and issue of an executive act with the relevant content. The headteachers of residential treatment institutions were again asked to draft expert starting points for the purpose of amending the legislation."*

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We were informed that the MIZŠ had appointed a working group on 11 February 2016 consisting of seven members led by mag. Polona Šoln Vrbinc from the MIZŠ to prepare starting points for the systemic arrangement of operations of residential treatment institutions. The group is responsible for preparing pilot projects, which would serve as the basis for drafting the systemic arrangement of operations of residential treatment institutions, and which would be implemented in 2017 and 2018 with resources amounting to almost EUR 3 million from the European Social Fund. Within the project, the design of expert centres for children and adolescents with emotional and behavioural disorders will be encouraged, which will provide a graded assistance model (admission group, completely supervised group and more open groups), various forms of educational and residential groups, help for adolescents seeking employment, help when existing the residential treatment institution etc. The analysis of how residential treatment institutions operate was drafted as the basis for preparing projects. The newly established working group proposed various forms of work, and also asked social work centres for the opinion. Since national and foreign experts will be included in the evaluation of new work forms, the MIZŠ expects a comprehensive analysis of the current work, evaluation of pilot projects and a vision. On this basis, the later renovation of the educational programme will take place, and possible systemic changes will be made. The MIZŠ is also preparing a public procurement on the basis of these starting points, whose objective will be support for developing and implementing various preventive activities in educational institutions and families, and new work forms in order return adolescents to their home environment, society or independent life in the most efficient way. The starting points for systemic arrangement and the VZGOJNI ZAVODI pilot project are published on the website: [http://www.mizs.gov.si/fileadmin/mizs.gov.si/pageuploads/podrocje/posebne\\_potrebe/pdf/Vzgojni\\_zavodi.pdf](http://www.mizs.gov.si/fileadmin/mizs.gov.si/pageuploads/podrocje/posebne_potrebe/pdf/Vzgojni_zavodi.pdf).


The MIZŠ also appointed an interministerial working group, which prepared proposals for conduct when children and adolescents abscond from residential treatment institutions. In the proposed amendment

to the Rules on norms and standards, the MIZŠ thus included a provision on the permanent standby of two staff members in residential treatment institutions in case a child or adolescent absconds at night-time or on weekends.

-  The NPM proposed that the MIZŠ ensure funds for drug testing adolescents in VIZ Smednik and the Ježek residential group.

*In their response letter to the final report, the MIZŠ explained that the funds for care and material earmarked for the institution could also be used for this purpose.*


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-  **The NPM recommended that the MIZŠ examine the actual need in educational institutions for the introduction of a refund of travel costs for parents who cannot attend meetings or activities for parents due to long distance and weak social status. The NPM proposed that the Ministry expand the possibility of subsidising transport also for adolescents' closest family members.**

*In its response letter, the MIZŠ explained that it could not expand subsidised transport at the moment.*


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## Other

-  When speaking to an NGO representative, an adolescent from MD Maribor said that he did not have access to his financial situation. If he had his own money, he had to ask the childcare worker to give him the required amount. The NPM assessed the described manner of conduct as inappropriate, since the money is owned by the adolescents, so they should control the use and amount still available to them. We propose the drafting of a transparent record of financial resources for every adolescent, which is kept in their presence and which the adolescent signs.

*In their reply to the preliminary report, the management of MD Maribor explained: "Every child or adolescent in MD Maribor knows exactly how much money they have and have immediate access to their finances. We also keep transparent tables with financial situations. Every withdrawal is recorded and every withdrawal or receipt is signed by the child and the childcare worker, so that every person who has the right to access the child's or adolescent's finances can examine them at any time. An important part of educational work is to teach the children and adolescents entrusted to us to use money rationally. In the case of larger amounts (child maintenance, pension, grant etc.), the funds are saved every month in a savings account in agreement with the adolescents, parents, social work centre etc. in this way, some funds are saved for the time when the adolescent leaves the institution to live an independent life, and this financial support is very beneficial at that time."*

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-  Observing the fact that seven adolescents live in residential group 1 in MD Maribor who are secondary school students and whose school work requires the use of a computer, the NPM assesses that one computer does not suffice for the entire group. Given the development of today's society, limited access to the Internet is a barrier or factor which does not encourage social integration, as defined in the objectives of MD Maribor. We believe that, similarly to the case of using drugs, the adolescents can learn about the consequences of abusing the Internet, and they can be taught the suitable use of the Internet within the educational programme.

*In their reply to the preliminary report, the management of MD Maribor explained: "This issue again deals with poor familiarisation with educational work and expert problems that occur with growing children and adolescents, particularly the population entrusted to us. In spite of the constant education of children and adolescents, great abuses occur, especially regarding uncontrolled access to the Internet, which is why, from the educational aspect, supervision is imperative. Children and adolescents have limited access to the Internet only when learning or for other obligations, but only for playing games or networks providing unhealthy 'fun'. On the contrary, we encourage them to use everything available to them safely. For this purpose, we have organised expert lectures several times on the safe use of the Internet. Children and adolescents can also use their own computers and smart phones, but during the agreed time and according to an agreement. They can access the Internet at all times. We only limit their access to certain Internet sites (i.e. Facebook, which they can access through their domains). The number*

*of computers in the group depends on financial resources, and we would be happy if you would donate a new computer.”*

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The adolescents of MD Maribor highlighted that, in the event of damage to property, or in the event of other conduct resulting in property damage, they are all held responsible when the perpetrator is unknown. The NPM assesses such collective punishment as inappropriate, since adolescents receive grants, pensions after their parents or funds from the Botrstvo project, which are of existential importance for them. We recommend that everything be done to determine the perpetrator and impose the payment for possible damage on them alone. In our opinion, focusing on determining the actual situation is more efficient in terms of educating adolescents to own up and accept responsible for their actions than to simply impose responsibility on everyone and not deal with the cause of a violation. In the case of a violation by a single individual, collective responsibility is not a justified solution.

*In their reply to the preliminary report, the management of MD Maribor explained: “Damage is always established, and this is not a case of collective punishment; we always discover one or several individuals who are responsible for the damage incurred.”*

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The NPM recommended that the management of ZVI Logatec annually examine the content of its website and promptly update it with all new items.

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The NPM proposed to the management of ZVI Logatec that they introduce a system for evaluating satisfaction for parents and adolescents in the unit, which is to be implemented periodically, but always before the adolescent is released from the institution.

*In their reply to our preliminary report, the management of ZVI Logatec explained: “Regarding the satisfaction evaluation, I can say that we survey parents and social work centres, but rarely adolescents. In the future, we will establish the satisfaction of the adolescents on an annual basis. I can also mention that we regularly survey the satisfaction of the staff.”*

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The NPM proposed to the management of ZVI Logatec that they display the house rules in a visible place and also publish them on their website.

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The NPM proposed to the management of ZVI Logatec that they establish a complaint system, which will enable an insight into the records of complaints, the method of discussing problems and subsequent (possible) solutions.

*In the response to the preliminary report, the management of ZVI Logatec explained that the complaint system would be introduced in the next school year.*

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We proposed to the management of ZVI Logatec that they inform the entire staff about the report, including those working in the Rdeča kljuka residential group.

*In the response to the preliminary report, the management of ZVI Logatec explained that the headteacher of the institution had informed all staff members in the Rdeča kljuka residential group about the relevant report.*


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The NPM proposed to the management of ZVI Logatec that they introduce a system for evaluating satisfaction for parents and adolescents in the unit, which is to be implemented periodically, but always before the adolescent is released from the institution.


*In the response to the preliminary report, the management of ZVI Logatec explained that the proposal about the evaluation system of parents and adolescents seemed reasonable and that they would introduce it in the next school year.*

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 The NPM proposed to the management of ZVI Logatec that they promptly update individual files with all relevant information and that documents also be signed by adolescents.

*In the response to the preliminary report, the management of ZVI Logatec explained that individual files would be updated promptly and a general form for signing documents by adolescents and parents would be introduced.*

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 The NPM proposed to the management of ZVI Logatec that they inform all staff members about the findings of the employee satisfaction survey.

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 The NPM proposed to the management of ZVI Logatec that they display the house rules in a visible place and also publish them on their website.


*In the response to the preliminary report, the management of ZVI Logatec stated that the house rules would be installed in a visible place and published on the website.*

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 The NPM proposed to the management of ZVI Logatec that they establish a complaint system, which will enable an insight into the records of complaints, the method of discussing problems and subsequent (possible) solutions.


*In the response to the preliminary report, the management of ZVI Logatec ensured that a complaint system would be established.*

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 The NPM proposed to VIZ Smlednik that they accordingly update the annual work plan and the report on the implementation of the annual work plan on their website, because the relevant information on the website is outdated.


*In their reply to our preliminary report, the management of VIZ Smlednik explained: "The website has been updated and we will continue to update it in the future."*

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 The NPM proposed that VIZ Smlednik update the school rules, since the provisions of the school rules refer to the 'Rules on elementary school student's rights and duties' (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 75/04) which no longer apply.


*In their reply to our preliminary report, the management of VIZ Smlednik explained: "The school rules on the website were also updated." After re-examining the website of VIZ Smlednik, we confirmed the aforementioned.*

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 The NPM commended the fact that the staff of VIZ Smlednik dedicate attention to maintaining hygiene in residential units and encourage children and adolescents to do cleaning, thus enhancing the sense of independence and responsibility. The NPM also recommended that the staff further motivate the adolescents to maintain hygiene and cleanliness.

*In their reply to our preliminary report, the management of VIZ Smlednik explained: "One of the basic principles of our institution is the tidiness of communal and personal areas for children and adolescents, and we will follow this principle in the future."*

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 The NPM proposed that VIZ Smlednik make further efforts, also by setting an example, to deter adolescents from smoking or encourage them to stop. The NPM commended the efforts of VIZ Smlednik to reduce addictions with the introduction of a workshop for parents on the topic of a healthy lifestyle, addiction and drugs.



*In their reply to our preliminary report, the management of VIZ Smlednik explained: "The prevention of smoking will also be given the same attention, and the activities will be combined with setting an example ourselves."*

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The NPM recommended to VIZ Smlednik that childcare workers continue to point out to adolescents that they should take enough time for individual meals and eat in peace.

*In their reply to our preliminary report, the management of VIZ Smlednik explained: "The children together with childcare workers always take enough time for individual meals."*

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The NPM commended the self-supply of vegetables and encouraged VIZ Smlednik to expand the supply to other vegetables. It also proposed that the current practice where adolescents can help themselves to fruit throughout the day be continued.

*In their reply to our preliminary report, the management of VIZ Smlednik explained: "This year, we will expand our self-supply to other vegetables. Each educational group will have its own garden, where they will be able to plant whatever additional vegetables they wish."*

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The NPM proposed that childcare workers in the VIZ Smlednik residential group dedicate more attention to possible drug abuse and raising adolescents' awareness, and preventing addiction, whereby the management and expert workers should consider drafting a strategy for discussing smoking (and other addictions) and systematic education of adolescents and their parents about its harmfulness and the various ways to stop smoking.

*In their reply to our preliminary report, the management of VIZ Smlednik explained: "Workshops will be organised for adolescents in the residential group in this school year, and we will also organise preventive testing for all adolescents."*

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The NPM proposed that in cases when medical treatment cannot be avoided, the positive effects of the treatment should be explained through dialogue with the adolescent in VIZ Smlednik, thus helping to destigmatise the taking of medication.

*In their reply to our preliminary report, the management of VIZ Smlednik explained: "The dialogue on the effects of medical treatment is a regular topic, since a nurse is employed in the institution, and the children find it easier to accept the help offered."*

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Regarding the arrangement in educational groups and difficult population accommodated in VIZ Smlednik, the NPM believes that only one on-duty childcare worker conducting supervision at night is not enough. The NPM thus again (as during the previous visit to VIZ Smlednik) expressed its doubt about adequate safety at night, and proposed again that two childcare workers do night duty.

*In their reply to the preliminary report, the management of VIZ Smlednik explained: "Supervision at night was partly conducted by having some of the main childcare workers remain in their groups after their shift, and an intervention teacher is included occasionally."*


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Since lunches are taken care of in the Ježek residential group (VIZ Smlednik), the NPM proposed that every adolescent from the group join childcare workers in preparing dinner at least once a week, which will contribute to preparing adolescents for an independent life.


*In their reply to our preliminary report, the management of VIZ Smlednik explained: "The preparation of all meals in the Ježek residential group now involves expert workers and adolescents; we implemented this regime this year. With this practice, we tried to encourage adolescents to become more actively accustomed to behaving responsibly in the near future."*

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 The NPM proposed that the MIZŠ ensure funds particularly for blood and urine drug testing of adolescents in VIZ Smlednik, in educational groups and the Ježek residential group.


*In their reply to our preliminary report, the management of VIZ Smlednik explained: "You pointed to the insufficient testing of adolescents for the illicit abuse of psychoactive substances and subsequent reduced attention to preventing such conduct. It was stressed that not enough testing was done in the residential group and little was done to prevent addiction. The staff replied that they had established good relationships with the adolescents, who trust them with their problems, which is why they did not implement testing in practice which would actually confirm abuse. They conduct individual discussions and group activities whereby they direct thinking about how to resolve issues with more appropriate methods and reduce the influence of addiction."*

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 The NPM commended the activities of MD Jarše and the MIZŠ in preparing a suitable and systemically comprehensive solution regarding youth apartments. In this respect, we particularly hope that the competent ministries and responsible services will regulate the project of youth apartments. Relating to the aforementioned, the NPM expects that the recommendation made during its previous visit, i.e. that the idea of youth apartments be upgraded and expanded to other residential treatment institutions, will be realised in reasonable time.


*In their reply to our preliminary report, the management of MD Jarše explained: "Discussions among experts and headteachers in institutions and the MIZŠ are underway in this field. Certain views on the systemic arrangement of the institutions which substantively also encompass the arrangement of youth apartments have been prepared. So we are optimistic about these contents, since this denotes certain progress in a field in which the status quo remained the same for a long time and no suitable solutions were devised."*

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 The NPM again recommended that, regarding the format and quantity of such education courses, the management of MD Jarše, draft a plan for the systematic and ongoing education of adolescents, if possible also of parents, on the harmful use of drugs and alcohol, the rehabilitation process, the establishment and maintenance of abstinence, the consequences of risky behaviours (e.g. use of non-sterile needles, unprotected sex etc.), prevention of HIV and hepatitis infections and quitting smoking.


*In their reply to our preliminary report, the management of MD Jarše explained: "Regarding the recommendation on the systematic and ongoing education of adolescents and parents on the harmful use of drugs and alcohol and related issues, we note that these contents have been systematically incorporated into classes in the form of thematic workshops, including individual systematic informing and awareness-raising of parents during individual meetings. We agree with the proposal to draft a plan for these contents, which would actually summarise all the activities we are already implementing. We also agree that having a plan would facilitate monitoring to a certain degree (at the level of the entire institution)."*

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 The NPM proposed that MD Jarše and its staff make further efforts, also by setting an example, to deter adolescents from smoking or encourage them to stop. We propose again that MD Jarše prepare a strategy for discussing smoking and continue to systematically educate parents and adolescents on the harmfulness of smoking and ways of stopping.

*In their reply to our preliminary report, the management of MD Jarše explained: "Regarding the recommendation referring to smoking, we establish that we already raise awareness in this field when working with parents and adolescents. And we also work preventively. With certain limitations and smoking rules, we try to limit and prevent smoking. Certain educational elements and levers, which daily remind the adolescents of the harmfulness of smoking, may be present within the implementation of individual programmes in a residential group."*

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 The NPM recommended that every adolescent be given a presentation brochure with basic information on life in MD Jarše upon admission.

*In their reply to our preliminary report, the management of MD Jarše explained: "We agree and we will also update the existing presentation brochure on life in MD Jarše which an adolescent receives upon their admission to MD Jarše."*

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The NPM commended the prompt resolution of problems, but proposed that a collection box for commendations and complaints be installed in the premises of the residential group in MD Jarše, and that information on possible complaint procedures be displayed in visible places. By providing a collection box for commendations and complaints, the adolescents would be able to submit complaints anonymously, which is important in cases when they do not want to be exposed for various reasons.

*In their reply to our preliminary report, the management of MD Jarše explained: "We also submitted the idea to install collection boxes for commendations and complaints for serious discussion by the childcare teachers of residential groups, or to seek the most suitable form for providing a way to submit complaints anonymously. We emphasise that we did not detect any problems in this field, particularly because of the high level of professionalism displayed by childcare teachers and high level of social life within the institution, which is directed towards resolving possible conflicts promptly and openly. The adolescents thus frequently turn to childcare teachers, advisers or the headteacher with their problems and criticisms, whereby such complaints are discussed seriously and thoroughly until the most suitable solution is found (these are not necessarily the most beneficial for the adolescents themselves). We will definitely consider methods of 'publicly' informing about manners and procedures of submitting complaints and implement activities directed towards greater transparency in this field."*

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The NPM recommended that the management of MD Jarše consider the possible reintroduction of supervision for all childcare teachers or mentors, since supervision is a useful way to manage stressful situations which childcare teachers also frequently find themselves in.

*In their reply to our preliminary report, the management of MD Jarše explained: "Supervision at the level of entire operations would impose an enormous financial burden, since such a service is very costly. We are aware of the advantages of the supervision, which is why childcare teachers and teachers are always able to express a need for supervision and also its realisation. The discussion and decision making about supervision is left relatively autonomously to individual units (primary school, production school, residential group teams). The units decide whether they need a supervisory meeting or not on an ongoing basis. Such meetings are thus very frequent in certain units and are repeating periodically, while in other units supervisory meetings are implemented sporadically when necessary. We emphasise that the staff are aware of the possibility of using this instrument and they also apply it when necessary."*

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The NPM proposed that MD Jarše include more staff in the education process, particularly in fields which must be known to everyone. It would be sensible to keep a record of attendance at education courses, i.e. of who attended an education course and when, and to what extent the education course took place and the topic.

*In their reply to our preliminary report, the management of MD Jarše explained: "Education courses for the staff are a frequent topic also at the level of the institution, expert panels etc. We constantly examine the needs and offers of various education courses, which would be possible particularly at the level of the entire institution. The practice of implementing expert panels is also established, during which we periodically implement certain lectures, workshops, presentations etc. Due to various units in MD Jarše (production school, primary school, residential groups), different needs for different contents arise. The needs for specific knowledge and skills are resolved with ongoing and prompt information about education courses available on the market and with financial motivation by the management, which covers the costs for individuals' courses to a certain extent. We agree with the recommendations and are also interested in, and would like more regular and systematic forms of expert workers' education. Unfortunately we are forced to adjust our wishes, needs and interests to the existing financial frameworks."*

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## Commendations and examples of good practice

The NPM commended the management and staff of residential group 1 in **MD Maribor** for the success attained and the achieved one hundred per cent academic performance in the school year 2014/2015; we thus further encourage the free-time activities of individual adolescents, since enthusiasm for sports and relaxation can result in improved interest and efficient studying during the remaining free time.

The NPM commended the efforts of all staff in **MD Maribor** on their wide range of diverse free-time activities. The NPM encourages all stakeholders to continue the practice.

The NPM commended the engagement and efforts of **VIZ Smlednik** when adjusting to the individual needs of certain adolescents and when seeking alternative forms of work to benefit adolescents the most.

The NPM commended cooperation with parents and **VIZ Smlednik's** activities to guide parents through workshops, consulting and team meetings and a specially prepared guidebook for the education of parents and facilitated planning and monitoring of children's behaviour at home.

In **VIZ Smlednik**, the NPM particularly commended positive intergenerational cooperation with Medvode retirement home and the Simbioza Association, because we believe that such cooperation can contribute to the socialisation of adolescents.

The NPM determined that the premises of the primary school and educational groups in **VIZ Smlednik** are pleasant and well-arranged. The NPM particularly commended that a small rabbit was being kept in the living room of group 1 and that a terrarium with stick insects had been installed in one of the rooms. The NPM believes that working with animals helps adolescents' socialisation and helps them to learn responsibility. The NPM also commended the institution's encouragement of adolescents to separate waste.

The NPM commended the idea and efforts of the management of **MD Jarše** when preparing the project regarding youth apartments, providing assistance to young adults who cannot integrate in their primary family. The project of youth apartments gives the necessary social safety and accompanying expert support to older adolescents who cannot or do not want to return to their primary family after living in a residential group.

The NPM commended the activities of **MD Jarše** and **the MIZŠ** in preparing a suitable and systemically comprehensive solution in the field of youth apartments. In this respect, we particularly hope that the project of youth apartments is regulated on a legislative basis. Relating to the aforementioned, the NPM expects that the recommendation made during its previous visit, i.e. that the idea of youth apartments be upgraded and expanded to other residential treatment institutions, will be realised in reasonable time.

The NPM supports the efforts of staff to encourage adolescents to transfer and use skills they learned in their home environment. The NPM believes that the methods of working with adolescents in **MD Jarše** are appropriate, since they strive to realise their objectives and enforce responsibility for desired changes.

The NPM is certain that the implementation of the production school programme in **MD Jarše** is a very useful and positive way of guiding adolescents who leave educational institutions. The NPM thus supports the management of MD Jarše regarding possible decisions on further developing the programme.

The NPM further supports staff efforts at **MD Jarše** to increase adolescents' participation in extra-curricular activities. The NPM also established that the staff do their best to give meaning to the children's and adolescents' lives, help them participate in extra-curricular activities, and also to form their values and acquire practical skills for later independent life.

The NPM commended the cooperation with parents and the activities of **MD Jarše** when guiding parents at consulting and team meetings, and particularly with the introduction and functioning of the school for parents.

The NPM commended the innovative ways of informing adolescents about the rules, their rights and obligations, since these are memorised and internalised more easily when they are presented in a creative form.

The NPM commended the efforts of the management of **MD Jarše** to renovate dilapidated garden fences and to care for the surrounding area of the institution.

## Concluding observations on visits

The NPM determined that the managements of all four institutions which we visited in 2016 are **striving to realise their objectives** together with their staff.

In the 2015 report, we noted that the **living conditions in residential treatment institutions were worsening every year. Unfortunately, we have to repeat this finding in 2016.** The buildings and equipment have rarely been renovated or replaced in recent years; for the most part, urgent maintenance works were implemented. The NPM commended the **broad selection of free-time activities** offered to children and adolescents by the institutions. The management in all institutions stressed the **good staff structure, their competence and the motivation of childcare teachers to work.** The institutions highlighted the lack of funds for educating their staff, so they particularly carefully plan education courses, exchange information and knowledge with each other and invite external experts into their midst.

The management of the institutions also pointed to the problem of children and adolescents with combined disorders, who **do not receive suitable paedo-psychiatric treatment and assistance.** In practice, a child or adolescent after an urgent admission is unexpectedly, and contrary to the guarantees provided upon admission, released from the paedo-psychiatric or the psychiatric ward where they have been accommodated together with adult patients. The institutions also stressed that children and adolescents released from psychiatric wards return to institutions without diagnoses or suitable instructions on the recommended treatment of adolescents, although the institutions ask psychiatrists for such recommendations. The staff in institutions are thus left to their own initiative and resourcefulness.





The NPM highlighted the inappropriate treatment of children and adolescents already in the general Ombudsman's report for 2016. In particular, we believe that the current practice of accommodating children and adolescents among adult patients is inadmissible. A suitable solution must be found as soon as possible. The issue of the inappropriate accommodation and treatment of children and adolescents was also mentioned by the Ombudsman during her presentation of the 2015 Annual Report in the National Assembly of the Republic of Slovenia. She received an assurance from a representative of the Ministry of Health that the investment had been approved.

Regarding this issue, the Ombudsman and her colleagues met Dr Bojan Zalar, Director of Ljubljana University Psychiatric Hospital, in August 2016, and he presented two options that were developed by Ljubljana University Psychiatric Hospital. The short-term plan anticipated the establishment of a special secure ward for the psychiatric treatment of children and adolescents at their hospital which, according to the Director, could have already been open in the autumn of 2016. The medium-term plan anticipated the more comprehensive solution of constructing a newly designed centre for children and adolescents in a house at Poljanski nasip street 58, which would first have to be renovated, and all entities providing services at the location would have to be removed, which would require at least two years, according to the Director of Ljubljana University Psychiatric Hospital.

We learned that the proposal to establish a uniform Slovenian secure ward for children and adolescents which would be realised within Ljubljana University Psychiatric Hospital was confirmed at the meeting of the Expanded Professional Board of Psychiatry and Paediatrics on 10 May 2016. It was understood from the minutes of the meeting of 18 August 2016 between Ljubljana University Medical Centre and Ljubljana University Psychiatric Hospital that the managements had harmonised their opinions regarding the establishment of an intensive (closed) ward for child and adolescent psychiatry.

Following assurances that, after many years of discussion, the relevant ward would finally be established, thus ending problems involving the placement of over one hundred children and adolescents (some 120 children and adolescents were hospitalised in wards with adults in 2015) with the most challenging diagnoses who annually require paedo-psychiatric treatment, with accommodation in secure wards of psychiatric institutions (Ljubljana and Maribor), we unfortunately established that the issue was still at the discussion stage.

## 4.6 Visits to police stations

	Total	Adopted	Rejected	Realised	No data
Legend					
Number of recommendations	204	66	27	107	4

### General

In 2016, we visited 34 police stations (PS) in Slovenia (Bled, Brežice, Celje, Domžale, Dravograd, Gorišnica, Idrija, Kranj, Kranjska Gora, Krško, Laško, Litija, Ljubljana Bežigrad, Ljubljana Šiška, Ljubljana Vič, Maribor I, Maribor II, Novo mesto, Ormož, Ptuj, Radovljica, Ravne na Koroškem, Sevnica, Slovenj Gradec, Slovenska Bistrica, Slovenske Konjice, Šentjernej, Šentjur pri Celju, Škofja Loka, Tolmin, Trbovlje, Trebnje, Tržič and Vrhnika). **All visits were unannounced and conducted as part of regular pre-planned supervision.** The police officers are well-informed of the duties and powers of the NPM, so our work was always smooth during our visits. After every visit, the group that conducted it drafted a **report with findings and recommendations**, which was submitted for discussion to the Ministry of the Interior (MNZ) and the visited PS, which then provided their response.

**The reports were prepared on the basis of examining detention rooms, an interview with the PS management and on the basis of reviewing the documents of randomly selected detention cases.** The MNZ regularly responded to our recommendations and, in most cases agreed with our findings or recommendations and assured us that some deficiencies had been already eliminated or improvements planned. **From a total of 204 recommendations, 107 were realised, 66 were accepted (but not yet realised, mostly due to lack of money), 27 recommendations were rejected, and the MNZ did not state its particular opinion on four recommendations.**

**The visits took place according to the standard procedure:** the group, consisting of representatives of the Human Rights Ombudsman of the Republic of Slovenia and at least one contractual non-governmental organisation, **examined all detention rooms, including auxiliary rooms** (admissions rooms, rooms for aliens and a lawyer, storage facilities and recreation area). During the general examination of PS, we paid attention to **suitable access for the disabled; we reviewed the changing rooms for police officers** and noted their division into male and female sections. We also inspected **intervention vehicles** (facilities for transporting persons deprived of their liberty) if these were at PS during our visit. The **discussion with the management of PSs** (usually with the commander, assistant commander or a duty officer) was conducted next, during which **we reviewed documentation of randomly selected detention cases.** During each visit, we also obtained statistical data on the number of the detainees at the PS in 2016 (from 1 January 2016 to the date of the visit).

**For the most part, we assessed the equipment of rooms for detention and implementation of other procedures with detained persons as suitable.** Regarding the equipment, we submitted **49 proposals, of which 27 were accepted for discussion, 15 were realised, 6 were not accepted, while the MNZ did not state its opinion on one proposal.** Most of our proposals entailed financial consequences, which is why only a small number of proposals was realised, or only those proposals were realised which did not result in substantial costs or were necessary to implement detention smoothly and safely. **Detention premises were clean; our proposals in this section (5 were made, 2 of which were realised and 3 accepted for discussion)** referred only to the provision of the above-standard of cleanliness. As per the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, we requested during this year's visits that **other premises** where a person is not detained but where they are admitted, heard or interrogated, also **be equipped with a video surveillance system.** A total of **28 proposals were made** relating to the installation of video surveillance equipment or provision of audio or video recording equipment, **only 4 of which were realised (17 proposals were accepted for discussion and 7 rejected)**, which can be again ascribed to the poor financial situation. From a total of **11 proposals relating to food and drinking water for detained**

persons, only 2 proposals were rejected (3 were accepted for discussion, 5 were realised and the MNZ did not state its opinion on one proposal), which referred to the provision of drinking water on the premises for implementing police detention, the reason being financial situation. No special problems were detected regarding the **storage of items seized from detained persons**; in this section, we thus made proposals on the possible arrangement of suitable premises for storing seized items. PSs observed our proposals, since they **realised 4 from a total of 6 (one was accepted for discussion and one was rejected)**. **The facilities in intervention vehicles for transporting persons deprived of liberty were also of satisfactory quality**; we thus made **only 2 proposals for regularly cleaning these facilities (one was realised and one accepted for discussion) and 1 proposal to eliminate a technical deficiency (which was realised)**. Relating to **recreation areas**, which are scarce at PSs, our proposals referred exclusively to the provision of an ashtray, installation of a protective fence and regular cleaning of the recreation area. We submitted **4 proposals, which were accepted for discussion due to the examination of safety standards. At almost all PSs, disabled individuals have immediate access to the duty officer.** Regarding accessibility, we submitted only **6 proposals, 3 of which were immediately rejected due to the lack of funds, 2 were accepted for consideration** with a note that their implementation would depend on financial possibilities, and only one proposal whose costs were low was realised. The person detained has good **possibilities to obtain legal aid in the form of a consultation with a lawyer**, for which PSs also provide suitable premises. In this section, our proposals (**a total of 18 were made; 2 were rejected; 3 were accepted for consideration; the MNZ did not provide its opinion on 2 proposals, and 11 were realised**) mainly dealt with the need to update the list of lawyers. Although the lists are available on the Internet, the MNZ informed all PSs that a list of lawyers last updated no more than three months ago must be available to the detained person in written form. Detained persons and other clients of PSs **can acquaint themselves with their rights at PSs**. When examining the implementation of our proposals (a total of **42, of which 6 were rejected, 4 were accepted for consideration, the MNZ failed to state its position regarding 3 proposals, and 29 were realised**), we determined that **various practices exist relating to the installation of a collection box for submitting complaints and commendations anonymously and their description at the visited PSs**, which should be harmonised. **At all PSs, we had to make proposals about accurately and correctly entering data on forms and in procedural records involving a detained person, whereby we even detected the use of old forms at certain stations.** Regarding the keeping of records, we submitted a total of **38 proposals, of which 33 were realised, 3 were rejected and 2 were accepted for consideration.**

## Detention rooms at the PSs and capacities and premises for processing aliens

**PS Bled** has two detention rooms, which have not been used since 2009.<sup>12</sup>

**PS Brežice** has five detention rooms. Two rooms are for short detention (up to 12 hours), and three for longer detention (up to 48 hours). With the exception of room 5 for longer detention, where only one person may be detained, two people can be detained in other rooms simultaneously. PS also has premises for processing aliens.

**PS Celje** has three detention rooms, of which two rooms are intended for the longer detention of one person and one room is for the shorter detention of two persons.

**PS Domžale** has no detention rooms.<sup>13</sup>

**PS Dravograd** has two rooms for shorter detention and two rooms for longer detention; all rooms are intended for the detention of one person.

**PS Gorišnica** has one room for shorter detention and one room for longer detention (which has not been used since 2 August 2014 because of problems with the toilet cistern), whereby both rooms are intended for detaining one person.

**PS Idrija** has two rooms for detaining one person for shorter periods.

**PS Kranj** has three rooms for the shorter detention of one person.

<sup>12</sup> Detention takes place at other police stations, depending on the duration of the freedom of movement limitation

<sup>13</sup> All detention takes place at Ljubljana Police Detention Centre.

**PS Kranjska Gora** has two detention rooms, which have not been used since 2009.<sup>14</sup>

**PS Krško** has two rooms for detention; the first is intended for detaining two persons for long periods and the second one is intended for detaining two persons for shorter periods. PS also has premises for processing aliens.

**PS Laško** has two detention rooms, which have not been used since 2012.<sup>15</sup>

**PS Litija** has no detention rooms.<sup>16</sup>

**PS Ljubljana Bežigrad** has two rooms for detaining one person for shorter periods.

**PS Ljubljana Šiška** has two rooms for shorter detention, which are no longer used due to the operations of Ljubljana Police Detention Centre.

**PS Ljubljana Vič** has two rooms for shorter detention, which are no longer used due to the operations of Ljubljana Police Detention Centre.

**PS Maribor I** has seven rooms for detention, i.e. three for detaining one person for longer periods and four rooms for detaining one person for shorter periods, with the exception of room 7, which is still used for detaining up to five people, as determined upon the visit.

**PS Maribor II** has no detention rooms.

**PS Novo mesto** has four detention rooms: two for longer detention of one person and two for shorter detention of one person.

**PS Ormož** has four detention rooms, i.e. two for shorter detention of two people and two for longer detention of one person. PS has also premises for processing aliens.

**PS Ptuj** has six detention rooms, i.e. two for shorter detention of one person and four for longer detention of two people.

**PS Radovljica** has no detention rooms.

**PS Ravne na Koroškem** has two rooms for shorter detention of one person.

**PS Sevnica** has no detention rooms.<sup>17</sup>

**PS Slovenj Gradec** has no detention rooms. At the time of our visit, police officers of this PS were moving into another facility (building of the former Slovenj Gradec Police Directorate) where detention would not be implemented.

**PS Slovenska Bistrica** has also no detention rooms.<sup>18</sup>

**PS Slovenske Konjice** has two rooms for shorter detention of one person.

**PS Šentjernej** has one room for shorter detention of three people.

**PS Šentjur pri Celju** has no detention rooms.

**PS Škofja Loka** has two rooms for detention of one person, i.e. one of shorter and the other one for longer detention.

**PS Tolmin** has two rooms for shorter detention of one person.

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<sup>14</sup> Detention takes place at other police stations, depending on the duration of the freedom of movement limitation.

<sup>15</sup> Ordered detentions are implemented in other units (PS Celje, PS Šmarje pri Jelšah, PS Rogaška Slatina and PS Slovenske Konjice).

<sup>16</sup> Detention takes place at other police stations, depending on the duration of the freedom of movement limitation.

<sup>17</sup> Detention is implemented at other PSs (PS Krško, PS Laško, PS Trebnje or PS Šentjernej).

<sup>18</sup> Detention is implemented at other PSs (PS Maribor I, PS Ptuj or PS Ruše).



**PS Trbovlje** has two rooms for shorter detention of two people.

**PS Trebnje** has two rooms for shorter detention of one person.

**PS Tržič** has two rooms for shorter detention of one person.

**PS Vrhnika** has one room for shorter detention of one person.

## Review of recommendations and responses

### Equipment and suitability of premises



We again proposed that PS Bled examine the possibility of renovating or reusing the detention rooms within the framework of renovation works and in accordance with the MNZ's plan for arranging the detention rooms in the 2010–2015 period.

*The MNZ replied that the renovation of detention rooms at this PS was not anticipated at the time.*

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When visiting PS Brežice, we established that the water tap in detention rooms 1 and 2 was not fixed properly and pressure in the tap in room 3 was so strong that water was sprayed all over the detention room. We thus proposed the suitable installation of the taps and elimination of the problem with water being wasted. The installation and functioning of taps in all detention rooms should be monitored regularly.

*The MNZ replied that water taps in detention rooms 1 and 2 had been installed, and the deficiency of wasting water in detention room 3 had been eliminated.*

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Furthermore, we found a decision on detaining a person of 8 April 2016 in detention room 5 at PS Brežice. We proposed that police officers responsible at the police station for examining detention rooms be informed that the examination must be implemented more thoroughly, and they must immediately remove any documents with the personal data of detained persons, since these are protected according to the Personal Data Protection Act (ZVOP-1).

*The MNZ replied that the police officers from the relevant PS immediately removed the relevant decision from detention room 5.*

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Finally, we proposed that PS Brežice mark toilets on premises for processing aliens accordingly (for men and women).

*The MNZ replied that the PS had immediately marked the toilets at the premises for processing aliens by means of suitable stickers (gentlemen/ladies).*

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We also discovered that the water taps in detention rooms 1 and 2 were not appropriately affixed at PS Celje; we thus proposed that the taps be affixed accordingly and that the PS regularly check the installation of water taps.

*The MNZ replied that the water taps in detention rooms 1 and 2 had been installed accordingly.*


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We proposed that PS Celje remove one mattress from the room for shorter detention marked with the number 3, and examine the possibility of placing a wash basin in the relevant room.


*The MNZ replied that the possibility of placing a wash basin in room 3 would be examined within the framework of renovation works, and the police officers would remove one mattress.*

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-  When visiting PS Celje, we noticed black mould in the smaller office for admitting detained persons, so we proposed that the office be renovated as soon as possible.


*The MNZ replied that the problem with mould on the wall of the smaller office before the detention premises had not been eliminated yet. It was determined that the reasons for the occurrence of mould were the poor insulation of the exterior foundation and moisture flow; the final solution was linked with demanding and expensive renovation. The police officers would try to temporarily eliminate the problem with chemicals.*

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-  We further proposed that PS Celje mark the rooms for discussions (room 17 and 16) (e.g. interview room 1 and interview room 2) accordingly and paint them; the room where detained persons may consult a lawyer should also be marked accordingly.


*The MNZ replied that rooms 17 and 16 would be marked accordingly and painted, and the room for discussions with a lawyer would also be marked.*

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-  Finally, we proposed that, for hygienic reasons, PS Celje provide a sheet (e.g. a single use sheet) for detainees also when they are detained for a shorter time, unless there are reasons not to do this.


*The MNZ replied that the police officers of this PS would provide sheets at night also in the case of shorter detention, with the exception of circumstances that indicated a risk that a detained person might harm themselves (e.g. threat of suicide).*

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-  We again proposed that PS Domžale examine the possibilities of suitably renovating detention rooms within their financial capacity.


*The MNZ replied that PS Domžale operated in leased facilities and thus renovating detention rooms was not anticipated at the time. All detentions take place in Ljubljana Police Detention Centre, which provides the highest procedural standards for detained persons; furthermore, there were no operational needs for the renovation.*

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-  We proposed that PS Dravograd examine the possibility of installing a wash basin with running water also in the detention rooms for shorter detention marked 3 and 4 during the renovation works.


*The MNZ replied that the option would be examined and the deficiency would be eliminated if funds became available.*

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-  We further proposed that PS Dravograd install non-slip material on the tiled stairs leading to detention rooms.


*The MNZ replied that the option would be examined and implemented within their budget.*

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-  Finally, we determined when examining detention rooms at PS Dravograd that the windows ensure sufficient light, but also allow people walking on the nearby road to see into the room. We thus proposed that the option to install different glass (e.g. tinted glazing) be examined, which would prevent people seeing inside, but would not significantly reduce the level of daylight in the rooms.


*The MNZ replied that the option would be examined and the deficiency would be eliminated if funds became available.*

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-  When visiting PS Gorišnica, we expressed our expectation that the renovation of the room for longer detention would be completed in the shortest time possible, so that the room would again serve its purpose.


*The MNZ replied that the room would be used again after the repair of the toilet cistern had been completed.*

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-  To avoid any complaints that the communication device enables police officers to listen to private conversation between the detained person and their lawyer, we proposed that PS Gorišnica examine the possibility of disconnecting the communication device in the room for lawyers.


*The MNZ replied that the PS would provide a suitable room under video surveillance for private conversations between detained persons and their lawyers until a technical solution for disconnecting the communication device is found.*

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-  We proposed that PS Kranj mark the interview rooms used for questioning detained persons and their conversations with lawyers with the numbers 1 to 3.


*The MNZ replied that the interview rooms had been marked.*

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-  Although the detention rooms at PS Kranjska Gora are not being used, we determined during the visit that bed linen, mattresses and MNZ brochures on the rights of detained persons were still in the rooms, so we proposed that the relevant equipment be removed.


*The MNZ replied that it was evident from the notification in front of the rooms that the rooms were not in use; the equipment would remain in the rooms for pupils of various schools who visit the station.*

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-  We suggested that PS Krško paint the inside of metal doors in both rooms and that the walls in the rooms from which plaster came off be renovated as soon as possible.


*The MNZ replied that the premises were in need of comprehensive renovation, which would be done once the property manager started working at the station.*

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-  Furthermore, we proposed that PS Krško repair flushing in the toilet and the water supply to the wash basin in the women's toilet in the waiting room for aliens, and to make sure that the water supply and suitable flushing of toilets are checked at least occasionally.


*The MNZ replied that the expert service of Novo mesto Police Directorate would repair the toilet cistern and water supply in the toilets of the premises for processing aliens (female section); although these premises are seldom used, police officers would check the functioning of bathroom fittings more frequently.*

---

-  We proposed that PS Laško implement renovation works in detention rooms as soon as possible, since the use of these premises would certainly contribute to unburdening of police officers and the efficient utilisation of premises intended for detaining people.


*The MNZ replied that the detention premises at this PS would not be used after the renovation works, since the station was not open 24 hours per day. Furthermore, no major renovation of the building was anticipated, because the building had poor hydro insulation; it was damp and located in an area at high risk of flooding*

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-  We proposed that water taps be repaired in both detention rooms at PS Ljubljana Bežigrad, since water was splashing all over the rooms, and that the toilet flush also be fixed.


*The MNZ replied that all deficiencies would be eliminated no later than by 24 June 2016, when the contractor finished the works.*

---

-  We also proposed that PS Ljubljana Bežigrad provide an additional pillow for detained persons, which is certainly necessary for overnight detention.


*The MNZ responded that PS received five additional pillows on 23 June 2016.*

---

-  We proposed that PS Ljubljana Šiška examine the possibilities of renovating detention rooms or closing down the rooms and marking that they are no longer in use.


*The MNZ replied that a notification had been posted informing that the detention rooms were no longer used.*

---

-  Furthermore, we suggested that PS Ljubljana Šiška examine the possibility of installing a padded cover on the door of the interview room (used for conversations between detained persons and their lawyers), which would reduce the possibility of hearing confidential conversation, particularly because the toilets are located opposite the interview rooms and are used by clients visiting the station.

*The MNZ responded that our proposal would be examined.*

---

-  We proposed that PS Ljubljana Vič examine the possibility of installing a wash basin with running water in both detention rooms, which otherwise have suitable equipment, during the renovation works.


*The MNZ replied that running water would be ensured in detention rooms within the framework of major investment and maintenance works, technical capacities and available funds.*

---

-  We suggested that PS Ljubljana Vič provide a sufficient number of pillows necessary for overnight detention.


*The MNZ replied that the station had already submitted a request for the supply of two pillows to the relevant service.*

---

-  We proposed that PS Maribor I affix the water tap to the wash basin in room 1 for shorter detentions.


*The MNZ replied that the tap in the room had been affixed accordingly.*

---

-  We further proposed that PS Maribor I examine the possibilities of repairing wall cracks in the premises for longer detention.


*The MNZ replied that tender documentation for the repair had been drafted and that the walls would be repaired when the contractor had been selected.*

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-  Finally, we proposed that PS Maribor I deliver a sheet to a detained person in addition to a pillow also in the case of shorter detention and in the case of overnight detention, unless this is considered unsuitable.

*The MNZ replied that the station had ordered suitable disposable fitted bed sheets for short (overnight) detention.*

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-  During the visit, we proposed that PS Novo mesto suitably affix the water tap in room for longer detention no. 1.

*The MNZ replied that the tap had been affixed accordingly immediately after the NPM's visit.*

---

-  Furthermore, we suggested that PS Novo mesto provide extra pillows (regarding the number of detention rooms).
- The MNZ replied that the station submitted a proposal for extra pillows.*
- 
-  We proposed that PS Ormož suitably affix the water tap in room for shorter detention no. 1.
- The MNZ replied that the tap had been affixed accordingly.*
- 
-  We also suggested that PS Ormož solve the problem with the toilet cistern in room no. 4 for longer detention.
- The MNZ replied that the problem with the toilet cistern would be arranged in September 2016, immediately after a new contract with the contractor had been concluded.*
- 
-  We further proposed that PS Ormož suitably mark the waiting rooms for aliens and toilets.
- The MNZ replied that police officers would supply stickers for marking the premises for aliens with numbers and toilets with gentlemen and ladies stickers.*
- 
-  Finally, we proposed to PS Ormož that the telephone installed in the room for discussions or procedures with aliens also enable calls to mobile phone numbers and not only to landline numbers.
- The MNZ replied that PS and the expert service would arrange for calls to mobile phone numbers from the relevant room.*
- 
-  We again proposed that PS Ptuj fix the flush in the squat toilet in room no. 1 for the reception of detained persons.
- The MNZ replied that the flush had been fixed in the relevant room.*
- 
-  We proposed that PS Ravne na Koroškem consider installing wash basins in detention rooms during the renovation.
- The MNZ replied that the possibility of installing wash basins with running water in detention rooms would be examined. The deficiencies would be eliminated upon the advanced provision of funds.*
- 
-  We also proposed that PS Ravne na Koroškem ensure a sufficient number of pillows.
- The MNZ replied that PS had already ordered additional pillows.*
- 
-  Finally, we proposed that PS Ravne na Koroškem provide a more suitable room – interview room for discussions of the detained person with their lawyer.
- The MNZ did not state its opinion on the proposal.*
- 
-  We suggested that PS Slovenske Konjice provide access to running water in both detention rooms during a possible renovation of rooms.
- The MNZ replied that running water would be ensured in detention rooms within the framework of major investment and maintenance works, technical capacities and available funds.*
-

-  We also proposed that PS Slovenske Konjice provide additional pillows for overnight detention.
- The MNZ replied that the station had already submitted a request for the purchase of two pillows to the relevant service.*
- 
-  We proposed that PS Šentjernej examine possibilities for the systematisation of a workplace for a duty officer so that the detention room at this station could also be used.
- The MNZ replied that our proposal had been examined; however, the increased systematisation of a workplace for a duty officer had not been possible at that time.*
- 
-  We proposed that PS Škofja Loka examine the possibility of installing a wash basin with running water also in room 1 for shorter detention during the renovation works.
- The MNZ replied that the proposal would be examined, but the installation of a wash basin depended on the renovation of detention rooms, which was not anticipated.*
- 
-  We further proposed that PS Škofja Loka paint the walls in rooms marked Govorilnica and Razgovori.
- The MNZ replied that the discussions with the relevant service regarding the painting were underway.*
- 
-  We also suggested that PS Škofja Loka examine the possibility of installing switches for artificial light regulation in both detention rooms.
- The MNZ responded that our proposal would be examined.*
- 
-  We proposed to PS Tolmin that walls at the station from which plaster is falling off be renovated accordingly.
- The MNZ responded that the renovation would take place during regular maintenance. The funds for renovation were obtained from Nova Gorica Police Directorate, and a low-value contract for rehabilitating the premises was underway.*
- 
-  We proposed that PS Trebnje ensure additional (spare) blankets.
- The MNZ replied that the station had already asked the competent service for the allocation of additional blankets.*
- 
-  We proposed that PS Tržič suitably affix the water tap in room 1 for shorter detention.
- The MNZ replied that the water tap would be affixed accordingly.*
- 
-  We proposed that PS Vrhnika repair the flush button in the toilet of the detention room so that it does not have to be held down during flushing.
- The MNZ replied that renovation works had been implemented at the station and the flush button had also been repaired.*
-

## Cleanliness of rooms



We proposed that PS Ljubljana Bežigrad regularly clean the smaller room intended for interviews and receiving clients.

*The MNZ replied that the additional smaller room for interviews had been cleaned immediately, and the police officers had been informed that they have to clean the room after interviewing clients (if the cleaner is not present). Both cleaners were also informed that the relevant room had to be cleaned.*

---



We proposed that PS Maribor I examine the functioning of the ventilation system in all detention rooms. If the source of unpleasant odours cannot be attributed to the ventilation system, the staff at the station should consider more effective ventilation of the room during detention.



*The MNZ replied that they had prepared a public procurement for the inspection of the ventilation system. Until its implementation, the police officers would more thoroughly air the detention rooms.*

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We proposed that PS Ptuj examine and if necessary clean the interview rooms after each use.

*The MNZ replied that the station had been informed about our proposal.*

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We proposed that PS Vrhnika occasionally flush the toilet in the detention room, which otherwise emits an unpleasant odour.

*The MNZ replied that the police officers would air the room more frequently and occasionally flush the toilet.*

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## Audio and video surveillance



When visiting PS Brežice, we determined that the reception room for detained persons was still not under video surveillance; we thus proposed examining the possibility of installing video surveillance in all rooms at the station where detained persons are processed.

*The MNZ replied that the installation of a video surveillance system in the reception room for detained persons was anticipated in September 2016.*

---



We again proposed that PS Celje examine the possibility of installing video surveillance in the hallway and the small office in front of the detention rooms during renovation works.

*The MNZ responded that the hallway and office would be equipped with a video surveillance system if the upgrade of the existing system is possible and funds available for this purpose.*

---



Furthermore, we proposed that PS Celje examine the possibility of installing video surveillance in detention rooms (no. 17 and no. 16) within the renovation plans.

*The MNZ responded that both rooms would be equipped with video surveillance cameras if this was permitted by the existing system and if sufficient funds were ensured.*


---



We proposed to PS Domžale that the interview room be equipped with a video surveillance system or that the station receive equipment for audio and video recording of interviews.


*The MNZ responded that the installation of additional cameras was not anticipated at the time, and that the station had the equipment for audio and video recording of interviews.*

---

-  We suggested that PS Dravograd examine the possibility of installing video surveillance during the renovation works also in the garage and on the staircase leading to the detention rooms and in the room for interviewing detained persons.


*The MNZ replied that the renovation of the entire video surveillance system had been anticipated and its actual realisation depended on financial resources. The possibility of installing a door viewer in the interview room would be examined.*

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-  Furthermore, we proposed that PS Dravograd provide suitable equipment, which would enable audio and video recording of interviews.


*The MNZ replied that the purchase of equipment enabling audio and video recording of interviews was not foreseen at the time; if necessary, the police unit may borrow such equipment.*

---

-  We proposed that PS Idrija examine the possibility of installing video surveillance also in the interview room during the renovation works.

*The MNZ replied that the installation of a video surveillance system in the interview room was not envisaged.*

---

-  We suggested that PS Kranjska Gora examine the possibility of installing suitable video surveillance system in the so-called multi-purpose room used for conversations between lawyers and detained persons and for interviewing detained persons.


*The MNZ replied that no funds had been earmarked to install a video surveillance system.*

---

-  We proposed that PS Krško mark the communication device in the waiting room for aliens accordingly.


*The MNZ replied that the device would be marked accordingly.*

---

-  We proposed that PS Laško examine the possibility of installing video surveillance in the interview room during the renovation works, or install a suitably glazed opening in the door of the relevant room to enable visual control when needed (e.g. visit by a lawyer).


*The MNZ replied that the possibility of installing a video surveillance system would be examined.*

---

-  We proposed that PS Litija examine the possibility of installing a video surveillance system in the room for clients (intended for reception, interviewing detained persons, receiving other clients and conversations between detained persons and lawyers) within the framework of renovation works and their budget, or to at least glaze the room with plexiglass, since it is in the immediate vicinity of the duty officer.


*The MNZ replied that the possibility of installing a video surveillance system would be examined in particular; if the system does not enable an upgrade, the option with plexiglass would be considered.*

---

-  We proposed that PS Ljubljana Bežigrad examine the possibility of installing video surveillance also in the connecting hallway between the garage and the hallway for receiving detained persons.

*The MNZ responded that the additional video surveillance camera in the connecting hallway would be installed in September 2016.*

---

-  We proposed that PS Maribor II examine the possibility of installing video surveillance in the interview room during renovation works, or install a suitably glazed opening in the door of the relevant room to enable visual control.



*The MNZ replied that the video surveillance camera would be installed in the interview room by the end of May 2016, and so a glazed opening would not be installed.*

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We proposed that PS Novo mesto examine the possibility of installing video surveillance in the interview room during renovation works.

*The MNZ replied that our proposal had been considered, but major renovation works were not anticipated in the police building.*

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We proposed that PS Ormož inspect and if necessary repair the communication devices in waiting rooms for aliens due to the constant noise coming from them.

*The MNZ replied that all communication devices would be inspected in cooperation with the expert service; regarding the findings, the devices would be repaired or replaced accordingly.*

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Furthermore, we proposed that PS Ormož remove the Govorna naprava sticker from the door leading to the room for processing aliens.

*The MNZ replied that the sticker had been removed as no communication device was in the relevant room.*

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Finally, we proposed that PS Ormož examine the possibility of switching off the communication device in the room where a detained person is speaking to their lawyer in order to avoid any possible complaints that the communication device enables police officers to listen to private conversations between the detained person and the lawyer.

*The MNZ replied that the PS would provide a suitable room under video surveillance for private conversation between detained persons and their lawyers until they find a technical solution for disconnecting the communication device.*

---



During the visit, we proposed that PS Ravne na Koroškem eliminate the defect in the communication device in room no. 2 for shorter detention and that the police officers regularly examine the functioning of communication devices in both detention rooms.

*The MNZ responded that the defect in the communication device had been eliminated, and police officers had been warned to regularly examine the functioning of the device and immediately inform the relevant service if the device malfunctions.*

---



Furthermore, we proposed that PS Ravne na Koroškem examine the possibility of providing suitable equipment (in spite of the possibility to borrow it), which would enable audio and video recording of interviews.

*The MNZ replied that purchasing equipment for audio and video recording of interviews had not been foreseen; if necessary, the police unit may borrow it.*

---



We also proposed that PS Ravne na Koroškem move the camera in the reception room in front of the detention rooms so that its field of vision is wider (to see the entire area, including the hallway for receiving detained persons).

*The MNZ replied that a new camera would be installed in the hallway for receiving detained persons.*


---



We proposed that PS Sevnica provide suitable equipment to enable audio and video recording of interviews.


*The MNZ replied that the purchase of the equipment for audio and video recording of interviews would be resolved within the proposed Act Amending the Criminal Procedure Act (ZKP-N). On the basis of the aforementioned, all units of Novo mesto Police Directorate were asked to provide information on whether they have functioning technical equipment for audio and video recording.*

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-  We proposed that PS Slovenske Konjice examine the possibility of installing a suitable video surveillance system in the interview room.


*The MNZ replied that the police station would ensure the equipment for audio and video recording of interviews.*

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-  We proposed that PS Šentjernej examine the possibility of installing video surveillance in the interview room.


*The MNZ replied that our proposal had been considered, but the funds for installing the system were not available.*

---

-  We proposed that PS Šentjur pri Celju examine the possibility of installing video surveillance in the interview room (used also for receiving detained persons and for conversations with lawyers) within the framework of renovation works, or to equip the station at least with equipment for audio and video recording of interviews.


*The MNZ responded that our proposal would be examined. The video surveillance camera would be installed if the system permitted the upgrade and if funds were provided.*

---

-  We proposed that PS Škofja Loka examine the possibility of installing video surveillance during the renovation works in the room for receiving detainees.


*The MNZ replied that our proposal had been considered, but installing a video surveillance system was not possible without major renovation works, and the renovation of detention rooms was not anticipated at the time.*

---

-  We proposed that PS Tolmin repair or replace the display of the video surveillance system in detention rooms during the renovation works so that the duty officer would be able to exercise control over possible detainees accordingly.

*The MNZ informed us that the display had been repaired on 22 July 2016.*

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-  We again proposed that PS Trbovlje examine the possibility of installing a video surveillance system in the room for receiving and interviewing detainees within the framework of the renovation works and their budget.

*The MNZ replied that our proposal would be examined and also implemented if the system permitted the upgrade.*

---

-  We again proposed that PS Trebnje examine the possibility of installing video surveillance in the interview room during renovation works.

*The MNZ replied that the possibility of installing a video surveillance system in the relevant room had already been examined, but the funds for this were not available.*

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## Food and drinking water



When visiting PS Celje, we established that the expiry date of one C3 cold meal package had been exceeded; we thus proposed that a record of the shelf life of cold meals be kept, or that those meals whose dates have expired be removed from the cupboard immediately.

*The MNZ replied that the C3 cold meal with exceeded expiry date had been discarded; a register with data on expiry dates of meals had been established to facilitate control over cold meals.*

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We proposed that PS Gorišnica inform the person responsible for receiving cold meals in the unit to pay more attention when receiving them or every cold meal must be furnished with an expiry date.<sup>198</sup>

*The MNZ stated that meals with indefinite expiry dates had been eliminated. As per indent two of paragraph one of Article 24 of the Rules on the general labelling of pre-packaged foodstuffs (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 36/2014), it is permitted for foodstuff packages to have a date without a day, in which case the package must also have the statement: Best used before: In the relevant case, the MNZ was of the opinion that the meals were probably safe for consumption until the end of October 2016. We were unable to verify the foregoing statement, because the meals were returned to the supplier immediately after the NPM's visit. The MNZ stated that it would nevertheless inform all police units about the relevant finding to prevent the return of meals which were still safe for consumption.*

---



We expressed the expectation in PS Idrija that Nova Gorica Police Directorate would arrange access to drinking water in detention rooms as soon as possible, since there was no access to drinking water in either detention room at the time of our visit.

*The MNZ replied that Nova Gorica Police Directorate had already obtained funding for arranging access to drinking water in the detention rooms in PS Idrija, and that a low-value contract for rehabilitating the relevant premises was underway.*

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We again proposed that PS Krško examine the possibility of providing access to running water in the room for shorter detention within the framework of possible renovation.

*The MNZ responded that technical possibilities for implementation were being prepared in connection with the proposal.*

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We proposed that PS Maribor I examine the possibility of providing access to running water in rooms for shorter detention within the framework of renovation works.

*The MNZ replied that major construction works were not anticipated for these premises; the water would be further provided from wash basins in front of the detention rooms, and detainees would be provided with plastic cups.*

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Furthermore, we proposed that PS Maribor I immediately remove cold meals with exceeded expiry dates and those with expiry dates a day after our visit, and that the person receiving cold meals from the supplier pay more attention to expiry dates so that these are actually visible.

*The MNZ replied that police officers at the relevant police station had immediately discarded all cold meals with exceeded expiry dates and illegible dates, and they also wrote to the custodian of the contract for the supply of cold meals that expiry dates must be clearly visible on all packages.*

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We proposed that PS Ptuj warn the person responsible for receiving cold meals and examining their expiry dates to be more thorough.

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<sup>19</sup> The A1 type meal bore the expiry date 00 October 2016.


*The MNZ replied that meals with expired periods of use had been thrown away immediately.*

---

-  We proposed that PS Slovenske Konjice throw away cold meals with expired periods of use.


*The MNZ replied that the meals had been thrown away.*

---

-  We again proposed that PS Trebnje provide running water in detention rooms.

*The MNZ replied that this proposal would be examined and realised within the framework of major construction works, which were not anticipated at the time. Until then, detainees would be given drinking water in plastic cups from the tap and would also be provided with bottled water.*


---

-  We proposed that PS Trebnje obtain at least few packages of cold meals, although permanent standby duty is not implemented at this station.

*The MNZ responded that a few cold meals would be provided to PS.*


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### **Storage of items seized from detainees**

-  We proposed that PS Celje install an additional cabinet in the hallway in front of detention rooms to be used exclusively for storing seized items, enabling their separate storage and suitable protection by locking.


*The MNZ replied that police officers would install a cabinet in the hallway in front of detention rooms to be used exclusively for storing seized items.*

---

-  We proposed that PS Kranj mark shelves in the cabinet for keeping seized items and containers with numbers 1 to 3, similarly to the marking of detention rooms.


*The MNZ replied that PS Kranj marked the shelves and containers for storing temporarily seized items from detainees with the same numbers marking the detention rooms, i.e. numbers 1 to 3.*

---

-  We proposed to PS Ljubljana Bežigrad that only one certificate of seized items be issued to detainees for seized items, which they cannot have in their possession during detention (and which accompanies them throughout detention), and not like in the case of PS Ljubljana Bežigrad, which ordered detention and issued a certificate of seized items, which was then also issued by Ljubljana Police Detention Centre, which implemented the detention.


*The MNZ replied that it was correct for the police officers to issue two certificates to the detainee. In the concrete case, there was no need to seize the belt from the trousers during the first seizure of items which was later seized before accommodation in the detention room, and which had to be recorded on the second certificate.*

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-  At PS Ljubljana Bežigrad, the NPM established that a detainee deprived of their liberty should not have been in possession of a dangerous item, which a pocket knife certainly is, for such a long time, and that police officers should have seized or removed the item immediately during the first security search (at 17:41 in this case, not only about two hours later after detention was ordered).


*The MNZ responded that officers had been warned that the pocket knife should have been seized from the detainee already during the first security search.*

---

-  We proposed that PS Ptuj add or increase the number of lockers for storing seized items in the room for receiving detainees, or to suitably mark the existing lockers so that two peoples' items can be stored in one locker (e.g. 6/1 and 6/2).

*The MNZ replied that lockers had been marked accordingly.*


---

-  We again proposed that PS Škofja Loka examine the possibility of arranging a suitable space/cabinet in the room for receiving detainees or nearby, where all temporarily seized items which a detained person may not keep in their possession during detention would be stored in one place.

*The MNZ replied that PS would examine the possibility of providing a cabinet for storing seized items.*


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## Vehicles for transporting detained persons

-  We proposed that PS Kranjska Gora regularly clean the inside of the vehicle for transporting detainees.


*The MNZ replied that PS would regularly clean the inside of the said vehicle.*

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-  We proposed that PS Ljubljana Vič regularly clean the inside of the vehicle for transporting detainees.

*The MNZ replied that police officers had cleaned the vehicle immediately and had been warned about regularly cleaning it.*


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-  We proposed that PS Ravne na Koroškem eliminate the deficiency in the vehicle for transporting detainees as soon as possible.

*The MNZ replied that the deficiency had been eliminated.*


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## Recreation areas

-  The recreation area at PS Brežice is partly covered by a roof and is not under full video surveillance. When inspecting the recreation area, we discovered that our proposal from the previous visit had not been realised and an ashtray had not been installed at the site; we thus again proposed its installation.


*The MNZ replied that the expert service of Novo Mesto Police Directorate would examine the possibility of installing a suitable ashtray in the recreation area.*

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-  We proposed that PS Gorišnica examine the possibility of installing a suitable ashtray in the recreation area.


*The MNZ replied that the proposal would be considered and the ashtray would comply with safety standards.*

---

-  We proposed that PS Ormož examine the possibility of installing a suitable ashtray in the recreation area.

*The MNZ replied that after discussions with the expert service, the station would try to install an ashtray which would comply with safety standards which would be installed in the recreation area.*


---

-  We proposed that PS Ptuj examine the possibility of installing a protective fence in the recreation area, and that the management of the station be informed of the need to regularly clean the recreation area.

*The MNZ responded that it had proposed installing a protective fence above the recreation area already in 2014; however, this was not done due to the lack of funds. The station would ensure more frequent cleaning of the relevant area; although the area cannot be cleaned completely when leaves are falling from trees on nearby land.*


---

## Accessibility to police station premises

-  When visiting PS Bled, we discovered that disabled persons cannot directly access the police station; a call bell is installed at the foot of the stairs, which is linked to the office of the duty officer, and the foot of the stairs is also under video surveillance. We thus proposed that the possibility of installing a gently sloping ramp be examined, which would enable disabled persons direct access to the entrance of the station.


*The MNZ replied that this proposal would be examined at the time of possible renovation in future budget periods.*

---

-  We proposed that PS Dravograd again introduce permanent standby duty, since they have four detention rooms; the nearest PS with such premises is PS Velenje, which is quite far from this area.


*The MNZ replied that the reintroduction of permanent standby duty was not anticipated at the relevant PS at the time.*

---

-  We also proposed that PS Dravograd examine the possibility of installing a suitable ramp which could be installed when needed (e.g. lift ramp).


*The MNZ replied that the option would be examined; its implementation depended on financial resources.*

---

-  We again proposed that PS Kranjska Gora examine the possibility of installing a ramp to enable access to the PS building also to disabled people.


*The MNZ replied that it was impossible to construct a ramp for the disabled due to the lack of funding.*

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-  Furthermore, we proposed that PS Kranjska Gora examine the possibility of re-introducing 24-hour standby duty, since Kranjska Gora is a tourist centre.

*The MNZ responded that reintroducing 24-hour standby duty was not foreseen.*


---

-  We again proposed that PS Slovenska Bistrica install a call bell at the foot of the stairs, enabling disabled persons to inform the duty officer of their presence.

*The MNZ replied that the call bell had been installed at the end of May 2016 because it was impossible to construct a ramp.*

---

## List of lawyers and room for discussions with lawyers

-  When visiting PS Bled, we discovered a list of lawyers in the interview room dated 17 August 2015, which is also used for short stays of detainees. We thus proposed that the old and outdated list of lawyers be removed or a suitably updated list be displayed in the relevant room.

*The MNZ replied that PS had immediately printed an updated list of lawyers.*

---



We also proposed that PS Bled examine the possibility of arranging the room for receiving and interviewing detainees and their conversations with lawyers within the framework of renovation works, i.e. according to the MNZ plan for arranging detention rooms in the 2010–2015 period.

*The MNZ replied that the proposal would be observed at the time of possible renovation in future budget periods.*

---



During the visit to PS Brežice, we proposed that a printed copy of the list of lawyers equipped with the printout date be placed in the room for receiving detainees, and that PS examine the possibility of installing a telephone in the room for receiving detainees.



*The MNZ replied that PS printed a new and updated list of lawyers and placed it in the room for receiving detainees; the expert service of Novo mesto Police Directorate would examine the possibility of installing a telephone in the room for receiving detainees and ensure the repair of the button on the communication device in the relevant room.*

---



We also proposed that PS Brežice repair the damaged button on the communication device in the room for discussions with lawyers and that the communication device be equipped with a suitable sticker.

*The MNZ responded that the communication device in the room for processing aliens had been repaired and the noise from the device eliminated.*

---



We proposed that PS Domžale place an updated list of lawyers in at least one of the rooms (no. 25 or no. 26) used for receiving and interviewing of detainees.

*The MNZ replied that an updated list of lawyers had immediately been placed in the interview room where detainees are received. If, due to the occupancy of this room, a detainee happened to be waiting in reception rooms no. 25 or no. 26, the relevant lists would also be placed in these rooms.*

---



When visiting PS Dravograd, we again discovered that the PS was not regularly updating the list of lawyers, since a list dated 13 August 2015 was found. We thus proposed that officers update the list and regularly update it.

*The MNZ responded that an updated list of lawyers had been printed immediately after the visit, and the commander had appointed an officer responsible for printing an updated list every three months.*

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We informed PS Idrija that the list of lawyers must be updated regularly, and we proposed that all police units be warned again about the need to regularly update the list of lawyers so that it is obvious that the revised list had been verified, the name of the person verifying the revised list and the date of verification.

*The MNZ replied that officers at this PS had replaced the old list of lawyers with an updated one. The management of PS would ensure that a new updated list would be printed for the unit every three months, which would also indicate when it had been printed.*

---



We proposed that PS Laško place the list of lawyers in the interview room used for the reception, discussions and interviews of detainees and their conversations with lawyers.

*The MNZ replied that the list of lawyers had been replaced with a new one.*


---



We proposed that PS Novo mesto place the list of lawyers (with suitable printout date) in the room for receiving detainees.


*The MNZ responded that the list of lawyers with the new printout date had been placed in the relevant room.*

---

-  We proposed to PS Ormož that the room for receiving detainees be equipped also with a list of *ex officio* lawyers.


*The MNZ replied that the list of ex officio lawyers would not be printed at police stations, since it was available to all police officers on the website of the Bar Association of Slovenia, and that the relevant list is a tool for police officers and is not intended for detainees. Paragraph four of Article 4 of the Criminal Procedure Act (ZKP) stipulates that upon request of the suspect who has been deprived of freedom and does not have the means to retain a lawyer by himself, the police shall appoint a lawyer for him at the expense of the state if this is in the interests of justice. If the police officers appoint a lawyer for the suspect as per paragraph four of Article 4 of the ZKP, they do so on the basis of the list of lawyers published on the website of the Bar Association of Slovenia. Therefore, according to the MNZ, printing this list would be uneconomical.*

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-  We proposed that PS Slovenske Konjice update the list of lawyers.


*The MNZ replied that the list of lawyers had been updated immediately after our visit.*

---

-  We proposed to PS Škofja Loka that detainees should be enabled to speak to their lawyer in another, more suitable room (perhaps in the interview room) in future.


*The MNZ replied that for security reasons conversations between detainees and their lawyers would be further implemented in the room marked Govorilnica.*

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-  We proposed to PS Tolmin that the printed list of lawyers be displayed in the hallway leading to the two detention rooms where detainees are received.


*The MNZ responded that the list of lawyers had been relocated to the hallway leading to the two detention rooms.*

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-  Furthermore, we proposed to PS Tolmin that the list of *ex officio* lawyers always be updated when printed and displayed in the hallway in front of the two detention rooms.

*The MNZ replied that the police station had been informed that the list of ex officio lawyers was available electronically and they should act economically when printing the list.*

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-  We proposed that PS Trebnje update the list of lawyers.

*The MNZ replied that the list of lawyers had been updated immediately after our visit.*


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-  We also proposed that PS Tržič update the list of lawyers.

*The MNZ replied that the list of lawyers had been updated immediately after our visit.*

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## **Informing detainees on their rights and how to exercise them**

-  When visiting PS Bled, we determined that the box for anonymously submitting complaints and commendations was not marked suitably, since it was labelled 'Applications'; we thus proposed that the collection box be marked accordingly as 'Collection box for anonymous complaints and commendations', and that an English translation also be added, since the PS is located in a tourist town.

*The MNZ replied that a collection box for complaints and commendation had been provided with a text in Slovenian and English.*


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-  Furthermore, we proposed that PS Bled regularly check the book of commendations and complaints in future, including which of the senior officers checked the entries in the book and when and what findings or measures were taken in that regard.


*The MNZ replied that on the same day the commander of the police station had informed both relevant police officers of the commendation entered on 1 October 2015. The management of the PS would ensure that measures implemented on the basis of entries in the relevant book would be recorded accordingly.*

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-  We proposed that PS Celje examine the possibility of installing a collection box for anonymous complaints and commendations at the entrance to the PS or Celje Police Directorate.


*The MNZ responded that relocating the collection box for anonymous complaints and commendations to the entrance of the Police Directorate would not improve anonymity, since the entrance was under video surveillance.*

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-  We proposed to PS Domžale that a current MNZ poster on the rights of detainees be hung on the walls in rooms no. 25 and no. 26, which are used to receive and interview detainees.


*The MNZ responded that police officers had equipped both rooms with new MNZ posters on the rights of detainees.*

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-  Furthermore, we also proposed that PS Domžale relocate the collection box for anonymous complaints and commendations outside the police station (e.g. at the entrance).


*The MNZ replied that the collection box had been relocated outside the building next to the call bell.*

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-  We proposed that PS Dravograd suitably furnish the interview room, i.e. with a brochure (sections printed from it) and an MNZ poster on the rights of detainees.


*The MNZ replied that the room had been furnished with a poster on the rights of detainees. Until the preparation of the brochure, every person would still receive a list of rights in a language they understand and which is available to all police units electronically.*

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-  Furthermore, we proposed to PS Dravograd that the collection box for anonymous complaints and commendations be relocated to the entrance of the police station.


*The MNZ replied that the collection box for anonymous complaints and commendations had been installed on a wall near the entrance of the building.*

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-  Finally, we proposed that PS Dravograd put the book of complaints and commendations in a more accessible location.


*The MNZ replied that the book of complaints and commendations had been relocated to the room for receiving clients, where it would be accessible to everyone.*

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-  We proposed that PS Gorišnica install a collection box at the entrance to the PS which would enable the anonymous submission of complaints and commendations.


*The MNZ responded that such a collection box would be installed.*

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-  We also proposed that PS Idrija mark the collection box at the entrance to PS with the label 'Anonymous submission of complaints and commendations'.


*The MNZ replied that the collection box had been installed at the entrance to PS and marked 'Anonymous submission of complaints and commendations'.*

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-  We proposed that PS Kranj relocate the collection box to the entrance of PS and mark it accordingly with 'Anonymous submission of complaints and commendations', whereby the PS may also add the text in English.


*The MNZ replied that the collection box for anonymous complaints and commendations would be put in a more suitable location in the entrance hall and would be marked accordingly in Slovenian.*

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-  We proposed that PS Kranjska Gora put the MNZ brochure on the rights of detainees and a list of lawyers in the room for discussions with clients and lawyers.


*The MNZ replied that the relevant brochure had been placed in the room for discussions with clients and lawyers.*

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-  Furthermore, we proposed that PS Kranjska Gora install the collection box for anonymous complaints and commendations in front of the stairs or next to the call bell.


*The MNZ replied that police officers of PS would install the collection box for anonymous complaints and commendations next to the call bell for the disabled.*

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-  We proposed that PS Krško inform the management to regularly record the reviewing of entries in the book of complaints and commendations.


*The MNZ failed to reply to this proposal.*

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-  We proposed that PS Litija additionally mark the external collection box with 'Anonymous submission of complaints and commendations' or to relocate the collection box from the hallway of the PS to the outside (at the entrance).


*The MNZ replied that the internal collection box for anonymous complaints and commendations would be removed, and that the external collection box had already been equipped with the uniform sticker, 'Anonymous submission of complaints and commendations'.*

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-  When visiting PS Ljubljana Vič, we suggested installing the collection box for anonymous complaints and commendations at the entrance of PS and that the purpose of the collection box also be marked in English.


*The MNZ responded that the entrance to PS building was under video surveillance, which is why the relocating the collection box for anonymous complaints and commendations would not improve anonymity. The collection box was marked according to the Public Use of the Slovene Language Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 86/04 and 8/10).*

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-  Furthermore, we proposed that PS Ljubljana Vič move the book of complaints and commendations to the entrance hall near the duty officer to improve access.

*The MNZ replied that it had been decided that the book of complaints and commendations was in a visible place and that duty officers enable clients to write in the book at their request.*

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-  We also proposed to PS Ljubljana Vič that the room for conversations with lawyers (interview room) be equipped as soon as possible with the necessary MNZ and PIC/IOM posters on the rights of detainees and on the process of refugee return from the Republic of Slovenia and suitable brochures.

*The MNZ replied that police officers had equipped the room for conversations with lawyers with a poster and brochure on the rights of detainees, and that a copy of the PIC/IOM poster on the process of returning refugees from the Republic of Slovenia (original posters would be available in Spring 2017 according to the Legal Information Centre for NGOs – PIC).*

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We proposed to PS Maribor II that an MNZ poster with the rights of detainees or MNZ brochures with the same content be placed in office no. 304 (also used for interviewing detainees).

*The MNZ replied that officers had equipped office no. 304 with the MNZ poster and brochures on the rights of detainees.*

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Furthermore, we proposed to PS Maribor II that the book of complaints and commendations be put in a visible place (e.g. next to the window of the duty officer).

*The MNZ replied that the book of complaints and commendations had been put in a visible place.*

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We proposed to PS Novo mesto that the book of complaints and commendations be put in a more accessible place (e.g. hallway near the duty police officer) and that senior officers monitor entries in the book more regularly or consistently record their reviewing of entries with their signatures.

*The MNZ responded that the book of complaints and commendations had been relocated to the entrance hall near the main entrance of the station. The reason for the low number of entries in the relevant book, according to the MNZ, lies in the fact that clients prefer to express their opinions, complaints and commendations in a different way, either directly with a verbal complaint or commendation, by calling the anonymous phone number, by sending an e-mail to the police unit etc. Furthermore, it had been proposed that the management of this PS consistently record all reviews of entries by signing their names in the book.*

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We also proposed to PS Novo mesto that the collection box for anonymous complaints and commendations be placed in front of the entrance to this PS.

*The MNZ replied that the current location of the collection box for anonymous complaints and commendations is suitable, in addition to other possible ways such as e-mail, the anonymous phone number and others, since it enables people to exercise their rights and express their will anonymously.*

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We proposed that PS Ormož install a collection box for anonymous complaints and commendations at the entrance to the station, which would give more anonymity to persons wishing to submit complaints and commendations.

*The MNZ replied that the collection box for anonymous complaints and commendations would be installed in the entrance hall of the station, which was not under video surveillance and where an duty police officer would not be able to supervise the submission. Maribor Police Directorate assessed that the collection box would be too exposed to weather (e.g. heavy rain) if installed at the entrance of PS and complaints and commendations would be destroyed.*


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We also proposed that PS Ormož relocate the book of complaints and commendations (e.g. to the hallway in front of the office of the duty officer), which would certainly make it more accessible to people who want to enter a complaint or commendation.


*The MNZ replied that officers had relocated the book of complaints and commendations to the hallway in front of the office of the duty officer.*

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-  We proposed that PS Ptuj install the collection box for anonymous complaints and commendations at the entrance to the station, which would give more anonymity to persons who wish to submit complaints and commendations.


*The MNZ replied that the area at the entrance and the hallway in front of the office of the duty police officer were under video surveillance, so relocating the collection box would not provide more anonymity.*

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-  We also proposed that PS Ptuj put the book of complaints and commendations in a location more accessible to clients.


*The MNZ failed to reply to this proposal.*

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-  We proposed that PS Radovljica put MNZ brochure on the rights of detainees and the list of lawyers in the room for discussions between clients and lawyers.


*The MNZ replied that the relevant brochure had been placed in the said room.*

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-  We proposed to PS Ravne na Koroškem that the book of complaints and commendations be placed in a more accessible location than behind the glass partition of the duty officer.


*The MNZ replied that, in accordance with the proposal, the book of complaints and commendations had been placed in front of the glass partition making it accessible to all clients.*

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-  We proposed that PS Slovenj Gradec mark the collection box for anonymous complaints and commendations accordingly in order to make its purpose obvious.


*The MNZ replied that the collection box had been marked accordingly.*

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-  We proposed that PS Slovenska Bistrica install an MNZ poster and brochure on detainees' rights in the office of local criminal police officers, which is also used for interviewing detained persons.


*The MNZ responded that officers had equipped the relevant room with the MNZ poster and brochure on detainees' rights.*

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-  We proposed that PS Slovenske Konjice install the collection box for anonymous complaints and commendations at the entrance to the station, thus providing more anonymity to people wanting to submit possible complaints and commendations.


*The MNZ responded that the collection box had been installed at the entrance to the relevant PS.*

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-  Furthermore, we proposed that PS Slovenske Konjice replace the MNZ poster on the rights of detained persons in the hallway in front of the detention rooms with an updated one.

*The MNZ replied that the old poster had been replaced with a new one.*

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-  With regard to the fact that the room for receiving detainees is not being used, we proposed to PS Šentjernej that the printed list of lawyers be placed in the interview room where detainees are also processed.

*The MNZ replied that police officers had placed the list of lawyers in the interview room where detainees were actually being processed.*

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-  We proposed to PS Šentjernej that the book of complaints and commendations be put in a visible place (e.g. in the hallway in front of the office of the duty officer) and that senior officers regularly review it.
- The MNZ responded that the book of complaints and commendations had been put in a visible place in the office of the duty police officer. The only entry in the book was reviewed, and the management of PS was informed of the need to sign their names when reviewing entries.*
- 
-  Furthermore, we proposed that PS Šentjernej install a suitable collection box for anonymous complaints and commendations at the entrance to the station.
- The MNZ replied that the collection box for anonymous complaints and commendations had been installed accordingly, since they had no experience with other state authorities that such collection boxes were installed on the exterior walls of buildings.*
- 
-  We proposed that PS Šentjur pri Celju install a suitable collection box for anonymous complaints and commendations at the entrance to the station.
- The MNZ responded that a suitable collection box would be installed.*
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-  We proposed to PS Škofja Loka that the brochure or a poster on the rights of detainees, which will be harmonised with the latest amendments to the ZKP, be placed in the room for receiving detainees.
- The MNZ replied that a poster with universal rights had been placed in the room for receiving detainees. Until the drafting of the brochure, persons deprived of their liberty as per the ZKP would receive a printed notification on the rights harmonised with the latest amendments to the ZKP. The aforementioned was also the reason that no such poster or brochure had been in the interview room.*
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-  We proposed to PS Škofja Loka that the collection box for anonymous complaints and commendations be put in a different place where it would be accessible to everyone coming to the station (e.g. at the entrance to PS) and be marked accordingly with the label, 'Anonymous submission of complaints and commendations'.
- The MNZ replied that the collection box had been marked accordingly and installed in the entrance hall of the station.*
- 
-  We proposed that PS Tolmin install the collection box for anonymous complaints and commendations at the entrance to the station, which would give more anonymity to persons who wish to submit their complaints and commendations.
- The MNZ replied that the collection box had been installed at the entrance to the station on 29 July 2016.*
- 
-  We proposed that PS Tržič equip the interview room with MNZ brochure on the rights of detainees.
- The MNZ replied that the MNZ brochure on the rights of detainees had been placed in the relevant room.*
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-  Furthermore, we proposed to PS Vrhnika that the book of complaints and commendations be put in a place that is easily accessible to clients (perhaps on the shelf in front of the glass partition of the duty police officer).
- The MNZ replied that the book of complaints and commendations was in a visible place and that the duty officer enabled clients to write in the book at their request.*
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## Documentation management

- ✓ We proposed to PS Bled that the police officers be more thorough when filling in the forms necessary for implementing detention and entering data in the Register of the phonetic index of persons (FIO). We also asked for information as to whether the deficiencies which were established had already been eliminated and suitable corrections made in the FIO register.<sup>20</sup>

*The MNZ replied that corrections in the record of persons deprived of their liberty had been made by 1 April 2016, and all police units had been advised to pay more attention when completing documents and correctly indicating corrections. The duty police officers and responsible senior officers were asked to be more thorough when entering data in the record of persons deprived of their liberty.*

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- ✓ We proposed that PS Brežice ask police officers and senior officers who supervise detention procedures to be more thorough when entering data in the computer database of detainees, to correctly use forms needed to implement detention, and accuracy when entering data (times and dates) in official forms needed to implement detention.<sup>21</sup>

*The MNZ reported that the Narrow Professional Board of the Director of Novo mesto Police Directorate had decided at its 4<sup>th</sup> session that all commanders implement direct expert assistance and supervision of all detention under the order, and until the completion of detention until this decision is revoked. The commanders are obliged to record their supervision of the implementation of detention on the front page of the 'sleeve' used by the units in detention cases. All units were also informed of the aforementioned in writing.*

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- ✓ Furthermore, we proposed that PS Brežice inform officers about the correct manner of entering possible corrections in official documents.<sup>22</sup>

*The MNZ replied that an interview had been conducted with the police officer, who explained that he had decided on the correction because he believed that 60 seconds had already passed since the start of the procedure of ordering detention; all police officers were again informed about the manner of correcting errors in official documents.*

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- ✓ Regarding documentation, we proposed to PS Celje that police officers be informed about the correctly entering corrections in official forms,<sup>23</sup> and accurately and uniformly recording data (times of tasks)

<sup>20</sup> When reviewing detention (6 to 7 October 2015, start of procedure at 19:20 and detention ordered from 20:00 to 5:30 on the basis of paragraph two of Article 24 of the Road Traffic Rules Act), it was determined that the police officer had entered the incorrect year for the security search of the detained person, i.e. 6 October 2017, on the form 'Implementation of tasks during detention/custody – official note' under the section 'According to the provisions of Article 57 or 66/2 of the ZNPPol, a security search was implemented on \_\_\_\_ at \_\_\_\_ hours conducted by police officer \_\_\_\_ from police unit \_\_\_\_'.

When reviewing detention (14 to 15 November 2015, start of procedure at 20:00 and detention ordered from 20:10 to 6:40 on the basis of paragraph two of Article 109 of the Minor Offences Act (ZP-1)), it was determined when examining the form, 'Detention order', that the recorded time of the start of a procedure was 20:05, not 20:10, as was obviously incorrectly entered in the FIO.

Similarly, when reviewing a detention case (31 December 2015, start of procedure at 22:25 and detention ordered from 22:30 to 22:40 – detention suspended due to medical reasons, on the basis of paragraph two of Article 109 of the Minor Offences Act (ZP-1)), it was determined when examining the form, 'Detention order', that the recorded time of the start of the procedure was 22:30, not 22:25, as was obviously incorrectly entered in the FIO.

When reviewing detention (10 January 2015, start of procedure at 1:30 and detention ordered from 1:40 to 12:00 on the basis of paragraph two of Article 110 of the Minor Offences Act (ZP-1)), it was determined when examining the date and time of seizure on the form, 'Certificate of seized items from the person in detention/custody', that an incorrect date of the seizure of items was stated, i.e. 9 January 2015, although the police officers started processing the detainee on 10 January 2015.

When reviewing the form, 'Implementation of tasks during detention/custody – official note', for the same detention, it was determined that a correction had been made with correction fluid after the completed detention implemented at PS Tržič in sections, 'Tasks during detention/custody' and 'Person was in detention/custody from \_\_\_\_ hours \_\_ on \_\_\_\_'.

<sup>21</sup> When reviewing detention (5 to 7 March 2016, start of procedure at 19:00 and detention ordered from 19:15 to 16:00 on the basis of Article 157 of the Criminal Procedure Act (ZKP)), it was determined that the time of the start of the procedure must be corrected, since no official form necessary for implementing detention stated that the procedure had started at 19:00 (which is stated in the FIO register), or the only time that was stated was the time when detention started, i.e. 19:15. When examining the documentation, it was further established that an old form of the detention decision had been used in the relevant detention procedure. When examining the form, 'Implementation of tasks during detention/custody – official note', it was established that an incorrect date of notifying the doctor had been entered in the section, 'Medical assistance and care', i.e. 6 February 2016; although the date had been correct.

<sup>22</sup> When reviewing detention (8 April 2016, start of procedure at 6:05 and detention ordered from 6:06 to 11:15 on the basis of indent four of paragraph one of Article 64 of the Police Tasks And Powers Act), it was determined that the time in section, 'Detention/custody ordered', had been changed to '6:06', whereby it was not recorded who had made the correction.

<sup>23</sup> When reviewing detention (8 to 9 July 2016, start of procedure at 23:50 and detention ordered from 23:55 to 10:25 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was established that the time of the start of the procedure had been corrected in the form, 'Detention order' under section 'Police procedure started on \_\_ at \_\_', wherein who had made the correction was not recorded.

in the forms needed to implement detention.<sup>24</sup> They must also pay attention to changes to official forms and thus related use of applicable (new) forms needed to implement detention, and the entry of accurate data (times and dates) of procedures involving detainees.<sup>25</sup> Police officers (particularly duty officers) must be aware that information on which room of the PS the detained person is actually being detained in must also be entered in the form, 'Implementation of tasks during detention/custody – official note'.<sup>26</sup>

*The MNZ replied that police officers had been informed of their duty to be consistent and thorough when completing official documents, particularly regarding the correct marking of corrections, consistent recording of all tasks involving detainees, the use of valid forms, recording of the number of the room in which a person is detained, and consistent provision of data on all detention forms.*

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We proposed that PS Domžale inform the police officers of Ljubljana Police Detention Centre about correctly entering corrections in official forms needed to implement detention<sup>27</sup> and to inform all officers of the need to correctly enter corrections in official forms needed to implement detention.<sup>28</sup>

*The MNZ replied that police officers of PS Domžale and Ljubljana Police Detention Centre would be reminded of their duty to correctly enter corrections in the forms for implementation of detentions.*

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We proposed that PS Dravograd correctly enter the time of the start of the procedure in the FIO register and inform police officers and senior officers conducting supervision regarding detentions at police stations to be more thorough when entering detention information in the FIO. We also proposed that police officers be more thorough when filling in the forms needed to implement detention and the correct procedure for entering corrections in official forms.<sup>29, 30</sup>

*The MNZ replied that the entry in the record had been corrected, and police officers informed about suitably marking corrections and improved accuracy when entering data.*

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24 In the same case, it was further determined that the form, 'Certificate of seized items from the person in detention/custody', stated that items had been seized on 9 July 2016 at 00:40, while it was recorded in line four of section, 'Tasks during detention/custody', of the form, 'Implementation of tasks during detention/custody – official note', that the items had been seized from the detainee on 10 July 2016 at 00:50.

25 When reviewing detention (7 April 2016, start of procedure at 7:30 and detention ordered from 10:00 to 16:51 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was determined that the detainee had first been served the manually completed form, 'Official notice on the deprivation of liberty and detention', on 7 April 2016 at 11:00, which it was established as outdated (contained only six rights). It was also determined that the form, 'Decision on the deprivation of liberty and detention', had been delivered to the detainee on 7 April 2016 at 12:20, which had been completed (at the time of the detention) on a valid form (contained all rights of the deprived person). It was determined on the relevant form that an incorrect date, i.e. 25 January 2016, had been entered on the right side under the heading of the form under the section, 'Date', although 7 April 2016 should have been stated.


26 In the same case, it was also established when examining the form, 'Implementation of tasks during detention/custody – official note', that where or in which room of PS the detainee had been kept during detention was not recorded in the section 'Tasks during detention/custody'.

27 When reviewing detention (7 to 8 March 2016, start of procedure at 20:30 and detention ordered from 21:25 to 7:20 on the basis of Article 24 of the Road Traffic Rules Act), it was established that a correction had been made on the form, 'Certificate of seized items from the detained person' under the section, 'Completed under sequential number \_\_\_', at Ljubljana Police Detention Centre, whereby it was not recorded who had made the correction.

28 When reviewing detention (17 to 19 September 2016, start of procedure at 16:45 and detention ordered from 16:50 to 10:30 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was determined when examining the form, 'Implementation of tasks during detention/custody – official note', that several corrections (also with correction fluid) had been made under the section, 'Tasks during detention/custody', whereby it was not recorded who had made the corrections.


29 When reviewing detention (25 to 26 March 2015, start of procedure at 20:40 and detention ordered from 21:00 to 1:55 on the basis of Article 157 of the Criminal Procedure Act), it was determined that the police officer had failed to mark the indent stating that the detained person had been informed that "anything they say may be used against them in court" on the form, 'Official notice on the deprivation of liberty and detention'. It was also established that it was not evident from any of the documents needed to carry out detention that the procedure with the detained person commenced at 20:40, as recorded in the FIO register, but merely the item stating 21:00, when the actual detention was ordered. When examining the form, 'Implementation of tasks during detention/custody – official note', it was also discovered that information, "taken to PS at 21:35", was stated in the first line under section, 'Tasks during detention/custody', whereby it was not evident to which police station the person was taken. Furthermore, an incorrect date, i.e. 25 March 2015 at 00:25, was entered; the correct date was 26 March 2015 when "the detained person complains about pain in the left part of the chest", whereby a correction was also made to "left", which was also not marked accordingly (who made the correction and when). This entry also lacks information about what happened to the person up until the detention ended.

30 When reviewing detention (8 to 10 June 2015, start of procedure and detention ordered from 23:13 to 19:00 on the basis of Article 157 of the Criminal Procedure Act), it was determined when examining the form, 'Decision on the deprivation of liberty and detention', that the police officer had failed to mark with a cross on the first page whether the detained person had been informed of their rights or which ones. When inspecting the form, 'Implementation of tasks during detention/custody – official note', it was also established that the person was taken to PS, whereby it was not evident whether that was PS Dravograd, which ordered the detention, or PS Velenje, where the detention actually took place. When reviewing the section, 'Informing the state prosecutor and investigating judge', it was determined that an incorrect date of informing was recorded, i.e. 8 June 2015, although the correct date was 9 June 2015, and that corrections had been made at the time of informing, whereby it was not recorded who had made the corrections and when. It was also discovered that the corrections had not been recorded accordingly about who had made them in the section of the form, 'Tasks during detention/custody'.

-  We also proposed that PS Gorišnica inform police officers to pay more attention to thoroughness or consistency when completing forms needed to carry out detention, particularly to the correct entry of corrections,<sup>31, 32</sup> more accuracy and consistency when completing forms required for detention,<sup>33</sup> and the use of valid forms (i.e. remove outdated forms from use).<sup>34</sup>


*The MNZ replied that incorrect entries had been corrected, the police officers notified, and the outdated forms replaced with new ones.*

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-  We also proposed that PS Idrija inform police officers that all activities relating to a detainee must be entered in the form, 'Implementation of tasks during detention/custody – official note' from the start of the procedure until the end of detention,<sup>35</sup> and that police officers be informed about correctly entering possible corrections of data in official documents.<sup>36</sup>

*The MNZ replied that police officers had been informed of the correct marking of corrections in detention documents and that all activities from the beginning of the police procedure to the imposition of detention, including activities during detention, were entered in the official notes – on the tasks implemented during detention/custody, but activities conducted after a completed detention were not entered (these were entered in the report on implemented work).*

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-  We proposed to PS Kranj that police officers (particularly duty officers) be more consistent when completing the forms needed to carry out detention<sup>37</sup> and to be more thorough when entering data in the FIO register.<sup>38</sup>

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31 When reviewing detention (12 April 2016, start of procedure at 12:00 and detention ordered from 13:00 to 23:00 on the basis of Article 24 of the Road Traffic Rules Act), it was established that the time of return of seized items was not recorded in the form, 'Certificate of seized items from the person in detention/custody'. In the same case, it was also discovered when inspecting the form, 'Implementation of tasks during detention/custody – official note', that corrections had been made on the first page with correction fluid of the times when security searches had been conducted. It was also determined that corrections had been made in the section of the form, 'Tasks during detention/custody', whereby it was not recorded who had made them. After further examining the case documentation, it was determined that it was evident from the statement of events of the Operation and Communication Centre that the patrol had arrived at the place of the event (offence) at 12:11, when it was assessed that the procedure had commenced, and not at 12:00 as recorded in the FIO register. When examining the minutes on a breathalyser test, it was established that the test had been done at 12:46 (whereby it was not marked that 15 minutes had passed before testing). According to the NPM, this should also have been the time when detention was ordered (the violation of driving under the influence of alcohol was thus determined with the test at the aforementioned time), not at 13:00.

32 When reviewing detention (5 to 6 December 2015, start of procedure at 19:35 and detention ordered from 19:45 to 6:45 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was determined that the time had been corrected on the forms, 'Implementation of tasks during detention/custody – official note' and 'Certificate of seized items from the person in detention/custody', i.e. from 7:45 to 6:45 under section, 'Person was detained/in custody until \_\_\_ hours on \_\_\_' on the first form and section, 'Date and time of return', on the second form. It was not stated who had made corrections to the times on any of the above forms.

33 When reviewing detention (5 to 6 June 2016, start of procedure at 12:40 and detention ordered from 17:30 to 14:30 on the basis of indent four of paragraph one of Article 64 of the Police Tasks And Powers Act), it was determined when examining the form, 'Detention order', that the procedure with the detained person had commenced at 12:36 (which is evident from the official note on detention), not at 12:40 as entered in the FIO register. While examining the documentation, it was further established that the time had been corrected with correction fluid under section, 'Person was detained/in custody until \_\_\_ hours on \_\_\_' in form, 'Implementation of tasks during detention/custody – official note'.

34 When reviewing detention (20 to 21 November 2015, start of procedure at 11:38 and detention ordered from 11:40 to 17:40 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was discovered that corrections with correction fluid had been made to the forms, 'Implementation of tasks during detention/custody – official note' and 'Certificate of seized items from the person in detention/custody'. In this case, the NPM again proposed that police officers be notified of the correct way to enter corrections in official documents necessary to carry out detention. It was also noted that it was not evident from any of the forms in the file of this case that the procedure with the detained person had commenced at 11:38, but it was evident from the statement of events of the Operation and Communication Centre of Maribor Police Directorate that police officers had reported that the person was restrained at 11:37. It was also established that the old form, 'Decision on the deprivation of liberty and detention', had been used in the detention procedure, which did not include all the rights of the detained person or the section, 'Police procedure started on \_\_ at \_\_\_ hours'.

35 When reviewing detention (19 April 2016, start of procedure at 11:00 and detention ordered from 12:45 to 17:00 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was established that it was not mentioned in any of the forms necessary for implementing detention what was happening to the person (where they were) in the time between the commencement of the procedure and imposition of detention. It was evident from the form, 'Official note on interviewing the suspect', that the person had been informed of the criminal offence they were suspected of committing at 12:10, and that the person had been interviewed between 12:18 and 12:30, which thus undoubtedly reveals that the person's movement was restricted. It was also discovered that police officers had also entered in the form, 'Implementation of tasks during detention/custody – official note', activities conducted after the person had been brought before the investigating judge, although the form is actually intended for recording activities that take place during detention/custody, i.e. during the police procedure.

36 When reviewing detention (30 to 31 December 2015, start of procedure at 15:25 and detention ordered from 15:35 to 2:30 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was established when examining the form, 'Detention order', that the form had been served to the detained person on 30 December 2015 at 16:15, whereby a correction was made at '15' minutes, but who made the correction was not recorded.

37 When reviewing detention (2 to 3 February 2016, start of procedure and detention ordered from 12:00 to 17:00 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was established that no data on the time when the seized items had been returned to the detained person were entered under section, 'Date and time of return' in form, 'Certificate of seized items from the person in detention/custody'.

38 When reviewing detention (30 October 2015, start of procedure at 8:55 and detention ordered from 9:34 to 15:41 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was determined when examining the detention documentation that the legal basis for the detention had been entered incorrectly in the FIO register, since the person was actually detained on the basis of Article 24 of the Road Traffic Rules Act.



*The MNZ replied that all police units were advised to be more thorough when completing documents. Duty officers and responsible senior officers of the relevant PS were asked to be even more thorough when entering data in the record of persons deprived of their liberty.*

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We proposed that PS Kranjska Gora inform the police officers about consistent completion of forms necessary for implementing detention, and the accurate recording of all activities involving a detained person, or in which room at the station the detained person had been accommodated during the procedure.<sup>39</sup>

*The MNZ responded that police officers had been reminded about consistently and accurately completing forms regarding detention (accurate recording of all activities involving the detained person, provision of data on the room in which the person was detained, thorough recording of times of individual activities, correct marking of corrections etc.).*

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We proposed that PS Krško inform police officers of the importance of being thorough when entering data when completing official forms necessary for implementing detention and of correctly recording possible corrections<sup>40</sup> in order to harmonise inconsistencies between times entered in the FIO record and times recorded in the form, 'Decision on the deprivation of liberty and detention', and to remind officers about accurately and consistently completing official documents necessary for implementing detention.<sup>41</sup>

*The MNZ responded that the relevant police officers had been informed about the inconsistencies, and the data in the records had been corrected accordingly.*

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We proposed to PS Laško that police officers be more thorough when completing forms necessary for implementing detention,<sup>42</sup> and that they pay attention to when forms are replaced and thus the use of valid (new) forms necessary for implementing detention.<sup>43</sup>

*The MNZ replied that police officers had been informed of their duty to be consistent and thorough when completing official documents, particularly regarding the correct marking of corrections, consistent*

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39 When reviewing detention (8 to 9 June 2015, start of procedure at 17:40 and detention ordered from 22:35 to 15:00 on the basis of paragraph one of Article 64 of the Police Tasks And Powers Act), it was discovered that the police officer had failed to record on the form, 'Implementation of tasks during detention/custody – official note' under section, 'Tasks during detention/custody for the time from 18:15 on 8 June 2015 to 1:40 on 9 June 2015', in which room the detained person had been accommodated at PS Kranjska Gora (PS has not used detention rooms since 2009) or what was happening to the detainee during that time.

When reviewing detention (5 to 6 December 2014, start of procedure and detention ordered from 15:40 to 17:45 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was discovered that the police officer had failed to record on the form, 'Implementation of tasks during detention/custody – official note' under section, 'Tasks during detention/custody between 15:40 and 17:55', in which room the detained person had been accommodated at PS Kranjska Gora or what was happening to the detained person during that time.

When reviewing detention (30 to 31 May 2014, detention ordered from 22:50 to 7:50 on the basis of Article 24 of the Road Traffic Rules Act), it was established that only a copy of the detention order was kept in the police archives. While examining the copy of the detention order, it was determined that the police officer had failed to complete the section, 'Police procedure started at \_\_\_\_\_ hours'. The time when the procedure involving the detainee commenced was thus unknown. In the relevant case, it was also determined that the detained person was held at the station for a lengthy period (between 22:50 on 30 May 2014 and 1:00 on 31 May 2014), whereby it was not recorded in which room the person had been accommodated.

40 When reviewing detention (7 May 2016, start of procedure at 2:00 and detention ordered from 2:18 to 9:23 on the basis of Article 24 of the Road Traffic Rules Act), it was established that it was stated on the first page of form, 'Implementation of tasks during detention/custody – official note', that a security search had been conducted at 3:00, although it was written on line ten of the same form under section, 'Tasks during detention/custody', that the security search had been conducted at 3:01, whereby a correction was also made to the last name of the police officer and it was not marked accordingly as to who had made the correction.


41 When reviewing detention (19 to 21 April 2016, start of procedure at 13:10 and detention ordered from 13:15 to 11:00 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was determined when examining the form, 'Decision on the deprivation of liberty and detention', that the procedure with the detained person had commenced at 13:08, not at 13:10 entered in the FIO register.

42 When reviewing detention (10 to 11 June 2016, start of procedure at 22:54 and detention ordered from 23:15 to 8:10 on the basis of Article 24 of the Road Traffic Rules Act), it was established that a police officer had recorded on the form, 'Certificate of seized items from the person in detention/custody' that items had been seized on 10 June 2016 at 23:30. Further examination of the form, 'Implementation of tasks during detention/custody – official note', revealed that another time had been recorded in line ten of the section, 'Tasks during detention/custody', i.e. 11 June 2016 at 00:22.

43 When reviewing detention (5 June 2016, start of procedure and detention ordered from 19:10 to 21:45 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was determined that the old form of the official notice on the deprivation of liberty and detention had been used (which did not contain all rights of detained persons). Furthermore, it was established in the same case that it was not recorded in form, 'Implementation of tasks during detention/custody – official note', under section, 'Tasks during detention/custody', in which room the person had been held during the detention or custody, since it was mentioned above that the police station had not used the detention room for some time. It was also revealed from the same form that the detention had concluded at 21:45, and the person had remained on the PS premises until 22:55, when their sister came to collect them, whereby it was not evident why the person had been collected from the station by their sister. It was also determined that the activities that were entered did not follow each other according to the hours, i.e. the last entry stated "5 June 2016 at 20:40, the official note on the detention is served", although five other entries had been recorded before this one with a later time of implementation.


*recording of all tasks involving the detained person, the use of valid forms, recording of the number of the room in which the person is detained, and consistent provision of data on all detention forms.*

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-  We submitted the same proposals to PS Litija, where we proposed that the room where the person was accommodated during the procedure be recorded correctly in official forms necessary for implementing detention as the room for clients, or to correct the marking of the room into Room no. 1<sup>44</sup>, and to inform police officers to be more thorough when entering data in all forms needed for implementing detention and the FIO register.<sup>45, 46</sup>


*The MNZ replied that immediately after our visit the room had been marked with the number 1, and that police officers would enter it in the form, 'Implementation of tasks during detention/custody – official note', as Room no. 1. The police officers (particularly duty and senior officers) were instructed to be more consistent when entering data in the forms needed for implementing detention.*

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-  We proposed that PS Ljubljana Bežigrad tell police officers to pay more attention when completing forms necessary for implementing detention, and that the management of the station eliminate or destroy all old and legally invalid forms. Duty officers and senior officers responsible for supervising detention procedures must be more thorough when entering data in the FIO computer register<sup>47</sup> and when entering possible corrections of data in official documents.<sup>48</sup>

*The MNZ replied that in the relevant case, the police officers were told to pay more attention to accuracy when completing documentation, entering data in the record of persons deprived of their liberty, the correct use of applicable forms, and correct entry of possible corrections on forms; incorrect entries had been corrected.*

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-  We also proposed to PS Ljubljana Šiška that police officers be informed of how to correctly enter corrections in documents necessary for implementing detention, and to provide more concrete explanations of the alleged violation and thus related detention in the form, 'Detention order' under the section, 'Explanation of grounds – description of violation'.<sup>49</sup>

*The MNZ replied that police officers would be informed about correctly entering corrections and asked to be more thorough when completing forms for implementing detention and when entering data in the*

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44 When examining all randomly selected detention cases, it was revealed that police officers mark Room no. 1 on the form, 'Implementation of tasks during detention/custody – official note', although the room was actually marked as the room for clients during our visit.

45 When reviewing detention (16 to 17 March 2016, start of procedure at 18:45 and detention ordered from 19:15 to 5:20 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was established that the police officer who conducted the detention procedure for the relevant person had also filed an official note entitled, 'Number correction of the Detention order and implementation of tasks during detention/custody'. When reviewing the official note, the second paragraph stated that police officers had arrived at the scene of the event at 18:47, i.e. two minutes later (18:45) than the start of the procedure recorded in the Detention order and the FIO register.

46 When reviewing detention (16 to 17 February 2016, start of procedure and detention ordered from 6:30 to 14:00 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was determined when examining the form, 'Implementation of tasks during detention/custody – official note', that the time of the end of detention was 16:00 under section, 'Person was detained/in custody until \_\_\_ hours on \_\_\_', which was two hours later than the time recorded in the FIO register. After inspecting the section, 'Tasks during detention/custody', it was discovered that police officers had handed over the detained person to the investigating judge at 14:00, which was actually the time when the detention had ended. After the completed procedure by the investigating judge, the person was handed over to judicial police officers of Ljubljana Prison at 16:00 for detention.

47 When reviewing detention (7 May 2016, start of procedure at 19:19 and detention ordered from 19:20 to 22:19 on the basis of paragraph one of Article 64 of the Police Tasks And Powers Act), it was determined that the time when the procedure started was 19:15 in the Detention order, not 19:19 as recorded in the FIO computer register. It was also established that an old form, 'Implementation of tasks during detention/custody – official note', was used in the detention procedure, the legal basis for a security search arising from the Police Act. Furthermore, the section, 'Person was detained/in custody until \_\_\_ hours on \_\_\_', had not been completed on the above form. During detention, items were seized from the detained person with the form, 'Certificate of seized items from the person in detention/custody', but it was not evident from the form at what time the items had been returned, and the section, 'Completed under sequential number \_\_\_', was also not completed.

48 When reviewing detention (28 to 29 February 2016, start of procedure at 9:55 and detention ordered from 10:20 to 18:30 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was established that data on the form, 'Implementation of tasks during detention/custody – official note' under section, 'According to the provisions of Article 66/3 of the ZNPPol, a security search was implemented on \_\_\_ at \_\_\_ hours conducted by police officer \_\_\_ from police unit \_\_\_', had been corrected with correction fluid. Although, a police officer had marked the correction with his signature, we believe that such implementation of corrections is incorrect.

49 When reviewing detention (6 February 2016, start of procedure at 01:30 and detention ordered from 2:00 to 10:00 on the basis of paragraph two of Article 24 of the Road Traffic Rules Act), it was established that the police officer completing the form, 'Detention order', corrected the time when the detention order was served to the detained person from 2:35 into 2:25, whereby the name of the person who had made the correction had been omitted. When examining the detention order, it was discovered that the section, 'Explanation of grounds – description of violation', had been completed very superficially. The police officer merely recorded "driving under the influence of alcohol, with the value of measured alcohol level in brackets". In the same case, it was also determined that several corrections had been made to the data recorded on the form, 'Implementation of tasks during detention/custody – official note', under the section, 'Tasks during detention/custody', whereby it was not recorded who had made the corrections.

*record of persons deprived of their liberty. According to the MNZ, the provision of reasons for detention was suitable in the detention order of the concrete case, since it summarised the legal bases for the detention, and a detailed description of circumstances of committing the offence was evident from the accusatory instrument.*

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We proposed to PS Ljubljana Vič that police officers be more thorough when completing the forms necessary for implementing detention, that they be informed about the possibility of legal aid provided by the PIC – Legal-Informational Centre for NGOs when processing aliens, and to record on the form, 'Implementation of tasks during detention/custody – official note', under the section, 'Tasks during detention/custody' that the person concerned had been informed about the aforementioned possibility of legal aid.<sup>50</sup>

*The MNZ replied that police officers inform aliens in return procedures about the right to legal aid provided by NGOs. Police units also have brochures on procedures for returning aliens (which are translated into nine languages; they would be translated into 17 languages in 2017), which police officers hand out to aliens. A decision on return is issued to an alien in the return procedure, which also includes legal instructions on the right to free legal assistance as per paragraph three of Article 64 of the Aliens Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 45/14 – official consolidated text, 90/14, 19/15 and 47/15 – ZZSDT), which is why the MNZ believed that additional recording of the aforementioned in the official note on the implementation of tasks during detention/custody was unnecessary and would be an additional administrative burden for police officers.*

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When visiting PS Maribor I, we discovered an order displayed on the notice board in front of the station which contained personal data and which had also expired. We proposed that the order be removed.

*The MNZ communicated that the order had been removed.*

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Furthermore, we proposed to PS Maribor I that police officers be more thorough when completing forms necessary for implementing detention, and the correct procedure for entering corrections in official forms.<sup>51</sup> We also pointed out that duty officers and senior officers responsible for supervising detention procedures must be more thorough when entering data in the FIO register,<sup>52</sup> and that duty police officers also record data on water provided or offered on the form, 'Implementation of tasks during detention/custody – official note', in cases of short detention.<sup>53</sup>

*The MNZ replied that police officers had been informed about the need to pay more attention to thoroughness and correct marking of corrections. Duty officers and senior officers must be more thorough when entering data in the register of persons deprived of liberty, and of the fact that data on offering or providing water must also be entered in the form, 'Implementation of tasks during detention/custody – official note'.*


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<sup>50</sup> When reviewing detention (16 to 17 November 2016, start of procedure at 23:30 and detention ordered from 23:50 to 10:45 on the basis of paragraph two of Article 110 of the Minor Offences Act), it was discovered that the section, 'Person was detained/in custody until \_\_\_ hours on \_\_\_' had not been completed on the form, 'Implementation of tasks during detention/custody – official note'. It was also established that no entry had been made under the section, 'Tasks during detention/custody', between 00:15 and 2:30 as to what was happening to the detained person. To this finding, the discussion partner explained that another procedure had simultaneously been underway involving the detained person, i.e. a procedure as per the Aliens Act due to unregulated status or residence. On the basis of the clarification, we conducted a detailed examination of this case. When examining the documentation, it was established that it was not recorded in any document that the detained person had been familiarised with the possibility of obtaining legal aid from the PIC – Legal-Informational Centre for NGOs, despite the fact that a procedure as per the Aliens Act was being conducted against the person due to their unregulated residence status.

<sup>51</sup> When reviewing detention (23 January 2016, start of procedure at 1:53 and detention ordered from 1:55 to 8:05 on the basis of paragraph one of Article 64 of the Police Tasks And Powers Act), it was determined that an incorrect time, "12:00", had been entered in line six under section, 'Tasks during detention/custody', on the form, 'Implementation of tasks during detention/custody – official note', since the correct time was "2:00". In line 15 under section, 'Police officer' of the same form, a correction had been made, i.e. the surname of one police officer had been crossed out and the surname of another written, whereby the name of the officer who made the correction was not recorded.


<sup>52</sup> When reviewing detention (3 to 4 February 2016, start of procedure at 18:15 and detention ordered from 18:25 to 5:10 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was revealed when examining an extract from the FIO register and later when inspecting the computer record that the first date had been entered incorrectly, i.e. "3 February 2015", whereas the correct date was "3 February 2016". Following the above finding, the extract from the FIO register was further examined and it was established that the date (year 2015) had been entered incorrectly in another case, i.e. as "20 February 2015", although the correct date was "20 February 2016".

<sup>53</sup> When examining documentation on detentions, it was determined that in cases of short detentions and thus related use of rooms for shorter detention where no running water is available, it was not recorded on the form, 'Implementation of tasks during detention/custody – official note', that a detained person had been offered or given water.

 We proposed to PS Maribor II that officers (particularly duty officers) be more thorough when entering data and corrections in forms and the FIO register.<sup>54, 55, 56</sup>


*The MNZ replied that officers had been reminded that all data must be entered in forms thoroughly. They were also reminded of the correct procedure for entering corrections in official forms and the FIO register.*

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 We proposed to PS Novo mesto that police officers be informed of the correct entering of corrections in official forms, and that the station conducting the procedure provide for all documents regarding detention to be in the archives,<sup>57</sup> and that police officers correctly enter corrections in official forms.<sup>58</sup>

*The MNZ replied that police officers had been reminded to be more thorough when completing forms regarding detention (consistent recording of activities involving a detained person and accurate time of implementation, correct entry of corrections, thorough completion of documents and entry of data in the record of persons deprived of liberty, the use of valid forms, recording of the location of detention, consistent seizure of items suitable for assault or self-harm).*

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 We proposed to PS Ormož that police officers be more thorough when completing the forms necessary for implementing detention, and that all sections of a form must be complete.<sup>59, 60</sup>

*The MNZ responded that police officers had been told to be more thorough when completing forms and consistent when completing all sections. Also, in November 2016, the PS would implement additional training on police detention where police officers would be thoroughly familiarised with our findings.*

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54 At the time of our visit, a person brought to the relevant PS on the basis of an arrest warrant issued by Maribor Local Court (the warrant was valid between 29 March and 13 May 2016 between 9:00 and 12:00), and of whom the duty police officer said they had been brought to the PS some 25 to 30 minutes before our arrival at the station, which was 10:55, was detained in a room marked as an interview room which is used at the station to temporarily accommodate detained persons. We interviewed the person, who had not mentioned any inappropriate conduct by police officers. It was also established that police officers had completed the form, 'Official note on the arrest', regarding the above arrest. When examining the above form, it was determined that police officers had entered the time of arrest, but not the time when the person had been brought to the PS.

55 When reviewing detention (5 February 2016, start of procedure at 20:45 and detention ordered from 20:46 to 22:15 on the basis of Article 24 of the Road Traffic Rules Act), it was established that corrections of times had been made in lines two and four in section, 'Tasks during detention/custody', on the form, 'Implementation of tasks during detention/custody', whereby it was not recorded who had made the corrections.

56 When reviewing detention (3 March 2016, start of procedure at 12:40 and detention ordered from 12:45 to 17:15 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was determined when examining the form, 'Implementation of tasks during detention/custody – official note', that where the person was detained at the PS (e.g. interview room, office etc.) had not been recorded in the section, 'Tasks during detention/custody'. Whether a security search of the detained person had been conducted when they were brought to the PS had also not been recorded, although it was later stated that they were enabled to smoke. When inspecting the relevant detention case, it was also determined that the time when the procedure had started, "12:40", had not been recorded in any of the official documents necessary for implementing detention, as was recorded or entered in the FIO register. The correct time of the start of procedure and the ordered detention was clearly "12:45".

57 When reviewing detention (15 to 16 September 2016, start of procedure at 17:35 and detention ordered from 17:35 to 19:00 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was established that the procedure involving the detained person had already started at PS Metlika (detention ordered). It was also determined that the date had been corrected on the form, 'Implementation of tasks during detention/custody – official note', under the section, 'Medical assistance and care', whereby it was not recorded by whom the correction had been made. At the time of our visit, the station also did not have the form, 'Certificate of seized items from the person in detention/custody', and it was not recorded on the form, 'Implementation of tasks during detention/custody – official note', that items had been seized from the detained person during the detention, and it is difficult to believe that no items actually had been seized.

58 When reviewing detention (29 August 2016, start of procedure at 11:45 and detention ordered from 11:55 to 20:26 on the basis of Article 24 of the Road Traffic Rules Act), it was determined that a correction had been made under the section, 'Tasks during detention/custody', on the form, 'Implementation of tasks during detention/custody – official note'; however, the person making the correction was not recorded.

59 When reviewing detention (14 February 2016, start of procedure and detention ordered from 8:00 to 15:45 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was discovered that no sections had been completed under, 'Reasons for suspension of detention/custody', on the form, 'Implementation of tasks during detention/custody – official note'. It was determined that the reason for suspending the detention had also not been recorded in the section, 'Tasks during detention/custody', or the last entry in that section had been made on 14 February 2016 at 14:20, i.e. "walk outside".

60 When reviewing detention (8 April 2016, start of procedure at 12:30 and detention ordered from 12:40 to 19:43 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was determined when examining the form, 'Implementation of tasks during detention/custody – official note', that the time of completed detention had been corrected in the section, 'Person was detained/in custody until \_\_\_ hours on \_\_\_', whereby it was not recorded who had made the correction. Furthermore, it was determined in the same case that it was stated in the 'Certificate of seized items from the person in detention/custody' that the items had been seized at 12:40, while it was recorded in line three of the section, 'Tasks during detention/custody' of the form, 'Implementation of tasks during detention/custody – official note' that the items had been seized from the detained person at 12:42.



We proposed to PS Ptuj that police officers be reminded to observe the legally determined deadline by which the official document on detention must be delivered to the detained person,<sup>61</sup> and that they be more thorough and consistent when completing forms necessary for implementing detention, particularly to correct corrections appropriately<sup>62</sup>.

*The MNZ responded that a conversation was held with the relevant police officer regarding the legally determined deadline for delivering the detention order to the detained person, while other police officers were reminded to be more thorough when completing official forms, particularly to the correct marking of corrections in documents. The MNZ also added that the irregularities established regarding the detention of persons and other findings from our report were presented to the officers of the relevant police station at a working meeting in September 2016.*

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We proposed to PS Radovljica that police officers be more thorough or consistent when completing forms necessary for implementing detention,<sup>63</sup> and to be informed about correctly recording corrections on official forms.<sup>64, 65</sup>

*The MNZ responded that all police officers had been reminded to consistently and accurately complete forms regarding detention (accurate recording of all activities involving the detained person, provision of data on the room in which the person was detained, thorough recording of times of individual activities, correct marking of corrections etc.). The police officers were also informed about the need to thoroughly explain the grounds for the deprivation of liberty and detention in the Decision on the deprivation of liberty and detention.*

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Similarly, we also proposed to PS Ravne na Koroškem that police officers be more thorough and consistent when completing the forms necessary for implementing detention and the correct procedure for entering corrections in official documents.<sup>66</sup>


*The MNZ communicated that the management of this station had reminded officers at a working meeting on 12 April 2016 to be more thorough and consistent when completing forms and to correctly record corrections.*

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- 61 When reviewing detention (5 June 2016, start of procedure at 12:55 and detention ordered from 13:10 to 22:15 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was established that the form, 'Detention order', had been handed to the detained person at 16:30, i.e. 35 minutes later than legally prescribed (3-hour deadline).
- 62 When reviewing detention (5 February 2016, start of procedure at 19:45 and detention ordered from 19:51 to 21:15 on the basis of paragraph two of Article 110 of the Minor Offences Act), it was determined when examining the form, 'Implementation of tasks during detention/custody – official note', that the time of completed detention had been corrected in the section, 'Person was detained/in custody until \_\_\_ hours on \_\_\_', whereby it was not recorded by whom the correction had been made. It was not recorded in the section, 'Tasks during detention/custody', in which room at the PS the detained person was accommodated (e.g. interview room, detention room etc.).
- 63 When reviewing detention (9 January 2016, start of procedure at 00:02 and detention ordered from 00:10 to 11:00 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was discovered that the date of the completed detention was incorrect on the form, 'Implementation of tasks during detention/custody – official note', i.e. 9 January 2015, whereas the correct date was 9 January 2016. When examining the form, 'Certificate of seized items from the person in detention/custody', it was determined that an incorrect date of seizure had been recorded, i.e. 9 January 2015, whereas the correct date was 9 January 2016.
- 64 When reviewing detention (29 to 30 June 2015, start of procedure at 19:45 and detention ordered from 22:10 to 7:45 on the basis of Article 24 of the Road Traffic Rules Act), it was determined when examining the form, 'Implementation of tasks during detention/custody – official note', that correction fluid had been used in lines one and two under the section, 'Tasks during detention/custody'.
- 65 When reviewing detention (8 to 9 June 2016, start of procedure at 1:25 and detention ordered from 1:30 to 16:15 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was determined when examining the form, 'Decision on the deprivation of liberty and detention', that the date of the start of procedure was incorrect, i.e. 8 August 2015, whereas the correct date was 8 June 2016. It was further determined when examining the explanation or reasons for the deprivation of liberty that the reasons were explained superficially. The police officer drafting the 'Decision on the deprivation of liberty and detention' merely provided data on the suspicion of criminal offences which the relevant person supposedly committed in February 2016, but he failed to provide any data regarding the deprivation of liberty as of 8 June 2016 and measures thereof. When examining the form, 'Implementation of tasks during detention/custody – official note', it was also discovered that the section, 'Tasks during detention/custody', had been completed vaguely during the procedure, i.e.:
- it was not clear the police officers of which PS took the detained person after the person was apprehended at Obrežje Border Police Station – the police officers of PS Radovljica or PS Jesenice;
  - it was not clearly stated at which police station the detained person was interviewed – PS Radovljica or PS Jesenice or both;
  - the first four lines on the form (apprehension of the person at Obrežje Border Police Station) were written by computer, whereas the date of the deprivation of liberty was corrected by hand, i.e. from 7 June 2016 to 8 June 2016, whereby who made these corrections was not recorded.
- 66 When reviewing detention (13 to 14 February 2016, start of procedure and detention ordered from 3:50 to 18:37 on the basis of Article 157 of the Criminal Procedure Act), it was determined that a correction had been made in the section, 'Person was detained/in custody until \_\_\_ hours on \_\_\_', on the form, 'Implementation of tasks during detention/custody – official note'; whereby it was not recorded who had made the correction.
- When reviewing detention (26 September 2015, start of procedure at 00:25 and detention ordered from 00:35 to 8:50 on the basis of Article 24 of the Road Traffic Rules Act), it was established that two different times of seizure of items from the detained person had been recorded. The time entered under the section, 'Tasks during detention/custody', in the form, 'Implementation of tasks during detention/custody – official note' was 26 September 2015 at 01:15, while the time recorded on the form, 'Certificate of seized items from the person in detention/custody' was 26 September 2015 at 01:14.

 We proposed to PS Sevnica that the police officer who conducted the relevant procedure be reminded to be thorough (accurately record times of individual activities – serving and other tasks involving the detained person), consistent and particularly legible when completing forms necessary for implementing detention;<sup>67</sup> that the station make sure that police officers always use only updated forms necessary for implementing detention; that officers be reminded of the correct method of entering possible corrections in official forms,<sup>68</sup> and to inform officers of the need to be thorough when entering all tasks involving the detained person.<sup>69</sup>

*The MNZ replied that 1) the relevant police officer had not had the correct form with him when attending the scene (Detention order and Implementation of tasks during detention/custody – official note) so he used the available form, 'Official note on arrest – JRM-3', i.e. sheet-3, which contains a similar table for entering tasks, whereby he did not complete the Official note on the arrest, but immediately copied the data from the sheet-3 to the correct form at the police station; he did not destroy the sheet-3, but inserted it in the file, about which he was warned accordingly; 2) certain police stations of Novo mesto Police Directorate were informed in writing on 7 April 2016 about the use of unsuitable old forms KRIM-10, since these deficiencies were also noticed by Novo mesto Police Directorate, and 3) all police officers were informed of the established deficiencies and errors at a working meeting of PS Sevnica on 7 June 2016 and during the theoretical part of training for exercising powers with practical procedures and self-defence. Furthermore, the management of the unit examined and handed over all invalid forms.*

 We proposed to PS Slovenska Bistrica that police officers be more thorough or consistent when completing the forms necessary for implementing detention and pay attention to the correct procedure for entering corrections in official forms. Duty police officers at PS Ptuj must be informed to also provide data in the section, 'Tasks during detention/custody', about the detention room in which detention is implemented regarding a certain detained person in the future,<sup>70</sup> and duty police officers at PS Maribor I must be informed of the need to provide information about the detention room in which a person is held (PS Maribor has several detention rooms).<sup>71</sup>

*The MNZ stated that all police officers had been reminded to be thorough and consistent when completing forms, to correctly mark corrections and to make a note of room a person is detained.*

67 When reviewing detention (31 March to 1 April 2016, start of procedure at 20:07 and detention ordered from 20:10 to 6:30 on the basis of paragraph two of Article 109 of the Minor Offences Act; location of detention: PS Krško), it was determined that the first part of the form, 'Implementation of tasks during detention/custody – official note', had been completed illegibly (data on times and tasks during detention were not fully readable). When inspecting the file, it was also established that the form, 'Official note on the arrest', was completed first, and the correct form only later, 'Implementation of tasks during detention/custody – official note', whereby the entries in the first five lines of the forms where tasks were recorded were not identical. When examining the detention order, it was also discovered that it was illegible, but we nevertheless managed to discern that it was supposedly served to the detained person at 22:05. When comparing this data with the review of the tasks, it was established that when the detention order was supposedly served to the detained person various procedures had taken place simultaneously involving the person, i.e. removal of instruments of constraint and mechanical restraint, a security search and the serving of the Certificate of seized items from the person in detention/custody, as recorded in the section of the form, 'Tasks during detention/custody'.

68 When reviewing detention (31 March to 2 April 2016, start of procedure at 17:40 and detention ordered from 17:45 to 10:31 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was determined that the old form of the 'Decision on the deprivation of liberty and detention' had been used in the detention procedure, which did not contain the rights of which police officers must inform the detained person. Furthermore, it was stated in the decision that the person was detained at PS Sevnica, which was not correct, since PS Sevnica does not have detention rooms, as noted above. It was also established that corrections had been made to the form, 'Implementation of tasks during detention/custody – official note', whereby it was not recorded who made the corrections.

69 When reviewing the detention (5 June 2015, start of procedure at 1:30 and detention ordered from 1:35 to 9:25 on the basis of Article 24 of the Road Traffic Rules Act), it was established that it was not evident from, or recorded in, the form, 'Implementation of tasks during detention/custody – official note', what was happening to the detained person between 1:35 and 3:05, when they were transferred to PS Krško, where the detention took place. When inspecting the detention order, it was determined that it had been served to the detained person at 2:30. As stated above, it was not evident from the tasks during detention/custody where the detainee was or what was happening to them at the time of the service (was the person at the scene of the event, at PS Sevnica, or being transported to PS Krško).

70 When reviewing detention (19 to 20 March 2016, start of procedure at 20:40 and detention ordered from 20:45 to 9:25 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was determined that the date had been corrected from 21 March 2016 to 20 March 2016 on the form 'Implementation of tasks during detention/custody – official note' in the section of the form referring to a security search, 'According to the provisions of Article 66/3 of the ZNPPol, a security search was implemented on \_\_\_\_ at \_\_\_\_ hours conducted by police officer \_\_\_\_ from police unit \_\_\_\_', whereby it was not recorded who had made the correction. It was also determined from the section, 'Tasks during detention/custody', that detention had been implemented for the relevant person at PS Ptuj, whereby it was not recorded in which detention room the person had been accommodated, since PS Ptuj has several detention rooms.

71 In the same case, it was also determined when examining the forms, 'Implementation of tasks during detention/custody – official note' and 'Certificate of seized items from the person in detention/custody' (the form bore the stamp of PS Maribor I, where the detention actually took place):

- line five of the section, 'Tasks during detention/custody' of the first form stated that the detained person had been "put in the detention space in the police vehicle" on 21 July 2015 at 00:50. It was evident from the second form that items had been seized from the detained person (21 July 2015 at 00:50);
- it was also not evident from the second form in which detention room the detention had actually taken place at PS Maribor I.



We proposed to PS Slovenske Konjice that police officers be informed about correctly entering corrections in documents necessary for implementing detention;<sup>72</sup> that police officers regularly observe changes to the forms necessary for implementing detention, particularly in the case of amendments to legal bases, and that the police station management ensure that all police officers destroy old and invalid forms,<sup>73</sup> and that police officers consistently record all tasks involving a detained person during detention (e.g. interviewing, forensic research, etc.).<sup>74</sup>

*The MNZ replied that all police officers had been reminded about correctly entering corrections in detention documents, the use of valid forms and destruction of old forms, and the consistent recording of all tasks involving detainees.*



We proposed to PS Šentjernej that the management of the police station inform its police officers that the time of the start of procedure and of ordering detention must be harmonised in the FIO register and on official forms necessary for implementing detention (in this case in the form, 'Detention order'), and that police officers be thorough when completing the forms necessary for implementing detention, particularly the need to record all tasks involving the detainee (e.g. use of coercive measures, transport to the central PS or PS where detention would be implemented, seizure of items from the detainee etc.).<sup>75</sup>

*The MNZ stated that, in spite of the proposal, the management of the relevant PS thought that additional entry of data on the use of coercive measures in the 'Implementation of tasks during detention/custody – official note' would unduly increase the administrative burden of police officers, since they already enter this information in a special official note on the basis of Article 131 of the Police Tasks And Powers Act. The police officers were reminded to be more thorough when completing forms regarding detention (consistent recording of activities involving a detained person and accurate time of implementation, correct entry of corrections, thorough completion of documents and entry of data in the record of persons deprived of liberty, the use of valid forms, recording of the location of detention, consistent seizure of items suitable for assault or self-harm).*



We proposed to PS Šentjur pri Celju that duty officers be more thorough when recording tasks involving a detained person during the detention procedure;<sup>76</sup> that police officers correctly enter corrections in official forms necessary for implementing detention,<sup>77</sup> and that police officers pay attention to the replacement of forms and thus related use of valid (new) forms necessary for implementing detention.<sup>78</sup>

72 When reviewing detention (4 November 2016, start of procedure at 14:35 and detention ordered from 14:48 to 23:45 on the basis of Article 24 of the Road Traffic Rules Act), it was determined that corrections to times had been made under the section, 'Tasks during detention/custody', in form, 'Implementation of tasks during detention/custody – official note'; however, it was not recorded who had done the corrections. It was also established that a correction to the date had been made, but who had made the correction was not recorded.

73 When reviewing detention (4 to 5 August 2016, start of procedure and detention ordered from 11:40 to 12:30 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was determined when inspecting the form, 'Implementation of tasks during detention/custody – official note', that the police officer had used an old (invalid) form where "Articles 38 and 41 of the ZPol", i.e. the Police Act, were given as legal basis for implementing a security search of the detainee.

74 There were no entries in the section, 'Tasks during detention/custody' between 13:50 and 20:30 on 4 November 2016 about what was happening to the detained person or where they were during the relevant time.

75 When reviewing detention (12 to 13 September 2016, start of procedure at 22:44 and detention ordered from 22:45 to 9:05 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was determined that the time of the start of the procedure and that of ordering detention was the same in the Detention order, i.e. 22:45, not 22:44 as recorded in the FIO register. Regarding these findings, the deputy commander explained that he had corrected the time when the procedure started to 22:44 in the FIO register at a later time because the system was reporting an error when he was entering data.

In the same case, it was also determined that the police officer had used coercive measures on the detainee (instruments of constraint and mechanical restraint); however, this task had not been recorded in the section, 'Tasks during detention/custody', of the form, 'Implementation of tasks during detention/custody – official note'.

When reviewing detention (27 March 2016, start of procedure at 14:28 and detention ordered from 14:40 to 22:35 on the basis of Article 24 of the Road Traffic Rules Act), it was established that the section, 'Tasks during detention/custody', of the form, 'Implementation of tasks during detention/custody – official note' had not been completed properly, since it was not clear at which PS the detention actually took place, and it was also not recorded that coercive measures had been used against the person or that items had been seized from the detainee etc.


76 When examining the form, 'Implementation of tasks during detention/custody – official note', it was established in section, 'Tasks during detention/custody', that tasks involving the detained person had been recorded superficially, or it was only stated that "they drank water" between 22:10 of 12 March 2016 and 4:20 of 13 March 2016, whereby it was not stated where the person was during that time (e.g. at the scene of the event, at a PS, at which PS etc.).

77 When reviewing detention (5 to 6 May 2016, start of procedure at 22:43 and detention ordered from 23:00 to 8:40 on the basis of Article 24 of the Road Traffic Rules Act), it was determined that a correction of time had been made in line one under the section, 'Tasks during detention/custody', in the form, 'Implementation of tasks during detention/custody – official note'; however, it was not recorded who had made the correction.

78 When reviewing detention (14 March 2016, start of procedure at 4:50 and detention ordered from 5:10 to 13:10 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was established that an old form, 'Implementation of tasks during detention/custody – official note', had been used in the detention procedure, which did not include a section on security searches as per paragraph three of Article 66 of the Police Tasks And Powers Act.


*The MNZ replied that police officers had been informed of their duty to be consistent and thorough when completing official documents, particularly regarding the correct marking of corrections, consistent recording of all tasks involving detainees, the use of valid forms, recording of the number of the room in which a person is detained, and consistent provision of data on all detention forms.*

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-  We proposed to PS Škofja Loka that police officers be more thorough when completing forms necessary for implementing detention;<sup>79</sup> that police officers be informed of the correct methods of implementing corrections in official documents or not to implement these with correction fluid;<sup>80</sup> to ask police officers (particularly duty officers and senior officers who supervise detention procedures) to be more thorough when entering data in the FIO computer register, and to correctly amend data on ordering detention for the relevant person in the computer record or to harmonise this data accordingly in the detention order and the FIO computer register of detentions.<sup>81</sup>


*The MNZ replied that all police units had been advised to be more thorough when completing documents and to correctly mark corrections. Duty officers and responsible senior officers were asked to be more thorough when entering data in the record of persons deprived of liberty.*

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-  We proposed to PS Tolmin that police officers be more thorough when providing data about what is happening to detainees during the detention procedure (e.g. in which detention room the person is held), and that police officers always observe the legally prescribed time (three hours) intended for serving the detention order.<sup>82</sup> Duty officers and senior officers responsible for supervising detention procedures must be more thorough when entering data in the FIO register, and the data on the forms and the FIO register must be harmonised.<sup>83</sup>

*The MNZ responded that the police officers involved in the relevant detention case had been told to be more thorough when recording or writing down data (what is happening to the detained person during detention, and particularly the observance of the legally stipulated time (three hours) for serving a detention order). The police officers had harmonised the data in the records and were asked to be more thorough when entering data on the detention decision and in the record of persons deprived of liberty.*

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-  We proposed to PS Trbovlje that police officers be informed of how to correctly enter corrections in official forms.<sup>84</sup>

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79 When reviewing detention (11 October 2015, start of procedure at 1:50 and detention ordered from 1:55 to 12:00 on the basis of paragraph two of Article 109 of the Minor Offences Act (ZP-1)), it was determined when examining the 'Certificate of seized items from the person in detention/custody' that the temporarily seized items had been returned to the detained person at 11:30, although the detention ended later, i.e. at 12:00. It was also discovered that the police officer had written "does not sign anything, does not provide grounds" under section, 'Comments', while it was evident that the detained person had actually signed their name under both sections, 'Items submitted by' and 'Items received by', which is why the aforementioned entry by the police officer seems unclear or at least insufficient, since he would have recorded this accordingly under 'Comments' if the detained person had decided to provide their signature at a later time.

80 When reviewing detention (15 to 16 May 2015, start of procedure at 17:30 and detention ordered from 17:45 to 4:30 on the basis of paragraph two of Article 24 of the Road Traffic Rules Act), it was determined when examining the form, 'Implementation of tasks during detention/custody – official note', that correction fluid had been used to correct the time when the detention ended.

81 When reviewing detention (ordered by police officers of PS Tržič; 11 to 12 January 2016, start of procedure at 21:02 and detention ordered from 21:05 to 8:35 on the basis of paragraph two of Article 110 of the Minor Offences Act (ZP-1)), it was established when examining the detention order that the time when detention was ordered on this form was recorded as 11 January 2016 at 23:00, not 11 January 2016 at 21:05, as recorded in the FIO computer register.

82 When reviewing detention (22 July 2015, start of procedure at 1:20 and detention ordered from 1:30 to 10:20 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was determined that it was not evident from the form, 'Implementation of tasks during detention/custody – official note', how the person had been brought to the PS or in which detention room they had been held. When examining the detention order, it was also established that the order had been served to the detained person as late as at 7:15, which was substantially later than the legally prescribed period (which is three hours). However, an official note had been attached to the file from which it was evident that the detained person had no documents at the start of the procedure from which their identity could have been established, and they also refused to provide their personal data until 7:40.

83 When reviewing detention (23 to 24 July 2015, start of procedure at 23:07 and detention ordered from 23:55 to 14:35 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was determined when examining the form, 'Decision on the deprivation of liberty and detention', that the time of the start of procedure and of ordering the detention was the same, i.e. 23:55, not 23:07, as clearly recorded incorrectly in the FIO register.

84 When reviewing detention (30 to 31 March 2016, start of procedure at 22:00 and detention ordered from 22:25 to 7:00 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was established that correction fluid had been used in four lines of the section, 'Upon arrest', on the form, 'Certificate of seized items from the person in detention/custody'.

When reviewing detention (29 August 2016, start of procedure at 11:45 and detention ordered from 11:55 to 20:26 on the basis of Article 24 of the Road Traffic Rules Act), it was determined that a correction had been made under the section, 'Tasks during detention/custody', on the form, 'Implementation of tasks during detention/custody – official note'; however, who had made the correction was not recorded.



*The MNZ replied that all police officers had been informed of the correct method of entering corrections in the forms at a working meeting.*

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We proposed to PS Trebnje that police officers be more thorough when completing forms necessary for implementing detention, i.e. particularly regarding the uniform recording of the times of the same tasks on various forms (e.g. seizure of items from detained persons etc.).<sup>85</sup>

*The MNZ replied that police officers had been reminded to be more thorough when completing forms regarding detention (consistent recording of activities involving a detained person and accurate time of implementation, correct entry of corrections, thorough completion of documents and entry of data in the record of persons deprived of liberty, the use of valid forms, recording of the location of detention, consistent seizure of items suitable for assault or self-harm).*

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We proposed to PS Tržič that police officers be informed of the correct method of entering corrections in official documents,<sup>86</sup> and that police officers (particularly duty officers) be more thorough when completing forms necessary for implementing detention.<sup>87</sup>

*The MNZ replied that police officers had been reminded of the correct entering of corrections in forms necessary for implementing detention, and duty police officers were asked to be more thorough when completing the forms.*

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We proposed to PS Vrhnika that police officers be reminded of the correct method of entering corrections in documents necessary for implementing detention,<sup>88</sup> and that police officers be informed that tasks involving a detainee after a completed detention (e.g. transport to remand or transport to a border

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85 When reviewing detention (22 to 23 April 2016, start of procedure and detention ordered from 6:30 to 9:00 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was established that the police officer had failed to complete the section, 'Completed under sequential number \_\_\_', on the form, 'Certificate of seized items from the person in detention/custody'. It was also determined that the police officer had failed to complete the section, 'Person was detained/in custody until \_\_\_ hours on \_\_\_', and no item under the section, 'Reasons for suspension of detention/custody', on the form, 'Implementation of tasks during detention/custody – official note'.

On the form, 'Certificate of seized items from the person in detention/custody', it was determined that the recorded time of seizure of items was 10:00, while it was stated in the section, 'Tasks during detention/custody', of the form, 'Implementation of tasks during detention/custody – official note', that in addition to other tasks the person's items had been seized at 9:00.

When reviewing detention (20 to 21 May 2016, start of procedure at 13:40 and detention ordered from 12:42 to 1:00 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was determined while examining the documentation of the case that different times had been recorded in various sections of forms for the same task, i.e.:

- in the section on the first page of the form, 'Implementation of tasks during detention/custody – official note', it was recorded that a security search as per Article 66(3) of the Police Tasks And Powers Act had been conducted on 20 May 2016 at 13:50, and in the section, 'Tasks during detention/custody', it was stated that the security search had been done at 14:00;

- it was also discovered on the form, 'Certificate of seized items from the person in detention/custody', that items had been seized from the detained person at 14:10, whereby it was evident from the documentation that the items had been seized at 13:50 (line four of the 'Tasks during detention/custody'), which was the time when the security search was supposedly being conducted.

When reviewing detention (11 to 12 February 2016, start of procedure at 11:26 and detention ordered from 17:45 to 3:10 on the basis of indent four of paragraph one of Article 64 of the Police Tasks And Powers Act), it was established when inspecting the case that five aliens were being processed together with the aforementioned person. In the case of all six detentions, the police officer(s) used the form, 'Official note on the arrest', on which data, "arrested on the basis of Article 110/1 of the ZP/1" was provided (encircled) as the legal basis, although the detained persons were not brought before the court, but accommodated at the Aliens Centre in Postojna on the basis of a decision. We believe that in the above detention case, it would have been correct if the police officers had used the standard form, 'Implementation of tasks during detention/custody – official note', in the procedure.

86 When reviewing detention (20 August 2016, start of procedure at 7:15 and detention ordered from 7:20 to 14:45 on the basis of paragraph two of Article 109 of the Minor Offences Act), it was established that the time when the detention order was served had been corrected (it was not clear from the entry whether it was 7:30 or 7:50), whereby it was not evident who had made the correction.

87 When reviewing detention (24 to 25 August 2014, start of procedure at 19:57 and detention ordered from 20:04 to 4:15 on the basis of Article 24 of the Road Traffic Rules Act), it was determined when examining the form, 'Implementation of tasks during detention/custody – official note', that in the section, 'Tasks during detention/custody', it had not been recorded at which PS and in which detention room the detention was actually implemented.

88 When reviewing detention (27 July 2016, start of procedure at 00:40 and detention ordered from 00:40 to 17:20 on the basis of paragraph two of Article 157 of the Criminal Procedure Act), it was determined when examining the form, 'Implementation of tasks during detention/custody – official note', that the time had been corrected in the section, 'Person was detained/in custody until \_\_\_ hours on \_\_\_', whereby it was not recorded by whom the correction had been made. It was also established that more corrections had been made in the section, 'Tasks during detention/custody', but who had made them was not recorded. Further inspection of the documentation revealed that in the section, 'Tasks during detention/custody', it had been recorded that items had been seized from the detained person at 1:48, while the time of seizure of items stated on the form, 'Certificate of seized items from the person in detention/custody', was 1:46.

crossing like in the relevant case) are no longer recorded in the section, 'Tasks during detention/custody', but on the form, 'Report on the work performed'.<sup>89</sup>

*The MNZ stated that 1) police officers would be reminded of how to correctly enter corrections and told to be more thorough when completing forms for implementing detention and when entering data in the record of persons deprived of liberty, and 2) they agreed that it would be more suitable if tasks involving a detainee after the completed detention (e.g. transport to remand or a border crossing) were to be recorded on a special form; however, in certain cases, measures against a person whose formal status as a detained person ceased would still continue, since these measures were causally related to the detention, and such a practice was assessed as permissible due to a comprehensive overview of the treatment of the detainee.*

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## Some examples of good practice

We particularly commended **PS Brežice** for observing the NPM's previous report and had accordingly marked that room no. 1 was under video surveillance. During our visit, MNZ posters with the rights of detained persons in several languages were on the walls in all detention rooms and a suitably marked collection box (submission of complaints and commendations) was installed at the entrance to the station.

We commended **PS Dravograd** for renovating the detention rooms, which were unusable during our previous visit due to a flood, and for printing new MNZ brochures on the rights of detained persons, which were harmonised with the latest amendments to the ZKP.

When visiting **PS Idrija**, we commended the observance of our previous report, since bed linen, blankets and pillows had been put in both detention rooms. The video surveillance system had been repaired accordingly. A collection box marked 'Complaints, commendations and anonymous letters' had been installed in the hallway near the duty police officer, and a call bell installed in front of the staircase to assist disabled persons when calling the duty officer.

We commended **PS Kranj** for implementing our previous recommendations: the tap had been repaired in detention room no. 1; the intervention vehicle had been aired and suitably cleaned at the time of our visit, and the book of complaints and commendations installed in a visible place before the window of the duty officer.

We commended **PS Kranjska Gora** for observing our previous report. The collection box for anonymous submission of complaints and commendations had been installed at the entrance to the station and a parking space arranged for disabled persons.

We particularly commended **PS Krško** for observing the recommendations from our previous visit, since the room for receiving detainees had been cleaned and no completed forms necessary for implementing detention were found there. The room also had a list of lawyers printed on 14 April 2016 and printed MNZ notifications on the rights of detainees in several languages.

We commended **PS Laško** upon our visit for realising the NPM's recommendation from the previous visit and installing a call bell at the bottom of the staircase leading to the duty officer.

**PS Ljubljana Bežigrad** had also observed proposals from the NPM's previous visit and removed one mattress from each detention room. A collection box marked 'Anonymous submission of complaints and commendations' had been installed on the right side of the entrance to the station, which is commendable.

**PS Ljubljana Šiška** received a commendation for realising the recommendation about the functioning of all light bulbs in the toilets.

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<sup>89</sup> When reviewing detention (28 October 2016, start of procedure at 15:05 and detention ordered from 15:20 to 19:20 on the basis of paragraph two of Article 110 of the Minor Offences Act), it was established that the police officer who conducted the detention procedure with the relevant person had failed to mark on the form for the deprivation of liberty whether it was a detention order or a detention decision. When examining the section, 'Tasks during detention/custody', of the form, 'Implementation of tasks during detention/custody – official note', it was established that the entry in this section continued also after the completion of detention at 17:20, i.e. until 23:10, since police officers had taken the person to Dolga vas border crossing (measure taken by the court). According to NPM, the entries made by police officers after detention had been completed, or after the person had been taken before the judge, were not correct on this form, because the person was no longer detained.

**PS Ljubljana Vič** realised the NPM's previous recommendation and installed switches for regulating artificial light in detention rooms. Access- to the police station and certain toilets had also been adjusted for the disabled. During the visit, we also noticed the NPM brochure in front of the detention rooms, which was particularly commendable.

We especially commended **PP Maribor I** for constructing an additional (separate) entrance for police officers who enter the building through the garage. They no longer have to enter through the entrance intended for bringing in, and accommodating, detainees in relevant premises.

When visiting **PS Novo mesto**, we particularly commended that the NPM's proposals from the previous visit were observed, i.e. to darken part of the video surveillance system so that it would not cover the toilet section in detention room no. 4, and that notifications on the rights of detained persons had been placed in all detention rooms, including the NPM's recommendation from the previous visit that the room for receiving detained persons be equipped with heating.

**PS Ormož** was commended for the cleanliness and good ventilation of detention rooms and the implementation of a previous recommendation according to which the label 'Room no. 5' had been removed from the cabinet for storing seized items.

When visiting **PS Ptuj** we discovered that our previous recommendation had been realised, since the room for receiving detainees was under video surveillance during the visit. A system for regulating artificial light had been installed in the detention rooms; a video surveillance system had been installed in the recreation area, and mattresses replaced in detention rooms. PS Ptuj was thus commended.

**PS Radovljica** was particularly commended during the visit: the interview room was equipped with the new MNZ brochure on the rights of detained persons in several languages, MNZ brochures with information on the asylum procedure in several languages (English, Roma, Arabic, Russian and French), the MNZ poster on the rights of detained persons in several languages and printed copies of the rights of minor detainees; a collection box for anonymous complaints and commendations had been installed at the entrance to the station; access to the duty officer was enabled also for the disabled with the installation of a ramp next to the stairs, and the PS also has a parking space for the disabled.

**PS Ravne na Koroškem** was particularly commended because it had regularly updated the list of lawyers, which was evident from the table attached where the date and the person verifying the data were recorded. The station had also realised the NPM's recommendation from the previous visit and removed some of the chairs in the interview room, which had created a feeling of cluttering.

We particularly commended **PS Sevnica** for video surveillance of the interview room (used also for conversations with lawyers), which is marked accordingly; whereby our recommendation from the previous visit had been realised.





We particularly commended **PS Škofja Loka** for installing a thermometer in the room for receiving detainees, thus realising a recommendation from our previous visit.

**PS Tolmin** received a commendation for realising our recommendations from the previous visit, since it was disposing of bed linen and pillows during this visit, and it had also ensured the installation of a collection box for anonymous complaints and commendations.

**PS Trebnje** received a special commendation because it had realised our previous recommendations, i.e. detention rooms were equipped with a suitable video surveillance system and a collection box for anonymous complaints and commendations had been installed.

**PS Vrhnika** was commended in particular for realising our two recommendations from the previous visit. The room for receiving detained persons had been equipped with a video surveillance system and the room for receiving clients painted, while access to the duty police officer had also been arranged for the disabled.

## 4.7 Visits to prisons

	Total	Adopted	Rejected	Realised	No data
Legenda					
Število priporočil	108	44	8	56	0

### General

In 2016, we visited **7 out of a total of 14 locations** of internal organisational units of the Prison Administration of the Republic of Slovenia of the Ministry of Justice in the form of prisons or their units, i.e. Celje Prison and Juvenile Prison, Dob pri Mirni Prison (where we conducted a control visit), Ljubljana Prison, Nova Gorica Unit of Koper Prison, Maribor Prison, Murska Sobota Unit of Maribor Prison and Rogoza Open Unit of Maribor Prison. **All visits with the exception of the visit to Maribor Prison** (due to the attendance of a representative of the Austrian Ombudsman) **were unannounced**. Furthermore, all visits were implemented in one day, with the exception of visits to Ljubljana Prison and Maribor Prison.

**Representatives of contractual NGOs attended the visits to the above locations. Some visits were also attended by a contractual external expert/physician**, which is evident from the reports on individual visits to institutions and their units. The visits were implemented according to the standard procedure: upon arrival, we first held a **short introductory interview with the management of the prison**, and then divided (in large prisons) into smaller groups (the Ombudsman's representative and at least one representative of a contractual NGO); **we inspected all premises (also auxiliary) and spoke with the staff and with prisoners** who agreed to talk to us. At the end, **relevant documentation** was reviewed if necessary. Each visit ended with **another discussion with the management of the prison**, where we presented our main findings and obtained further information. The managements of prisons are well acquainted with our duties and powers, which made the implementation of visits smooth. After each visit, the group prepared a **report on the findings, with recommendations or proposals for improving conditions**, which was submitted to the Prison Administration of the Republic of Slovenia and the respective prisons.

**Regarding the institutions visited, we prepared 108 recommendations (including 6 recommendations which were drafted anew upon the control visit to Dob pri Mirni Prison). Some 56 recommendations were realised, 44 were accepted (and are waiting to be realised), and only 8 were rejected.**

**As per the data on the official capacity of institutions, the number of people accommodated was exceeded in most of the prisons we visited.** In this regard, we made **3 proposals**, 2 of which were realised, and one was to be considered. **Most recommendations referred to the equipment in institutions and units.** Although the equipment is suitable, since it (still) ensures smooth implementation of rights and obligations of prisoners, it is nevertheless worn out, which is why our proposals particularly referred to the replacement of such equipment. We submitted **34 proposals**, of which 19 were realised, 14 accepted for discussion, while only 1 was rejected. **Regarding recreation areas, we made 8 proposals**, 2 of which were realised, 4 accepted for consideration, and 2 rejected. We made **2 proposals about the prison shop**, which have been already realised. Regarding the number of prisoners, the institutions had no problems with **cleanliness (5 proposals were made**, 2 of which were realised and 3 accepted for discussion), or providing **good health care** to prisoners (from a total of **10 proposals**, 7 were implemented and 3 rejected). **Food has also improved** in prisons and their units, which prisoners usually commended during our visits (we made only **3 proposals**, which have been already realised). **Suitable work obligations and the possibilities of education are provided** to prisoners by the institutions; the exploitation of these possibilities depends greatly on the willingness of prisoners (we submitted **9 proposals**, 5 of which were accepted for discussion and 4 realised). Most of our proposals regarding **the use of free time, prisoners' activities and benefits** (from a total of **13 proposals**, 5 were implemented and 8 accepted for consideration) referred to more possibilities being provided by the institutions for prisoners to spend their free time. Prisoners were satisfactorily acquainted **with their rights** (from a total of **4 proposals**, 2 were realised, 1 rejected and 1 accepted for discussion), which can be attributed to the enhanced use

of information technologies in prisons. For the most part, we did not receive **criticism** from prisoners **regarding the work of the staff**; however, we established that the lack of staff in certain institutions was due particularly to the financial situation (we submitted **8 proposals**, 5 of which were realised and 3 accepted for discussion). We were pleased that no **excessive use of coercive measures or stricter measures against prisoners** were established in 2016, and submitted only one recommendation in this regard, which was accepted for discussion.

## Official capacity and occupancy of prisons

**The capacity of Celje Prison and Juvenile Prison is 98 prisoners.** On the day of the visit, fewer prisoners were accommodated in the prison, i.e. **53 convicted persons** (two of whom were minor convicts, one person was imprisoned as per Article 12 of the Enforcement of Criminal Sanctions Act (ZIKS-1), two convicts were on annual leave, two were being treated at the Unit for Forensic Psychiatry at Maribor University Medical Centre and one had absconded) and **27 detainees or remand prisoners** (one was being treated at Celje General Hospital and two had absconded).

**The capacity of Dob pri Mirni Prison is 540 prisoners (449 in the closed unit, 70 in the Slovenska vas semi-open unit and 21 in the Puščava open unit).** At the time of the control visit, **517 prisoners** were in the closed unit of the prison, i.e. 68 prisoners more than the official capacity.

**The official capacity of Ljubljana Prison is 135 persons deprived of their liberty, of whom 54 were convicts and 81 detainees.** On the day of the visit, **100 convicts and 73 detainees** were being accommodated in the institution.

**Maribor Prison can officially accommodate 146 prisoners.** At the time of our visit, **28 detainees and 124 convicts** were being accommodated in the prison (of whom no one had absconded, one was in hospital, one was serving his sentence on the basis of Article 12 of the ZIKS-1, the sentence had been suspended for three convicts and two were under house arrest).


**The capacity of Murska Sobota Unit of Maribor Prison is 34 prisoners.** Due to the cessation of implementing imprisonment for the non-payment of fines, the capacity of the convict unit increased by two places and now amounts to 20 people; the capacity of the detention unit remained unchanged, i.e. 14. At the time of our visit, **36 prisoners** were in the unit, i.e. **12 detainees and 24 convicted persons**, of whom one had absconded (a convict who had already exploited the benefits of leaving the prison, and was not considered flight risk, had failed to return to the unit on time from his last leave) and none of the convicts was serving their sentence on the basis of Article 12 of the ZIKS-1 or were under house arrest.

**Nova Gorica Unit of Koper Prison can officially accommodate 28 prisoners.** When imprisonment for the non-payment of fines was suspended, the capacity of the convict unit changed, or increased accordingly by 16 places (4 places in the closed unit, 4 in the semi-open unit and 8 in the open unit). The capacity of the detention unit was unchanged, i.e. 12 places. At the time of our visit, **28 prisoners** were in the unit, i.e. **11 detainees and 17 convicted persons**, of whom two were serving their sentence as per Article 12 of the ZIKS-1; one person was present in the unit over the weekend; one person was present in the unit every Monday and Tuesday, and one person was under house arrest.

**The capacity of Rogoza Open Unit of Maribor Prison is 36 prisoners.** At the time of our visit, **46 convicts** were staying in the unit (according to the list), 13 of whom were serving their sentence as per Article 12 of the ZIKS-1; one person was hospitalised without supervision and one (an alien – citizen of the Republic of Albania) had absconded (on 9 October 2016 after he failed to return to the unit from shopping).


## Review of recommendations and responses

### Suitability of the number of accommodated persons and the regime of accommodating prisoners

-  We proposed to Celje Prison and Juvenile Prison that standards or size (floor area) of living premises be observed when accommodating prisoners regarding the actual number of persons accommodated in an individual room.<sup>90</sup>


*The Head Office of the Prison Administration of Slovenia explained that standards on the capacity of individual rooms as per the actual number of prisoners in the institution would be observed when accommodating prisoners in rooms; however, the prison would approach this issue gradually (releases of prisoners, gradual re-accommodation).*

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-  We also proposed to Celje Prison and Juvenile Prison that other rooms at the detention unit be open when this is allowed by the security situation (e.g. no accomplices are accommodated and other obstacles are non-existent).

*The Head Office of the Prison Administration of Slovenia replied that our proposal had been observed. A metal door ('gitre') was installed in the detention unit, which enabled the opening of additional rooms in the unit. The project was finalised in January 2017. This measure would also enable more regular showering, since a special bathroom with a shower was located in this wing of the detention unit.*


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-  We proposed to Rogoza Open Unit of Maribor Prison that regarding transitional rooms the management of the unit consider accommodating convicts serving their sentence as per Article 12 of the ZIKS-1 in rooms which are accessible from other rooms (or vice versa).

*The Head Office of the Prison Administration of Slovenia stated that the management also believed that a connection to other rooms was not appropriate, but there were no options for adapting the rooms. The proposal of the NPM would thus be observed, and convicted persons serving weekend sentences would be accommodated in the relevant rooms (who were currently being accommodated in various rooms in order to reduce the feeling of overcrowding during the week).*


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### Equipment and suitability of premises

-  When visiting Celje Prison and Juvenile Prison, we expressed our expectations that the old metal furniture (beds and lockers) would be replaced shortly also in the closed regime.

*The Head Office of the Prison Administration of Slovenia explained that the prison planned to buy equipment for prisoners in 2017, which also included the purchase of lockers and beds. The purchase of such equipment had been planned for several years; however, purchases are made gradually due to limited financial resources.*

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-  Furthermore, we proposed to Celje Prison and Juvenile Prison that the water tap be affixed in room no. 223 and that the solitary confinement cell be checked for possible damage to the equipment after every accommodation in the relevant cell.

*The Head Office of the Prison Administration of Slovenia replied that the water tap in room no. 223 had been affixed immediately after our visit.*

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<sup>90</sup> In the section of the prison with so-called single rooms, it was established that (in terms of floor area) these were actually suitable for accommodating one person, not two, as we noted during the visit.



We also proposed to Celje Prison and Juvenile Prison that the damaged toilet brush be replaced in room no. 415.

*The Head Office of the Prison Administration of Slovenia replied that a new toilet brush had been put in room no. 415.*

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When visiting Celje Prison and Juvenile Prison, we also proposed that old and destroyed foam and worn-out mattresses be replaced with new mattresses and walls be painted in rooms 131 and 134, and metal lockers be repaired in room 131.

*The Head Office of the Prison Administration of Slovenia replied that mattresses (foams) were being replaced regularly, when prisoners express such a need or when the staff notice that a mattress is worn out. Rooms occupied by prisoners are painted every second year. Rooms 131 and 134 were painted in 2015, and are scheduled to be painted again at the beginning of 2017. Mattresses were replaced in both rooms in September 2016, and lockers were repaired in room 131.*

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We also proposed to Celje Prison and Juvenile Prison that the suitability (functionality) of the water tap be verified, and the doors to the room be repaired in room 310; we also proposed examining the possibility of installing a shelf below the mirror in room 317, and installing a shower curtain in room 422.

*The Head Office of the Prison Administration of Slovenia replied that all deficiencies in room 310 had been eliminated and that a shelf had been installed under the mirror in room 317 at the beginning of October 2016. The shower curtain in room 422 was installed already on the day of our visit.*

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During our visit to Celje Prison and Juvenile Prison, we noticed that the bench press was damaged and proposed that it be repaired, while we also proposed examining the possibilities of equipping the fitness room for detainees with additional devices (e.g. multi-purpose device similar to the one used in the convict unit).

*The Head Office of the Prison Administration of Slovenia replied that a public procurement procedure was underway regarding the fitness equipment. Once the contract is concluded, the equipment would be repaired or replaced, and the possibility of additionally equipping the fitness for detainees would also be examined.*

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We proposed that Ljubljana Prison remove additional beds and lockers from rooms which are not occupied due to the lower number of detainees. By doing so, the feeling of overcrowding in rooms would be reduced, and the prison could use these beds in other rooms instead of old and worn-out metal beds.

*The Head Office of the Prison Administration of Slovenia explained that the removal of redundant furniture had been planned and the removal had already started. All redundant beds and lockers would be gradually removed from rooms. So far, 'every fifth' bed from rooms in the convict unit had been removed, and the removal of beds in the detention unit was underway. Unused wooden beds had been placed in rooms, which formally had metal beds, so that most of the prisoners had wooden beds.*


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Furthermore, we proposed to Ljubljana Prison the elimination of the following deficiencies, i.e. dirty walls in rooms 68 and 40, damaged toilet light switch (pulled out of the socket) in room 40, the lack of flooring or 'torn out' floor panels in the major part of room 56, damaged toilet door in room 66 (admission room) and damaged sockets in rooms 88 and 90.


*The Head Office of the Prison Administration of Slovenia explained that the prison had already eliminated the deficiencies or ordered the necessary material. An established method of recording deficiencies had been in use, which would also be observed in the future. Nevertheless, damage may not be reported or noticed during regular inspections. When a deficiency is established, the standard procedure for eliminating it is initiated.*

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-  We also proposed that Ljubljana Prison examine the possibilities of improving the equipment in the fitness room, i.e. with an exercise bike or a treadmill (which would enable more exercise for detainees also in bad weather) and to install a pull-up bar.


*The Head Office of the Prison Administration of Slovenia stated that no funds had been earmarked in 2016 for the purchase of a treadmill or an exercise bike or for installing a pull-up bar; the fitness room in the detention unit was also too small for additional equipment.*

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-  We proposed that Ljubljana Prison to examine the possibility of repairing a fixed casement window in the shower room on the ground floor of the detention unit to enable it to be opened and thus better ventilation of the room.


*The Head Office of the Prison Administration of Slovenia replied that the casement window in the shower room of the detention unit had already been temporarily removed (for summer temperatures) and the prison had started a public procurement procedure to purchase a new plastic window which could be opened.*

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-  We proposed to Ljubljana Prison that electronic notice boards with information on lawyers be installed in all wings or sections of the prison, and the possibility of installing such electronic notice boards with information on lawyers in other Slovenian prisons (in agreement with the Bar Association of Slovenia) should be examined.


*The Head Office of the Prison Administration of Slovenia explained that discussions had been held and an agreement on this topic concluded with the Bar Association of Slovenia already in 2012; unfortunately, the notice board was not installed in any of the other prisons after it had been installed in the relevant prison. The Head Office asked the Bar Association whether it would realise its intention and provide notice boards also in other prisons, but it had not received a reply yet.*

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-  When visiting Ljubljana Prison, we discovered that only a foam mattress was on the bed in room 132 instead of a proper mattress. We proposed to the prison that all foam mattresses, particularly those with no covers, be removed and replaced with new ones.

*The Head Office of the Prison Administration of Slovenia stated that worn out foam mattresses had been promptly replaced with new ones. Sheets had been placed on unoccupied beds, and the mattress in the relevant case had already been replaced.*

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-  Finally, we proposed to Ljubljana Prison that the prison find a systemic solution regarding temperatures in rooms before the onset of a possible heat wave (perhaps examine the possibility of more ventilation – by opening rooms) since the need to take measures to resolve the issue of high temperatures in Ljubljana Prison was also pointed out by the Committee of Ministers of the Council of Europe in the communication entitled ‘The Committee of Ministers of the Council of Europe on the Implementation of Judgements of the European Court of Human Rights in Slovenia’, published on the IUS-INFO website on 10 June 2016.

*The Head Office of the Prison Administration of Slovenia replied that in recent years the prison had organised additional ventilation of rooms at times of higher temperatures. To ease the feeling of summer heat, the prison was enabled the use of fans in rooms.*








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-  We proposed to Maribor Prison that the Prison Administration of Slovenia help with the renovation of the infirmary wing and rooms for visits.

*The Head Office of the Prison Administration of Slovenia explained that renovation works had been planned for some time in the prison and would be implemented when the financial resources had been secured. Procedures regarding renovation take place according to a set standard in the sense that prisons propose renovation works; which works are determined as priority and their inclusion in the plan of activities depends on the funds available.*

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-  We expressed our expectation that Maribor Prison would actually receive a sufficient amount of new wooden furniture in order to replace old and worn out metal furniture.
- The Head Office of the Prison Administration of Slovenia communicated that the contract for the purchase of the agreed quantity of wooden furniture for prisoners had been concluded and it was planned that the furniture would be supplied by the end of 2016.*
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-  When visiting Maribor Prison, we also proposed that room 28 be painted, the broken heater repaired and that the possibility of installing curtains on windows examined. We also proposed that the toilet leak in room 37A and cistern leak in room 35 be eliminated.
-  *The Head Office of the Prison Administration of Slovenia replied that painting would be underway immediately after the renovation of the water supply and sewage systems, which meant that room 28 would also be painted, since it was in the relevant section. The loose heater had been repaired. The installation of curtains would be considered again, and deficiencies in rooms 37/a and 35 would be eliminated as soon as the rooms became empty due to the renovation works.*
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-  We also proposed to Maribor Prison that a suitable bed be provided for a convict (even if they are placed in another room due to the renovation) regarding their height (we noticed during the visit that the bed was too short for the convict).
- The Head Office of the Prison Administration of Slovenia replied that the convict who was accommodated in a room with a smaller bed due to the renovation had been moved to a room with a larger bed.*
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-  When visiting Maribor Prison, we also proposed that the possibility of installing a uniform antenna system in all rooms be examined.
- The Head Office of the Prison Administration of Slovenia replied that the prison had already submitted an informative cost estimate on the basis of which the possibility of implementing the proposal would be examined in the following budgetary period.*
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-  We proposed to Maribor Prison that anti-slip flooring be installed in the bathroom of the room for accommodating prisoners with physical disabilities and to remove a small wall at the access to the shower.
- The Head Office of the Prison Administration of Slovenia stated that anti-slip tapes had been installed on the bathroom floor and in the shower area of the room for prisoners with physical disabilities; a comprehensive solution would be implemented within the framework of renovating the out-patient room or the future infirmary.*
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-  Furthermore, we also proposed that Maribor Prison examine the possibility of installing curtains to prevent the sun from coming into the rooms, and that the rooms in the detention unit on the ground floor be aired in the morning (or evening) when temperatures are lower.
- The Head Office of the Prison Administration of Slovenia replied that the possibility of installing curtains would be re-examined, and rooms would be aired regularly when temperatures are lower (in the morning and evening).*
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-  We again proposed to Maribor Prison that bed rails be installed on all upper beds (bunk beds) for safety reasons.
- The Head Office of the Prison Administration of Slovenia responded that the prison would order the rails from the contractual carpenter and they would install the rails themselves. If prisoners removed the rails, this would in the future be considered destruction of prison equipment.*
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-  We also proposed to Maribor Prison that the staff regularly inspect the functioning of telephones and make sure that possible problems are eliminated and that prisoners are informed of these problems.


*The Head Office of the Prison Administration of Slovenia stated that the prison already regularly reported malfunctions to the operator. Since the reaction time of the operator is sometimes long, the prison would examine the possibility of reporting malfunctions in a suitable written way in order to ensure traceability and to facilitate a response.*

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-  Finally, we proposed to Maribor Prison that a bed base be replaced in rooms 43 and 48 and a new mattress be installed in room 76, whereby we proposed that the management again inform the prisoners of the possibility of replacing worn out or damaged mattresses.


*The Head Office of the Prison Administration of Slovenia replied that a slate of the bed base had been replaced in room 43, an entire bed base replaced in room 48 and a mattress replaced in room 76. During the regular monthly staff tour, prisoners were again informed about the possibility of replacing mattresses, which would also be repeated in the home community group in October.*

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-  We proposed that Murska Sobota Unit of Maribor Prison try to replace old and worn-out furniture (lockers and beds) as soon as possible within its abilities.


*The Head Office of the Prison Administration of Slovenia replied that they were aware of the urgent need to replace old metal furniture with new wooden furniture. Some years ago, a project to manufacture custom-made furniture was carried out. Unfortunately, the investment depended on finances and the furniture would not be replaced at the moment.*

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-  We expressed the expectation in Murska Sobota Unit of Maribor Prison that deficiencies in rooms 20 and 21, which we pointed out already during the visit,<sup>91</sup> would be eliminated.


*The Head Office of the Prison Administration of Slovenia responded that the aforementioned deficiencies had been eliminated.*

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-  Finally, we proposed to Murska Sobota Unit of Maribor Prison that larger slots on the doors of rooms in the detention unit be open during the day in the summer heat (heat wave), which would facilitate airing of the rooms. If this is not possible, additional ventilation of rooms in the detention unit should be ensured in another way (e.g. occasional opening of doors of the rooms).


*The Head Office of the Prison Administration of Slovenia stated that they supported the proposal and the slots would be open at the request of detainees, but they believed that such conduct would not contribute significantly to cooling the rooms.*

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-  We proposed that Nova Gorica Unit of Koper Prison investigate whether there is a problem with ants (and other insects) in room 2 and other rooms, and if there is, suitable measures should be taken to eliminate the problem.

*The Head Office of the Prison Administration of Slovenia replied that all rooms in the detention wing had been inspected and ants or other insects were not noticed.*


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-  Furthermore, we proposed to Nova Gorica Unit of Koper Prison that the solitary confinement cell be equipped accordingly at the next renovation, i.e. walls should be padded.

*The Head Office of the Prison Administration of Slovenia replied that the proposal would be discussed during the planning of the budget for 2018, while observing financial capacities and the technical implementation of the proposal.*


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<sup>91</sup> The water tap was loose in room 20 and it was determined in room 21 that the door leading to the toilet section was damaged, the light did not work in the toilet, the drain of the wash basin was clogged and the window was also damaged.

-  We also proposed to Nova Gorica Unit of Koper Prison that old foam mattresses be replaced with new ones, since, according to certain clarifications, the unit disposes of a sufficient number of new mattresses.


*The Head Office of the Prison Administration of Slovenia responded that there were enough new mattresses for use and replacement, but they were made of foam.*

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-  We proposed to Nova Gorica Unit of Koper Prison that a shower curtain in the open ward be installed, thus preventing water from spraying all over the bathroom, which could result in prisoners' falling on the floor.


*The Head Office of the Prison Administration of Slovenia explained that suitable curtains had been installed several times in the ward. Since they bothered the prisoners, they had removed the curtains themselves. Nevertheless, the prison again installed shower curtains in the bathrooms of the open ward and thus reduced the risk of slipping when exiting the shower.*

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-  We proposed to Rogoza Open Unit of Maribor Prison that the Prison Administration of Slovenia assist them in implementing the planned repair of a section of the roof above the new part of the unit.


*The Head Office of the Prison Administration of Slovenia replied that the renovation of the roof was anticipated in 2017, when the windows and entrance doors to operations managers' premises would also be replaced according to the investment plan.*

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-  We expressed our expectation in Rogoza Open Unit of Maribor Prison that a sufficient quantity of new wooden furniture would be ensured as soon as possible.


*The Head Office of the Prison Administration of Slovenia stated that the purchase of new furniture and equipment for prisoners and staff (beds, lockers, desks, metal lockers, air-conditioning devices, irons, freezers, kitchenette equipment, office chairs and a vacuum cleaner) was anticipated in the equipment purchase plan for 2017.*

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-  Furthermore, we proposed to Rogoza Open Unit of Maribor Prison that the head of the unit and the nurse continue to inspect rooms and that the possibility of introducing this practice also in other prisons or their units be examined.

*The Head Office of the Prison Administration of Slovenia replied that inspections of rooms were conducted in all prisons, their units and the juvenile correctional facility. On the basis of a decision of the board of the Director General of the Prison Administration of the Republic of Slovenia of January 2016, prison health staff must inspect cleanliness, hygiene and tidiness of rooms, furniture and beds and the personal hygiene of prisoners at least once a month while accompanied by the head of the educational section or head of the treatment sector in the prison or its unit. At prisons' other locations, the nurse conducts inspection in the company of the head of the location unit. The inspection and findings are recorded in the prison's daily report. The prisons report to the Head Office about the implemented inspections. They take suitable measures when deficiencies are established and promptly eliminate them.*


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-  We also proposed to Rogoza Open Unit of Maribor Prison that the possibilities of replacing the old and worn out vehicle be examined for more efficient implementation of control over the imprisonment on the basis of Article 12 of the ZIKS-1, and to allocate another vehicle to the section for improving supervision, since convicts serving their sentence as per Article 12 of the ZIKS-1 are located in a broader area (Maribor, Celje, Murska Sobota etc.).

*The Head Office of the Prison Administration of Slovenia communicated that the purchase of a vehicle was anticipated in the equipment purchase plan for 2017.*


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## Cleanliness of rooms

-  We proposed to Celje Prison and Juvenile Prison that bathrooms be cleaned on a regular basis and disinfection be implemented.


*The Head Office of the Prison Administration of Slovenia replied that bathrooms were cleaned on a daily basis and disinfection was implemented when necessary.*

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-  We proposed to Maribor Prison that the management of the prison examine the possibility of providing safe disinfectants to maintain hygiene in the fitness room (e.g. in the form of disinfection tissues or other solutions) and that control or supervision of the completed cleaning of the fitness room be established.

*The Head Office of the Prison Administration of Slovenia responded that the prison had already ordered disinfection tissues, which would be available at all times. The fitness room was repainted and cleaned after our visit. Since problems regarding cleanliness still occurred occasionally, the prison would introduce a monitoring system. The Head Office also explained that the prison was obliged to establish supervision of completed work wherever cleaning was done.*

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-  We also proposed that Maribor Prison ensure a more efficient and humane control of pigeons.


*The Head Office of the Prison Administration of Slovenia explained that the prison would consult with qualified services regarding how to drive away pigeons.*

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-  We proposed to Murska Sobota Unit of Maribor Prison that regular cleaning of the renovated room 8 be ensured.

*The Head Office of the Prison Administration of Slovenia stated that room 8, also used as an admission room, was being cleaned on a regular basis and was always tidy, and they explained that dirt was a mere coincidence.*


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-  Furthermore, we proposed to Murska Sobota Unit of Maribor Prison that the possibility of arranging a toilet in the room intended for prisoners working in the kitchen be examined for hygienic reasons (separation from other convicted persons).

*The Head Office of the Prison Administration of Slovenia responded that the Office and the unit agreed with our proposal; however, the rearrangement was not sensible at the moment, since this would reduce the number of beds.*

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## Food

-  We proposed to Ljubljana Prison that the issue of food be discussed at one of the home community group meetings regarding the large number of complaints about food, and to examine the possibility of providing more varied cold suppers, also by offering salami.

*The Head Office of the Prison Administration of Slovenia stated that the issue of food had already been discussed with prisoners at home community group and small group meetings and they would continue to discuss this issue, since food was a current topic among prisoners. To provide more diverse suppers (salamis, yoghurt, cheese spreads, various pates, fish, cold cuts, fruit, juices, desserts), improvements were made in the prison. A new regime of distributing cold suppers would be implemented, which would also ensure suitable cooling. According to the recommendations, more variety and seasonal food were included on the menus in order to satisfy prisoners' wishes. Regarding salamis, the prison explained that in 2013 the Health Inspector of the Republic of Slovenia had advised against serving salamis, cheese spreads and yoghurt for cold supper due to the inability to ensure suitable temperatures (prisoners do not have refrigerators in their rooms) and the possibility of bacterial growth resulting in risk to prisoners' health.*

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We proposed to Maribor Prison that a book of complaints and commendations be made available to prisoners in the dining room or where food is distributed.

*The Head Office of the Prison Administration of Slovenia replied that a book of complaints and commendations had been placed in the kitchen.*

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We proposed to Nova Gorica Unit of Koper Prison that detainees and prisoners be encouraged to properly store food if they keep it in their rooms.

*The Head Office of the Prison Administration of Slovenia stated that prisoners were encouraged to regularly remove rubbish from their rooms, and are warned against stacking and storing excess food, because insects could occasionally be found in rooms (insecticides were available to prisoners at all times).*

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## Work and education



We proposed that Celje Prison and Juvenile Prison take the necessary measures to provide work also for detainees or that work opportunities for detainees be returned at least to the previous level of employed detainees (see findings of the NPM from previous visits and the observance of the CPT recommendation that detainees be outside their cells at least eight hours a day and participating in various useful activities, such as work, education, sports and other organised activities), or to examine the possibilities of including detainees in useful activities for at least a few hours a day.

*The Head Office of the Prison Administration of Slovenia replied that most detainees stayed in the prison for a short time (two, three or four months) and were then transferred for further incarceration or released. Before being scheduled for work, each person must pass a test on safety at work and a medical examination by the occupational medicine practitioner, thus raising the issue of rationalisation. Two detainees were currently working in the prison; one refused to work in the current month because of preparations for court hearings. Following admission, it is necessary to first get to know the detainee and determine if they are suitable for work. The prison must also obtain consent from the court, which may have reservations about certain cases or detainees. A larger number of accomplices and detainees with high security assessment who are at risk of flight must also be considered. At the moment, the judgements of one third of detainees have not yet become final. They are waiting to be sent to serve their sentence and thus stay in the prison for a very short time (one month or a month and a half), which is another reason that offering them work is difficult. There are also cases when detainees are encouraged to submit a job application, and once offered the job they refuse it by saying that they would not be working for such a country and such meagre pay, or that they have to prepare for court hearings in peace. Regarding other activities and spending several hours outdoors, the prison replied that this was impossible due to spatial limitations and the fact that the right to spend time outdoors must be ensured to all detainees, which is why 8 to 10 groups or time slots (to maintain safety and fulfil their duty to separate accomplices) are organised throughout the day. External contractors (lectures, free-time activities) would be engaged to supplement the offer of additional activities in the prison.*

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Furthermore, we expressed the expectation in Celje Prison and Juvenile Prison that prisoners would have the opportunity to take part in the substance abuse group therapy.

*The Head Office of the Prison Administration of Slovenia explained that the trainer would first hold individual interviews with prisoners willing to participate in substance abuse group therapy in December 2016, which was expected to begin in January 2017.*

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We proposed to Ljubljana Prison that expert workers at the prison invest more effort in including prisoners (convicts and detainees) in formal and informal forms of education, particularly if the prison succeeds in obtaining EU funds for this purpose.

*The Head Office of the Prison Administration of Slovenia replied that improvement was expected in this field, since the programme, "Working competences of prisoners", had been confirmed and would be*


*financed from EU funds. Four education programmes for obtaining national vocational qualifications were planned in this prison, in which convicted persons would be able to participate under certain conditions. The Head Office had pointed out to all participating prisons several times to dedicate special attention when encouraging prisoners to take part in programmes for obtaining vocational skills.*

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-  We also proposed to Ljubljana Prison that the prison and the Prison Administration of Slovenia invest more effort in seeking possibilities to improve the situation regarding the provision of work to prisoners. As emphasised several times, work contributes to social rehabilitation and has a positive impact on an individual's mental state and satisfaction, and affects the perception of time and feeling that something useful has been done.


*The Head Office of the Prison Administration of Slovenia responded that they agreed with the finding regarding the provision of work to prisoners. Unfortunately, this depends greatly on the general situation in the economy, which is increasing demands on employees. Additional start-up investment funds would be required to set up good working conditions. The Head Office of the Prison Administration of Slovenia stated that, in future, they would endeavour to arrange conditions, which would be encouraging for the introduction of simple production processes for the purpose of employing prisoners. Within its powers, the prison was increasing the number of jobs for prisoners. Since there has been no progress in the public utility institution, which still provided less jobs than desired, new possibilities for improving the situation were being constantly explored in cooperation with the institution.*

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-  We proposed that Maribor Prison invest more effort in encouraging convicts and detainees to participate in formal forms of education.


*The Head Office of the Prison Administration of Slovenia stated that a targeted integrating of convicts into education and training would commence in autumn, for which convicts had been selected, and it was expected that the situation would improve in this field. The possibilities of integrating detainees into education would be examined by the prison, and more detainees would be included in educational programmes than currently.*

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-  Furthermore, we proposed that Maribor Prison take the necessary measures to provide work for all prisoners, since work enhances and maintains work habits and contributes to social rehabilitation; it is also a form of relaxation, which is why it is mandatory to pursue the objective of enabling every prisoner to work who so desires.


*The Head Office of the Prison Administration of Slovenia replied that convicts who wished to work were scheduled to work, although delays sometimes occur. In cooperation with the public utility institution, the prison would find solutions to provide more jobs (also for detainees).*

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-  We proposed to Murska Sobota Unit of Maribor Prison that the unit invest more effort in seeking possibilities for improving the situation regarding the provision of work for prisoners.

*The Head Office of the Prison Administration of Slovenia responded that they agreed with our proposal and stated that the field of employing prisoners would be arranged systemically in 2017 and in the following years in order to provide work or occupational therapy for all prisoners.*

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-  We expressed the expectation in Nova Gorica Unit of Koper Prison that the practice of providing work to prisoners would be continued, and we also proposed that the unit make more effort to motivate detainees to work.

*The Head Office of the Prison Administration of Slovenia replied that they were pleased that we had acknowledged the activities of the unit in providing work for prisoners. They also stated that the unit would further try to provide work in the same scope and would also motivate detainees to become involved.*

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We expressed the expectation in Rogoza Open Unit of Maribor Prison that the number of convicts participating in the educational programmes of national vocational qualifications that have been introduced would increase due to the work of the unit's staff.

*The Head Office of the Prison Administration of Slovenia responded that the number of persons involved in educational programmes depended on the programmes themselves and the readiness of prisoners. The unit provided the relevant programmes, encouraged them and also enabled them to participate.*

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## Free-time activities and benefits



We again proposed to Celje Prison and Juvenile Prison that the possibility of more frequent showering throughout the year (and not only in the summer months) also be considered for detainees, and that the schedule for showering be adjusted to their activities (e.g. after the use of the fitness room or after returning from a walk).

*The Head Office of the Prison Administration of Slovenia stated that the prison had ensured more frequent showering for detainees. Showering would be possible throughout the year, and would also be adjusted to prisoners' activities (after the use of the fitness room or after returning from a walk).*

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Furthermore, we proposed that Celje Prison and Juvenile Prison consider detainees' proposal of combining two 30-minute visits into a one 60-minute visit.

*The Head Office of the Prison Administration of Slovenia replied that combining two visits did not seem necessary. They believed that the current regulations enabling the extension of an individual visit up to one hour were sufficient and acceptable, and were also being implemented in practice (Article 20 of the House rules on implementing detention in Celje Prison and Juvenile Prison, no. 792-1/2011 of 1 July 2011).*

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Finally, we proposed to Celje Prison and Juvenile Prison that detainees be additionally invited to, or informed about the possibility of attending, individual events in addition to the notification on the notice board about activities available to detainees.

*The Head Office of the Prison Administration of Slovenia responded that all detainees were informed about the activities available to them by means of the notice board. Furthermore, the head of detention also invites or informs them about the possibility of attending individual events. Additional ways of informing detainees were examined by the prison, and it was decided that the prison's social worker responsible for detainees would also inform them about the possibility of attending individual events.*

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We again proposed to Ljubljana Prison that more opportunities for spending of free time creatively be provided for detainees, particularly those who expressed such wishes.

*The Head Office of the Prison Administration of Slovenia explained that detainees were involved in house work, at which five detainees were employed. There were no spatial or staffing possibilities for developing more extensive additional activities for detainees, but they would attempt to do so, as they had in the past, to occasionally engage detainees in additional activities also in their free time.*


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We also proposed that Ljubljana Prison again start organising various free-time activities (e.g. drawing, painting, sculpting etc.) also for detainees which had already been organised in the past.


*The Head Office of the Prison Administration of Slovenia stated that the detainees were able to participate in the group of the Prestop Association, which organised workshops in the detention ward twice a month for two 45-minute periods from 15 January 2016. The workshops ended at the beginning of June. If detainees request them, they can also obtain material for drawing in various techniques, i.e. coloured pencils, tempera pencils, charcoal, and drawing paper. Detainees who ask for material are very few in number; there was one so far in 2016. The prison would try to again expand the range of free-time activities for detainees in the future.*

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-  We again determined in Ljubljana Prison that the possibilities for convicted persons to participate in organised free-time activities led by expert workers are decreasing. We thus proposed that the prison or its staff invest more effort in providing as many opportunities as possible for convicts to attend 'creative' free-time activities led by, or under the guidance of, expert workers, which would undoubtedly help with their re-socialisation.


*The Head Office of the Prison Administration of Slovenia replied that the prison had ensured that the expert workers would further endeavour to motivate convicts and organise all free-time activities and events that were already taking place (workshops of the Prestop Association in the detention ward, issuing of the prison newspaper, gardening, arranging the surrounding area, expert excursions, chess tournament, table tennis tournament, football tournament with the Kings of the Street Society, making of decorations, artistic creativity etc.). All of the above activities would be continued, including some new ones (NVQ, occupational therapy). The expert workers and the prison management do as much as possible and within the framework of staffing possibilities to organise all events already taking place and to introduce additional activities every year, which contribute to improving the use of the prisoners' free time. They would continue to do so in the future.*

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-  We also proposed to Ljubljana Prison that a copy of the reports by the Human Rights Ombudsman of the Republic of Slovenia, which the Ombudsman submits to the prison annually, be delivered to the library so they are available to prisoners who want to read the reports.


*The Head Office of the Prison Administration of Slovenia stated that the annual reports of the Human Rights Ombudsman of the Republic of Slovenia were in the library, and if a detainee or a convict wanted to read them, the librarian would deliver them.*

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-  We proposed to Maribor Prison that detainees be outside their cells at least eight hours a day and attend various useful activities, such as work, education, sports and other organised activities, which would be suitable particularly because of the cramped conditions in the detention section of the prison.


*The Head Office of the Prison Administration of Slovenia replied that the prison would again examine all possibilities to open up more rooms by the end of 2016 within the scope of available capacities and staff.*

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-  Furthermore, we proposed to Maribor Prison that balls for sports activities in the recreation area be provided at certain times.


*The Head Office of the Prison Administration of Slovenia responded that the requirements for sports equipment at prison's other locations are collected once a year and an order is implemented. Regarding the recommendation, the order would be implemented twice a year, or the quantity of sports equipment would be increased so that it could be replaced regularly.*

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-  During our visit to Maribor Prison, we also commended the efforts of the prison to involve prisoners in free-time activities and expressed our expectation that this practice would continue.

*The Head Office of the Prison Administration of Slovenia replied that the prison had expressed satisfaction that the representatives of the Human Rights Ombudsman of the Republic of Slovenia together with the representatives of contractual NGOs had noticed the efforts invested in involving prisoners in free-time activities, and that the prison would continue these activities.*

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-  We again proposed that Murska Sobota Unit of Maribor Prison examine the possibilities of arranging a fitness room or additionally equip the 'fitness area under the overhanging roof', whereby we also recommended that detainees be outside their cells at least eight hours a day and take part in various useful activities, such as work, education, sports or other suitable activities.

*The Head Office of the Prison Administration of Slovenia stated that the proposal could not be realised because no rooms could be spared due to the lack of space in the unit. However, the unit would examine and submit to the Head Office a proposal for a long-term re-arrangement whereby a room for additional*



*workshops would be provided in addition to another fitness room. The unit would review and propose the purchase of a multi-functional device for the fitness area under the overhanging roof. Regarding the proposal that detainees spend more time outside their cells, the Head Office explained that the unit was examining the possibilities to enable this and also ensure the secure implementation of detention.*

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Furthermore, we proposed that Murska Sobota Unit of Maribor Prison examine the possibility of enabling prisoners who are permitted to temporarily leave the prison (weekend leave) to wash their clothes at home and bring them back upon their return to the unit.

*The Head Office of the Prison Administration of Slovenia explained that the relevant law did not allow items to be brought into the unit; regarding exceptions in practice, the Head Office would arrange this field uniformly by means of house rules.*

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We proposed that Nova Gorica Unit of Koper Prison examine the possibility of enabling incoming calls for convicts accommodated in the open ward.

*The Head Office of the Prison Administration of Slovenia replied that our proposal would be examined.*

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## Health care



When visiting Celje Prison and Juvenile Prison, we proposed the consideration of the medical expert's recommendation to draft written instructions on the distribution and crushing of medications with the list of medications which should not be crushed (e.g. orodispersible tablets) and medications which if crushed could affect the release of active compounds from the preparation (e.g. medications with extended release, capsules) and medications which must not be crushed (e.g. medications with encapsulated liquid) for judicial police officers or ensure the presence of medical staff when distributing medication.

*The Head Office of the Prison Administration of Slovenia stated that the nurse gave all prisoners detailed instructions on the use of all prescription medications. She also informed them of possible side effects to which prisoners with prescription therapy must be attentive. Nurses receive instructions regarding the crushing of medications from the doctors who work in the prison, and the medications are crushed only according to the doctors' orders. Orodispersible tablets, capsules and medications with extended release or encapsulated liquid were never crushed in the prison. The medications were crushed at the doctors' proposals in order to reduce the damage/consequences relating to the risk of overdose, abuse for the purpose of dealing with, or consuming, the medication in another way. Those medications (tablets) that were crushed were permitted to be crushed and the instruction was given by a doctor.*

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Furthermore, we proposed that Celje Prison and Juvenile Prison examine the medical expert's recommendation to renovate premises intended for medical activities within the architectural possibilities in accordance with rules (e.g. equivalent to the Rules on the requirements to be met by persons engaged in private health activities, II Sanitary hygienic requirements, Articles 8 to 18).

*The Head Office of the Prison Administration of Slovenia responded that the prison approached the issue within the framework of its capacity and began by renovating the desk and cabinets for storing medications. They would strive to keep the premises and its equipment decent for the treatment of prisoners.*


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We also proposed that Celje Prison and Juvenile Prison consider the concern and recommendation of the medical expert to ensure the presence of medical staff during all distributions of medication, which would ensure greater safety of distribution in the prison. The permanent presence of medical staff would guarantee ongoing health care also for persons who need such care for medical reasons, and it would fill the gap when providing health care in the absence of an infirmary.


*The Head Office of the Prison Administration of Slovenia stated that the nurse gave all prisoners detailed instructions on the use of all prescription medication. She also informed them of possible side effects to which prisoners with prescription therapy must be attentive. All medication for prisoners was distributed only by the prison nurse and a nurse employed in Celje Health Care Centre. A record of all prisoners receiving prescription medication was also established, which ensured traceability and made the transfer of medication between various people almost impossible. Judicial police officers distribute only medication professionally prepared by the medical staff in specially designated containers. If a prisoner accommodated in the prison requires constant care, the prison has an agreement with Celje Health Care Centre or Celje Hospital to treat them accordingly. The permanent presence of medical staff was not possible in the current staffing situation.*

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-  We proposed that Celje Prison and Juvenile Prison examine the medical expert's recommendation that paragraph one of Article 58 of the Enforcement of Criminal Sanctions Act (ZIKS-1) would have to be amended, or the limitation on the right to a free choice of a doctor if waiting times for specialist examinations differ considerably between health care providers should be eliminated.


*The Head Office of the Prison Administration of Slovenia replied that the Health Care and Health Insurance Act should be amended with regard to this proposal. Relating to improving health-care activities for prisoners, the Head Office informed the competent ministry that the Head Office be actively included in the preparation of amendments to the Act; however, the relevant Act had not yet been amended. Regarding the proposal, the Head Office also expressed concerns about implementing such examinations, since prisons do not have sufficient staff to accompany prisoners to examinations. Furthermore, the financial resources of prisons would be further affected, since prisoners usually do not have funds for transport in Slovenia.*

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-  We also proposed that Celje Prison and Juvenile Prison consider the medical expert's recommendation that it would be sensible to arrange (if this is not arranged in another way) after the assessment of medical staff the provision of medication, which the Health Insurance Institute of Slovenia or another insurance company that provides additional insurance does not pay for in full and for which an additional payment is necessary (if such medication is necessary for the maintenance of health and if the person has no financial resources to pay for it).

*The Head Office of the Prison Administration of Slovenia responded that relating to the provision of suitable medication to prisoners with no means of subsistence the field was arranged satisfactorily. If a person is not insured or partly insured, additional payment was necessary and the medication was vitally needed, the payment was implemented by the institute (for convicts) or the court (for detainees). These are medications due to which lives would be endangered if the patient did not receive them (e.g. antibiotics, anticoagulant, cardiology and diabetes treatment, treatment of infectious and other chronic diseases, such as cancer etc.). Regarding medications for which additional payment is needed, prisoners receive a substitute medication that is covered by the insurance. The exceptions are if patients do not want a substitute medication, in which case they are obliged to pay for the medication themselves. In the case of an urgent medication, the payment would be implemented in the aforementioned manner.*

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-  Finally, we proposed that Celje Prison and Juvenile Prison consider the medical expert's recommendation referring to the priority treatment of persons deprived of liberty when providing specialist health services regarding the limited possibility of selecting health care providers – if medication is prescribed by different persons, a system should be provided which would reduce the possibility of errors occurring (e.g. medication for distribution is always prepared by the same person, recording of medication issued).

*The Head Office of the Prison Administration of Slovenia stated that a doctor, a dentist, a psychiatrist or a therapist for addiction treatment decided on the urgency of treatment by a specialist or priorities in the treatment depending on the diagnosis or the patient's condition. Referrals are sent to specialists' out-patient clinics, where the specialist/out-patient clinic sets the date for an examination on the basis of information provided. All medication for prisoners is distributed only by the prison nurse and a nurse employed in Celje Health Care Centre. A list of all prisoners receiving prescription medication has also been drawn up, which ensured traceability and made the transfer of medication between various people almost impossible. Judicial police officers only distribute medication which is professionally prepared by the medical staff in special designated containers, which are clearly marked with prisoners' names.*

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We proposed that Ljubljana Prison consider the expert's recommendation that a suitable room for interventions and the implementation of primary and secondary care for patients provided by nurses must be provided/arranged in the premises of the infirmary.

*The Head Office of the Prison Administration of Slovenia replied that the central room of the infirmary was intended for the work of the nurse from the health care centre and the prison nurses, whose work differed greatly. Namely, every task is specific; as per the successful practice, patient care (e.g. giving injections, changing bandages) is being implemented in the doctor's office, and considering the lack of space, the prison had no need to change the arrangement; however, the recommendation would be observed in the project task for constructing a new prison.*

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We also proposed that Ljubljana Prison observe the expert's recommendation and equip the prison with at least one folding stretcher with which a patient could be carried through narrow passages and doors and put on a suitable mobile table. Thus, the patient could be quickly isolated from other prisoners.

*The Head Office of the Prison Administration of Slovenia stated that patients were treated on the spot (in the room, hallway, communal areas) in emergency cases. If a patient is unable to move, an emergency service is called and the patient is transported to a suitable facility. In the case of an emergency in the infirmary, the patient is treated on a fixed table in the doctor's office. Other furniture is removed and the examination table is moved away from the wall, so that the patient can be approached from all sides. Therefore, a mobile table is not needed in the infirmary, since it is not possible to transport a patient with such a table in small rooms and narrow passages. If a patient needs transportation to external medical facilities, an emergency service is called which transports the patient to a suitable facility. According to the prison, if the medical expert believed that purchasing a folding stretcher was necessary, they would agree with his opinion, although they had been successfully resolving all problems when transporting physically impaired prisoners.*

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We proposed to Maribor Prison that the confidential relationship between patient (detainee or convict) and doctor be respected consistently, unless specific reasons obtain (e.g. security reasons or the presence of a judicial police officer is required by the doctor).<sup>92</sup>

*The Head Office of the Prison Administration of Slovenia replied that the doctor had requested that a judicial police officer be present during treatment due to threats made by the relevant detainee. This was an exceptional case; otherwise, the prison consistently observed patient–doctor confidentiality.*

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We proposed to Nova Gorica Unit of Koper Prison that the unit verify prisoners' complaints about the psychiatrist's brief attendance, and to take necessary measures if the complaints are justified so that all prisoners receive suitable psychiatric treatment during their imprisonment.

*The Head Office of the Prison Administration of Slovenia communicated that all prisoners receive suitable psychiatric treatment during their stay in the unit. The psychiatrist visits the prison regularly and also when he is needed or on the basis of instructions from the general physician. Health care and the duration of individual psychiatric treatments of prisoners in the infirmary is the responsibility of the specialist. Before our visit, the unit had not received any complaints about the length of psychiatrist's attendance.*

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## Violations of prison rules, use of special measures



We proposed to Rogoza Open Unit of Maribor Prison that statutory disciplinary procedures be implemented consistently when disciplinary violations are found, whereby the responsibility of the violator must be established and prescribed sanctions implemented.<sup>93</sup>


<sup>92</sup> At the time of our visit, a detainee said that he wanted to speak to the doctor in private, but the judicial police officer did not allow him to do this, or refused to leave the infirmary.

<sup>93</sup> During our visit, we determined that one convict had been discussed five times due to violations before he was transferred to the main Maribor Prison

*The Head Office of the Prison Administration of Slovenia replied that no disciplinary procedures had been implemented in the unit since our last visit and, as a result, no disciplinary measures had been taken. In all cases of violations of house rules, treatment measures were taken, whereby every convict had the opportunity to defend themselves regarding the violation. One of form of treatment measure is the withdrawal of the privilege to leave the unit, which is recorded in the convict's personal plan and of which the convict is informed during an interview with the case holder, who also justifies the decision of the expert group to the convict. In the case of recurrent violations, it is difficult in general to determine at which point these reach such a level that treatment measures no longer suffice and a disciplinary procedure must be implemented. On the basis of practical experience, the Head Office established that a treatment measure usually has a greater effect on violators and the atmosphere in the unit compared to the use of a disciplinary procedure. In the cases of intellectually less developed convicts, a disciplinary procedure may frequently seem more abstract, and they understand it as double punishment, since, due to the violation, they do not receive the benefits that they expected. The Head Office agreed with our proposal, adding that our recommendation would be considered in the future to the greatest extent possible and suitable statutory procedures would be implemented when disciplinary violations occur.*

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## Recreation areas

-  We proposed that Maribor Prison examine the possibility of arranging a toilet in the recreation area.


*The Head Office of the Prison Administration of Slovenia responded that a toilet, shower and access to drinking water could not be arranged at both recreation areas within the project to renovate the sewage system which was currently underway in the prison, because the provisions of the public procurement must be observed.*

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-  Furthermore, we proposed that Maribor Prison repair the damaged recreation area.


*The Head Office of the Prison Administration of Slovenia replied that damage to the floor surface of the recreation area would be repaired in the autumn.*

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-  We also proposed to Maribor Prison that a suitable working environment for judicial police officers be ensured in the small recreation area during high temperatures or very low winter temperatures.


*The Head Office of the Prison Administration of Slovenia stated that the possibilities would be examined within the plan for the comprehensive renovation of both recreation areas.*

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-  We proposed that Maribor Prison examine the possibility of enabling a divided schedule of walks for detainees, i.e. in the morning and in the afternoon.


*The Head Office of the Prison Administration of Slovenia replied that walks depended on the spatial arrangement of the small courtyard and the availability of staff (additional work for judicial police officers in the afternoon). Comprehensive solutions would be found when renovating both recreation areas and obtaining more staff. Nevertheless, the possibility of extending walks while reducing the number of walking groups would be considered by the end of 2016.*

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-  Finally, we proposed that Maribor Prison remove plaster waste, which is falling on the recreation area.

*The Head Office of the Prison Administration of Slovenia replied that the plaster waste had been removed.*

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-  We proposed that Murska Sobota Unit of Maribor Prison examine the possibility of installing a roof above the telephone booth in the recreation area, which would enable prisoners to use the phone also during bad weather, to suitably insulate the telephone booth to provide more privacy for the person making a call, and to repair the existing overhanging roof, which is supposedly leaking.

*The Head Office of the Prison Administration of Slovenia responded that the roof over the telephone booth was not leaking and the hole in the overhanging roof had been repaired. It was true that the roof did not provide complete protection from the rain in the case of a major downpour. In connection with privacy when using telecommunications, the Head Office explained that privacy was ensured with a standard plastic cubicle, and prisoners queuing for the phone had been requested to observe the discretion area stated on the booth.*

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We proposed that Nova Gorica Unit of Koper Prison examine the possibility of connecting the internal recreation area with the external fenced area and a suitable arrangement of the latter (possibly by raising of the fence) so that detainees could also use it.

*The Head Office of the Prison Administration of Slovenia replied that the proposal would be discussed during the planning of the budget for 2018, while observing financial capacities and the technical implementation of the proposal. The Head Office emphasised that the Prison Administration of Slovenia was not the owner of the unit's facilities and any major investment interventions were usually prevented.*

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Furthermore, we proposed to Nova Gorica Unit of Koper Prison that detainees should be able to exercise more or move more in the recreation area during the weekend.

*The Head Office of the Prison Administration of Slovenia stated that it was impossible to ensure more exercise or movement in the recreation area at the weekend for staffing and security reasons. On week days, the unit somehow still managed to provide additional judicial police officers for walking detainees, which it could not do at the weekend due to the lack of staff. Implementing the recreation of detainees with a limited number of judicial police officers would be a high security risk.*

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## Employed staff



We expressed our expectation in Celje Prison and Juvenile Prison that the procedure for employing three new judicial police officers would be complete as soon as possible, so that they could start working in the prison, and that the possibilities of addressing the lack of judicial police officers regarding the currently applicable job classification would be examined.

*The Head Office of the Prison Administration of Slovenia replied that one male and one female judicial police officer were employed by the prison as of 1 November 2016, and another male judicial police officer was employed as of 22 November 2016.*

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Furthermore, we proposed that Celje Prison and Juvenile Prison make an assessment while observing the current number of employees in the education service (relating to the limitations or reduced working hours of employees) whether it is possible to manage the needs of all prisoners satisfactorily.

*The Head Office of the Prison Administration of Slovenia stated that the prison suggested in connection with this issue a change in the systemisation in the education service, i.e. the job classification of a senior adviser/- social worker (increasing the number of current employees for one person) and job classification of an adviser/- psychologist. Both jobs were included in the current proposal to amend systemisation.*


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We proposed that Ljubljana Prison inform the staff to communicate with prisoners who are aliens in a language they understand; if this is not possible, a suitable interpreter should be provided.


*The Head Office of the Prison Administration of Slovenia responded that the prison would observe our recommendation. When communicating with prisoners who do not speak Slovenian, the staff of the prison do try their best to communicate with them. It is true that particularly younger staff members do not understand, or are not skilled in the languages of the nations of the former common state, which some prisoners cannot understand.*

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-  We proposed that Maribor Prison make sure that all judicial police officers treat prisoners with respect and dignity at all times.

*The Head Office of the Prison Administration of Slovenia replied that the management of the prison would again inform public employees about our commitment to maintain humane and dignified relationships with prisoners. The prison would hold a discussion with the employee against whom complaints were made (due to the informal form of addressing and refusal of conversations).*

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-  We proposed that Murska Sobota Unit of Maribor Prison examine the possibilities of filling the vacancy, i.e. by employing an additional expert worker.


*The Head Office of the Prison Administration of Slovenia stated that they agreed with our proposal, since the unit had only one expert worker and would need another, given the number of prisoners and the amount of work.*

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-  Furthermore, we expressed our expectation in Murska Sobota Unit of Maribor Prison that the employees would further maintain a professional and fair relationship with prisoners.


*The Head Office of the Prison Administration of Slovenia replied that the objective of the management of the Prison Administration of Slovenia was for all employees to respect, and maintain a fair and professional relationship with, prisoners, which was a guarantee not only of good quality work, but also stable security conditions in prisons.*

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-  We proposed that Nova Gorica Unit of Koper Prison examine the possibilities of filling vacant judicial police officers' posts, or at least filling the vacancy of the judicial police officer who had left sometime before our visit.

*The Head Office of the Prison Administration of Slovenia responded that a permitted employment quota must be determined before filling vacancies, which they did not have. They managed to ensure financial resources for replacement employment, which was why they also consented to the replacement of the judicial police officer who had recently retired.*


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-  We proposed that Rogoza Open Unit of Maribor Prison examine the possibilities of permanently reassigning (job classification) the expert worker/social worker to the unit.

*The Head Office of the Prison Administration of Slovenia replied that the permanent reassignment of the expert worker to the unit had already been planned.*


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## **Prisoners' rights**

-  We proposed that Murska Sobota Unit of Maribor Prison provide a translation of the house rules and the schedule of daily activities at least into the languages of the neighbouring countries and English.

*The Head Office of the Prison Administration of Slovenia stated that the amendments to the house rules had not been implemented yet, including their translation into foreign languages. The reason for this was the recently adopted amendments to the Rules on the implementation of prison sentences, which served as the basis for amending house rules.*

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-  We proposed that Nova Gorica Unit of Koper Prison examine the possibility of the permanent use of two telephones for detainees, and that detainees who are aliens be enabled to telephone outside the anticipated schedule if this is possible from the security point of view.

*The Head Office of the Prison Administration of Slovenia replied that the management of the unit had already once made an exception and enabled a detainee (alien) to use the telephone outside*

*the determined schedule; however, this would not become a permanent practice, since telephoning (entering a room, waking detainees up) means an additional security risk with the minimum number of judicial police officers.*

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Furthermore, we proposed that Nova Gorica Unit of Koper Prison display suitable (valid) translations of house rules and the schedules of daily activities on notice boards in wards, which was ensured in the previous response report no. 070-1/2014/20 of 29 April 2014.

*The Head Office of the Prison Administration of Slovenia stated that the amendments to the house rules had not been implemented yet, including their translation into foreign languages. The reason for this was the recently adopted amendments to the Rules on the implementation of prison sentences, which served as the basis for amending house rules. Nevertheless, the unit had had the applicable house rules and schedules translated into English.*

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We proposed that Rogoza Open Unit of Maribor Prison add to the notice board the contact details of the advocate of patients' rights for the Maribor region.

*The Head Office of the Prison Administration of Slovenia replied that the contact details had been added on the same day.*

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## Prison shop



We proposed that Celje Prison and Juvenile Prison verify the issuing of receipts to prisoners for the purchase of proteins, or to take the necessary measures so that prisoners who purchase proteins in the shop receive receipts.

*The Head Office of the Prison Administration of Slovenia replied that the management verified the issuing of receipts in the prison shop, including for the purchase of proteins. The shop operator claimed that receipts had been issued for all products sold in the prison shop, but stated that prisoners frequently did not take them. In the case of violations regarding the (non)issuing of receipts, prisoners can contact the relevant inspection service.*

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We proposed to Ljubljana Prison that the management verify the prisoners' claims about long waiting periods for products they ordered. Furthermore, it should investigate in the home community group and small groups whether there were actually no products in the prison shop that were necessary for life in prison, and it should then arrange the supply of those products with the supplier.

*The Head Office of the Prison Administration of Slovenia responded that the prison had explained that there were some problems when changing the contractor in April 2016 (at the beginning of the contract period) because the shop assistants had to adjust to working in the prison and the prisoners had to adjust to the new contractor. The situation was arranged after some three months of operation and the sale of goods to prisoners had been smooth. With every contractor, particularly a new one, prisoners have special, sometimes even impossible and unrealistic demands, which cannot always be met due to the nature of the institution, since the contractor is bound by contractual provisions in which the contractor's obligations are clearly stated, including products that are or are not permitted for sale. In addition to basic, vitally important products, which are on regular sale, prisoners may also order other permitted products which the contractor usually supplies on the next day when the shop is open, e.g. in most cases, goods ordered on Tuesday may be supplied already on Friday.*

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## Examples of good practice

In **Celje Prison and Juvenile Prison**, we particularly commended that: communal areas in the convict section had been equipped with new refrigerators; certain rooms in the detention unit in two wings were open (every day between 8:00 and 13:00 and additionally on Sundays between 14:45 and 15:45); convicts

and detainees did not complain about visits or the possibility of making phone calls; the number of convicts with jobs increased; no major complaints were made about the quality or quantity of meals or access to suitable cutlery (also knives); no comments or complaints were made about the work or conduct of judicial police officers; excessive use of coercive measures or stricter measures against prisoners was not established (we also received no complaints in this regard from prisoners).

In **Ljubljana Prison**, we particularly commended that: only one prisoner is now accommodated in each single room, whereas two prisoners were accommodated in the past; (only) four prisoners are now accommodated in group rooms, whereas they formerly held five or six persons; it is evident from the record of malfunctions/damages reported that these are eliminated in a very short time; we received no serious complaints about the staff's conduct; the malfunction of the call bell in room 112 (patient room) had been eliminated; no major damage to prison equipment was noticed during this visit; prisoners made no complaints about the provision of religious care; the dining room was nicely arranged and tidy upon the inspection, and several posters and general information relating to health care were on display in the waiting room of the infirmary.

In **Maribor Prison**, we particularly commended that: the solitary confinement cell had been padded; suitable accessories (seat) were installed in the sanitary section of the room intended for accommodation of physically impaired prisoners; the detainees living in rooms on the first floor were still permitted to keep their rooms open between 8:30 and 13:30; the prison promptly eliminated minor damage to equipment; rooms in the detention unit were painted; the laundry room and the storage were tidy upon the inspection; an area for a classroom was being arranged (next to the prison library) where educational programmes would be implemented; no major comments or complaints were made, with the exception of a few cases regarding poor responses from the education staff; no cases of excessive use of coercive measures or stricter measures against prisoners were noted upon the visit, and we also did not receive any complaints in this regard from the prisoners, and all necessary information was available to prisoners on notice boards in the hallways of the units.

In **Murska Sobota Unit of Maribor Prison**, we particularly commended that: premises intended for prisoners were clean, tidy and regularly maintained during our visit; rooms in the closed ward were recently painted; windows were replaced; room 8 (the so-called safe or multi-purpose room) had been renovated since the last visit; no complaints were made regarding prisoners' access to health care; no complaints were made about the quantity or quality of food; detainees may also shower more frequently in the summer months (not only three times a week), and no complaints were made by prisoners about shopping options.

In **Nova Gorica Unit of Koper Prison**, we particularly commended that: the sanitary section of the detention ward (shower room) was painted; an air-conditioning device was installed in the hallway before the semi-open and closed wards; no major complaints were made about the food (a few prisoners mentioned only that they wanted larger quantities), and no complaints were made by prisoners about inappropriate conduct, i.e. we heard only commendations for all staff members, particularly judicial police officers.

In **Rogoza Open Unit of Maribor Prison**, we particularly commended that: the communal living premises of the unit were clean and exemplarily arranged; the room for physically impaired prisoners was suitably arranged and equipped with handles, while the shower had an anti-slip coating and adjusted seat; the head of the unit and the nurse conduct regular monthly inspections of rooms, of which the nurse prepares a report; the room for visits was exemplarily arranged and prisoners' children can find toys in one corner of the room; prisoners can find important information on the notice board, including contact details of the Human Rights Ombudsman of the Republic of Slovenia; the unit provides work for all prisoners, including those who are retired; only commendations were made about the food, and no complaints were made relating to health care.

## Control visit to Dob pri Mirni Prison

The purpose of the **control visit to Dob Pri Mirni Prison** was to verify the realisation of the NPM recommendations from the previous visit in 2015 **regarding the provision of health care for prisoners**.



During the previous visit, the NPM made **7 recommendations** regarding the provision of health care in Dob pri Mirni Prison. It was determined upon the visit that **four recommendations had been realised, two accepted but not yet realised, and one recommendation had been rejected**. The implementation of recommendations reveals that the Prison Administration of Slovenia and Trebnje Health Care Centre took the recommendations seriously and did their best to implement them, or they accepted them, so it may be expected that all recommendations will be realised.

Certain recommendations were repeated during the control visit, or new recommendations were made for certain cases (a total of 6 recommendations were made).



We again proposed that Trebnje Health Care Centre fully implement the recommendation made by the external expert during the previous visit regarding the presence of a doctor and a nurse on Fridays, or to ensure the observance of Article 3 of the Contract on the implementation of health services at the primary level in Dob pri Mirni Prison concluded on 20 June 2012 between Dob pri Mirni Prison and Trebnje Health Care Centre. The external expert again emphasised that a general practitioner must be available in prison every working day, and particularly on days when admissions to the prison take place.

*The Prison Administration of Slovenia replied to the repeated recommendation that the managements of Dob pri Mirni Prison and Trebnje Health Care Centre had held their last meeting on 26 April 2016. Trebnje Health Care Centre was again reminded of meeting its contractual obligations regarding the provision of health services in the prison. The observance of consulting hours was pointed out in particular, including the presence of a general practitioner on Fridays and addiction treatment.*

*Trebnje Health Care Centre responded that a nurse was present on Fridays for 8 hours, depending on needs. Particular needs were determined by the nurse present in consultation with the relevant doctor. The full-time presence of a doctor on Fridays is to be ensured by Trebnje Health Care Centre as soon as this is physically possible. The Centre is currently experiencing a staff deficit of general practitioners, which is why they were forced to leave the out-patient clinic in Trebnje Retirement Home to a concessionaire. The work in the general infirmary of Dob pri Mirni Prison is ensured by means of contracts concluded with regularly employed doctors following prior consent from the Ministry of Health. This issued is to be addressed next year since the Centre employs five trainee specialists in family medicine to meet the medium-term staffing needs.*

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We appealed to all participants preparing the changes in providing health care in Dob pri Mirni Prison to conclude their activities as soon as possible and actually eliminate the established deficiencies, and thus ensure a uniform provision of health care for all prisoners. We also asked to be informed of the adopted changes (Annex to the General Agreement).

*The Prison Administration of Slovenia replied that it had informed the Health Care Directorate at the Ministry of Health of all the issues detected in prisons in October 2015. The reply of the Health Care Directorate was received on 24 March 2016; it stated that a systemic resolution about the provision of health care to prisoners would be implemented, and that changes for the smooth provision of health care in prisons would be proposed in the Annex to the General Agreement for 2016 after the Ministry received complaints and comments from health-care centres.*

*The Head Office of the Prison Administration of Slovenia sent another letter to the Health Care Directorate at the Ministry of Health in which it asked for deficiencies and problems regarding the provision of health care in Dob pri Mirni Prison to be eliminated, of which the Ministry was informed in October 2015.*

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We proposed that the presence of a dentist be ensured in Dob pri Mirni Prison as per the concluded arbitration of 20 September 2015, i.e. twice a week.

*The Prison Administration of Slovenia replied that Trebnje Health Care Centre had made an agreement with the insurance company to extend the programme. The dentist now comes to the prison twice a week, i.e. on Tuesdays and additionally on Wednesdays if necessary.*

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We also highlighted that the recommendation regarding the psychiatric team had not been implemented in full, since the psychiatric team as defined in other health institutions was not functioning. The external

expert particularly emphasised that Dob pri Mirni Prison had no clinical psychologist or psychologist qualified to implement certain forms of psychotherapeutic treatment.

*The Prison Administration of Slovenia responded that a meeting with Trebnje Health Care Centre had been convened on 26 April 2016, where it was again agreed that Trebnje Health Care Centre would verify the possibilities of having a clinical psychologist in the prison.*


*Regarding the specialisation of clinical psychology, Trebnje Health Care Centre noted that a clinical psychologist was no longer anticipated in the General Agreement for 2015; a psychologist without a specialisation sufficed. Trebnje Health Care Centre employs a psychologist who would be participating in the psychiatric team of Dob pri Mirni Prison during her regular working hours.*

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 We proposed that the external expert's recommendation be observed that supervision be established and provided as soon as possible for providers of violence prevention programmes, including additional education for trainers, who were already trained together with the Association for Non-violent Communication.

*The Prison Administration of Slovenia explained that programme providers were enabled permanent education within the framework of the working group at the Association for Non-violent Communication in Ljubljana. With the gradual introduction of the programme at individual locations while observing the staffing capacities of prisons, the possibilities of organising regular supervisory meetings would be examined. With the knowledge that every person has the ability to decide not to use violence and that violence may be prevented with different means, the Head Office of the Prison Administration of Slovenia had organised for the third consecutive year two-day courses also for other employees in prisons in order to teach skills, methods, techniques and knowledge for working with prisoners who are violent or convicted of criminal offences with elements of violence.*

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 We highlighted that the legally determined deadline for establishing a social care ward for convicted persons who for medical reasons cannot serve their sentence in regular wards of Dob pri Mirni Prison would soon expire.

*The Prison Administration of Slovenia replied that it was aware of the expiring deadline about setting up an adjusted space or ward for convicts who due to old age, disease or disability needed additional assistance with carrying out their basic needs in the form of care or social care treatment. In cooperation with Dob pri Mirni Prison, several activities relating to seeking the most optimum spatial placement of such premises were implemented, whereby it was established that the current architectural and constructional design did not permit a simple rearrangement of premises, since plumbing and electricity installations must be renovated first, due to the dilapidated state of the building, and this significantly increased the anticipated and earmarked financial resources. Irrespective of the foregoing, the Head Office of the Prison Administration of Slovenia and Dob pri Mirni Prison stated that they would continue activities to promptly establish adjusted premises. A special room would be intended for convicts who are able to serve their sentence with additional care and assistance in a special ward. For convicts who need intensive and demanding care or special equipment (care IV according to retirement home criteria), a suspension of their sentence is anticipated and accommodation in a retirement home as per a protocol or mutual agreement, which is in the final phase of preparation. The Prison Administration of Slovenia also noted that treatment of a convict in the prison was conducted in accordance with their needs or instructions of the medical service.*

*Trebnje Health Care Centre stated that the opening of the social care ward (Article 28 of the ZIKS-1F) was the result of great efforts and excellent cooperation between the Ombudsman and Trebnje Health Care Centre. The Centre had changed its position regarding the arrangement of temporary premises in Dob pri Mirni Prison intended for social care treatment. Since the construction of a new prison is soon to begin in Ljubljana, it would be more rational if the social care ward were arranged according to all modern standards in the new building. The Centre also proposed that the Ombudsman again stress the intolerable disregard for paragraph three of Article 60 of the ZIKS-1. It thus proposed that premises for social care treatment and special infirmary premises be combined in the new building, which, due to synergy effects, would greatly reduce the total costs. The Republic of Slovenia would thus resolve the current shameful treatment of severely ill and infirm convicted persons.*

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## 4.8 Visit to the Aliens Centre





### Basic information

**The Aliens Centre** (Centre) is intended for the accommodation of **aliens** who came to Slovenia **illegally**, certain aliens who are **applicants for international protection and certain aliens who reside in Slovenia without an arranged status**.

The official capacity of the Centre was the same as during the previous visit (24 November 2015), i.e. 180 people. Due to the migrant influx in September 2015, the capacity of the Centre was temporarily increased, i.e. 340 people.<sup>94</sup> **On the day of our (unannounced) visit of 20 October 2016, there were 17 aliens in the Centre.**<sup>95</sup> The Centre is a closed type of institution with restricted movement, and the **institution is thus certainly not suitable for long-term residence or accommodating vulnerable groups, particularly children.**<sup>96</sup> **An alternative systemic solution for the short-term accommodation of children must be found, and in the case of long-term accommodation, systemic solutions in other institutions should be sought.**<sup>97</sup>

**During the visit, the NPM commended in particular that:**

- special water hoses had been installed in the toilets at all units of the Centre, which certain aliens use instead of toilet paper;
- rooms were clean and well-aired;
- menus were still in Slovenian and English;
- aliens may wear the clothes of their choice, whereby a change of clothes is possible every day in the summer months;
- the schedule of daily activities for aliens and the weekly programme of work in the Centre were displayed on all doors of rooms and in units (both translated in English).

	Total	Adopted	Rejected	Realised	No data
<b>Legend</b>					
<b>Number of recommendations</b>	15	8	3	4	0

When previously visiting the Centre, we made 15 recommendations, 4 of which have already been realised, and 8 adopted and pending realisation, while 3 recommendations were rejected. Individual recommendations and their responses are given below.

<sup>94</sup> There are some 250 beds for accommodating aliens in the Centre and 90 beds in the additional facility (containers).


<sup>95</sup> The aliens were citizens of Albania, Kosovo, Pakistan, Gambia, Nigeria, Afghanistan, Algeria and India.

<sup>96</sup> During the NPM's visit, a three-member family was accommodated in the unit for vulnerable groups with a child who had cerebral palsy and needed special care and treatment. The mother was three-months pregnant and said that she frequently experienced back pain and had difficulties attending to the child because she found it difficult to lift him. Accommodation in a closed institution did not seem completely acceptable to us for someone in her condition.

<sup>97</sup> Similarly to the case of unaccompanied minors accommodated in residence halls for secondary school students.

## Review of recommendations and responses


### Living conditions and staff conduct

 During the NPM's visit, the rooms were clean, heated and aired, with the exception of dirty and damaged walls in the men's unit (further details below) and the room in the unit for vulnerable groups, where a three-member family was accommodated, which was not cleaned.<sup>98</sup>

With regard to the room with two computers with **access to the Internet**, the head of the Centre explained that use was not very limited if few people were accommodated in the Centre. During the inspection of the units and discussions with accommodated persons, we received a complaint that the use of the computer and the Internet was only permitted at the weekend and only for 30 to 45 minutes a day. **We proposed that, given to the low number of aliens in the Centre (officially 17 on the day of the visit, but physically only 14 persons were present), the possibility of enabling aliens to use the Internet more frequently and not only at the weekend be examined.**

*The MNZ replied that the aliens may use computers and the Internet on Thursdays and at the weekend. Outside the above schedule, the use of the Internet for arranging and resolving matters relating to their status is possible on the basis of a prior agreement.*

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 The NPM further believes that the aliens' access to the Internet is very limited, particularly given the exceptionally low number of people accommodated in the Centre.

We did not receive any complaints about the staff's work or conduct. An alien complained about a health-care worker who refused to give him clean clothes to take them to the unit for vulnerable groups, where he wanted to change after taking a shower. **We proposed that the reasons for preventing the alien from taking clean clothes to the unit, putting them on after showering and then taking dirty clothes to the laundry room be examined.**

*The MNZ replied that it was determined in the concrete case that the alien had been accommodated with his family in the unit for vulnerable categories of aliens, where aliens were able to wear their own clothes. Furthermore, the Centre provided regular washing of their clothes. If they wore clothes from the Centre, they could change these at the unit. The alien was able to change clothes in the unit where he was accommodated. Due to logistical problems, the change of clothes took place in the admission premises only once.*

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**According to the NPM, particularly in the case when few people are accommodated in the Centre, as there were during our visit, more effort could be invested in providing less stressful or more friendly living conditions for the aliens, especially vulnerable groups.**

### Provision of information and length of stay of accommodated persons

Applicants for international protection residing in the Centre on the basis of the order or the decision on accommodation due to the restriction of movement are unaware of how long their movement would be limited, i.e. how long would they be kept in the Centre. Applicants for international protection accommodated in the Centre frequently ask for information about their procedures, which the Centre is unable to give because it is not involved in their cases. The decision makers conducting international protection procedures should inform the aliens more regularly about the course of their procedures, or should visit the aliens in person at the Centre whenever a decision is made in an individual procedure.

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<sup>98</sup> This was clearly a case of misunderstanding or poor communication between the Centre and the family, since the family complained to us during the visit that no one had cleaned their room for 15 days, while the head of the Centre explained that aliens were obliged to clean their rooms themselves. This was a case of a family with a 3-year-old child with cerebral palsy, whom the parents had to take care of constantly. The mother was also pregnant and said that she had back pains. Regarding the situation of the family and the small number of people accommodated in the Centre, this family could have received assistance with cleaning the room.



We proposed that an order or decision on accommodating an applicant in the Centre be sent to the Centre when they are accommodated in the Centre, and that decision makers in the Asylum Centre (more) regularly inform applicants about the decisions or the course of procedures.

*The MNZ responded that the recommendation was fully observed and, in the agreement with the management of the Asylum Centre, orders are sent on a regular basis. Furthermore, officials regularly inform applicants for international protection who have restricted movement in the Asylum Centre.*

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**The NPM commends the reply of the MNZ and the amended practice, i.e. sending decisions on accommodation from the Asylum Centre to the Aliens Centre. Since this is a closed institution, the NPM recommends that the accommodation of persons in the Centre be as short as possible.**

## Provision of interpreters



According to the head of the Centre, they have no problems providing interpreters, and the latter are present in the Centre every day. They are trying to obtain or engage interpreters whose source language is their mother tongue, since aliens accept them better, which facilitates communication. The Centre also concluded contracts with interpreters from other countries, and inspectors communicate with them directly through tablets when they need consecutive interpreting when speaking with aliens. **The NPM commends such practice when the presence of an interpreter is not possible, but we expressed the expectation that interpreters for whom individual languages are their mother tongue would be actually engaged to facilitate the work of inspectors in the Centre.**

*The MNZ replied that the Police annually conclude contracts with a larger number of interpreters, who are available to all operational services. The expert services of the MNZ implement all proposals submitted by the Centre.*

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**The NPM insists on its proposal that an effort be made to recruit interpreters whose source language is actually their mother tongue to make accommodated persons' stay in the Centre less stressful and to facilitate the work of inspectors there. When they cannot be present, communication through online tools is possible also with interpreters from Slovenia.**

## Health care of accommodated persons



We received no complaints from the aliens about health care, and merely **expressed our expectation that the Centre would provide health and psychosocial care or treatment to them in the future.**

*The MNZ replied that the Centre would continue to provide uninterrupted comprehensive psychosocial care to aliens.*

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During the NPM's visit to the unit for vulnerable groups, we were informed that a pregnant woman who was staying with her family in the unit for vulnerable groups had complained to the staff about back pains for a week before she was taken for an examination to the gynaecology ward of Postojna Hospital. The woman was afraid of further complications, since her first child had cerebral palsy. **In general, and particularly due to the above fact, the staff should have immediately taken her claims about the pain seriously and enabled her to have a prompt specialist gynaecological examination. If her claims are true, it is not permissible that she had to wait one week before being taken to a hospital for examination. The NPM believes that persons in such a condition should not be accommodated in a closed institution such as the Centre; nevertheless, it anticipates that they would be accommodated in such institutions in the future until another systemic solution is found, and it thus calls on the management of the Centre to give clear instructions to all employees about how to handle such cases, particularly when vulnerable persons are involved.**<sup>99</sup>

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<sup>99</sup> This finding of the NPM was not included in the report on the visit, and the MNZ could not provide a response to it. Because we thought it exceptionally important that this finding also be mentioned and an improvement is proposed, we included it in the Annual Report on the operations of the NPM.


Prior to the visit, we received the information that aliens in the Centre were supposedly receiving “strong sedatives”. **During the visit and also in the report on the visit, we thus required information on this matter, whether the use of sedatives had increased in the recent period in any way, and if so, why.**

*The MNZ responded that aliens with mental problems were treated by a psychiatrist during their stay in the Centre. The treatment was prescribed in accordance with expert guidelines. The prescribed medication was distributed by nurses, who keep a detailed record of issued medications. “Strong sedatives” were certainly not being abused or prescribed unnecessarily, and sedatives were also not divided into ‘strong’ and ‘weaker’ sedatives; their effect depends on the dosage of an individual medication. The administration of medications was conducted in accordance with expert guidelines and basic characteristics of an individual medication. The designation “strong sedatives” as mentioned in the report was thus completely unprofessional. The Centre does not monitor the use of medication according to individual periods of time, since the use of medication depends particularly on the number of aliens staying in the Centre and their medical condition. The MNZ also thought that unverified information on how medication is prescribed without providing a source or credibility should not be in the report, since the data on prescriptions of psychotropic medications could be verified in the medical documentation available in the Centre.*

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The NPM still failed to receive the information it desired on whether the use of sedatives had increased. During the visit, the psychiatrist was not present in the Centre and an interview with him was not conducted. In its reply, the MNZ stated that detailed records were kept on which types of medication are issued, but it failed to provide information on the prescription of psychotropic medications. The NPM permits the possibility that it received incorrect information before the visit; however, it also did not receive information to the contrary in the MNZ’s reply. We shall pay particular attention to this issue during our next visit to the Centre.

## Food


 The head of the Aliens Centre explained that a new public procurement was underway for a food supplier for the Aliens Centre and the Asylum Centre at the time of our visit. He stressed that in spite of the planned changes about the food, they were making an effort to ensure that the standard and the quantity of food does not change or drop. In the opinion of the head of the Centre, reducing the standard of food could be an additional triggering factor for worsening the conditions or aggressive behaviour of aliens and destruction of the equipment at the Centre. **We proposed that possible changes in standards regarding the quantity of food for aliens be examined thoroughly, and then appropriate decisions be made if necessary about changing the standards (quantity) of food in the Aliens Centre and the Asylum Centre.**

*The MNZ replied that the public procurement for providing daily food supply had been completed in November 2016 and the proposals of the Centre had been observed in the procurement.*

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The NPM commended the decision to maintain standards and the quantity of food.

## Activities of accommodated persons

 The NPM proposed again that the Centre invest more effort (also given the small number of accommodated aliens) to encourage aliens to participate in any kind of activity.<sup>100</sup>

*The MNZ replied that the expert and other staff of the Centre do as much as possible to encourage and actively integrate aliens in all free-time activities organised during their accommodation.*

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<sup>100</sup> The head of the Centre explained that the aliens are frequently not motivated to participate in activities, particularly because they are unsure about what will happen to them, or where they will be returned to etc. The volunteers of the Jesuit Refugee Association of Slovenia visit the Centre on a weekly basis. They spend time with the aliens and organise workshops or concerts, and the Legal-Informational Centre for NGOs – PIC conducts monthly monitoring and provides legal information on return procedures. The head of the Centre also said that the Centre cooperates with Postojna and Nova Gorica social work centres, particularly in connection with unaccompanied minors. If necessary, it also cooperates with the Slovenian Red Cross and Caritas Slovenia. Caritas Slovenia also monitors return procedures of refugees (the Centre has not had an enforced removal yet). The IOM programme for assisted voluntary return was consistently presented to the aliens in the Centre, which encouraged them to return home voluntarily.

The NPM understands the distress of the aliens in the return procedure, being unaware of where and when they will be going, and of aliens who are applicants for international protection and are unaware of the length of their procedures or how long their movement will be restricted. Due to such aliens' distress, the NPM insists that more effort be put into encouraging aliens to partake in free-time activities.

## Legal arrangement of the confinement room



Regarding the confinement room, the NPM repeated its recommendation from the previous visit, i.e. that **a more detailed definition of a confinement room is necessary (at least of its equipment) and its legal arrangement in the case of its use for disciplinary or separate living reasons.**

*The MNZ responded that the Centre would observe the relevant recommendation during the next amendment to the legislation or executive act.*

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The NPM commended the reply of the MNZ and expected that the legal regulation of the confinement room would be laid down in the relevant act or acts.

## Maintenance and renovation works in the Centre



The NPM proposed examining the possibility of installing a toilet bowl in at least one of the toilets.<sup>101</sup>

*The MNZ responded that the Centre would observe the relevant recommendation when major renovation works were next implemented.*

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The NPM believed that replacing one squat toilet with a toilet bowl (at least in the unit for vulnerable groups) should not be too great a challenge for the Centre and could be done before the implementation of major renovation works.

The NPM also asked for information about when the stainless mirrors would be installed.<sup>102</sup>

*The MNZ replied that project documentation for renovating the entire men's unit was being prepared, whereby a comprehensive renovation of bathrooms was also anticipated, which would be finished in 2018.*

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During the visit and in the report, the NPM expressed its expectation that the problem with leaking from bathrooms to the out-patient clinic premises would be eliminated as soon as possible (particularly given the small number of aliens).<sup>103</sup>

*The MNZ replied that a repeated partial renovation of bathrooms in the men's unit had been conducted on 30 November 2016. There was no leak in the Centre at the moment.*

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The NPM expressed its expectation that the men's unit would be repainted as soon as possible.<sup>104</sup>

*The MNZ replied that painting had been implemented in November 2016.*


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<sup>101</sup> During the NPM's visit, an alien said that she was three months pregnant and had back pains, which made it difficult for her to use the squat toilet. Any physically impaired or older person accommodated in the Centre will have similar (or even greater) problems.

<sup>102</sup> The mirrors in bathrooms had been removed for safety reasons. It was written in the response report to the NPM's visit in 2015 and relating to the installation of polished stainless mirrors that the proposal would be realised after all necessary procedures had been completed. On the occasion of this visit, it was established that the mirrors had not been installed; evidently, the relevant procedures had not been completed.


<sup>103</sup> Due to the small number of accommodated aliens, rooms which were not occupied and a section of the bathrooms were locked, including some showers which leak, causing water to leak into the out-patient clinic premises below.

<sup>104</sup> During the initial conversation, the head of the Centre explained that rooms in the men's unit were in a poor state (dirty and vandalised walls, partly also damaged because of digging into walls). His claims were true; upon examining the men's unit, the walls in all rooms (also the hallway and communal areas) were found to be dirty or damaged, as was the ceiling, and in need of prompt painting, which would happen in the near future, according to the head of the Centre.

 The NPM expressed its expectation that the renovation works already planned (for 2016) would be implemented in 2017.<sup>105</sup>

*The MNZ replied that renovation works on the façade of the Centre and the external flooring of the facility would be implemented in 2017.*

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 The NPM commended the already implemented works and would certainly verify the realisation of the anticipated works upon its next visit to the Centre.

The head of the Centre explained that a more comprehensive renovation was planned, i.e. the transition from the so-called dormitory form of accommodation to cell residence, which meant that aliens would be accommodated in single-bed rooms, whereby two rooms would share a toilet and shower. The system of accommodating aliens in cells was supposed to be much better from the security point of view, since law and order are established more easily in certain cases (e.g. violations of public peace and order). **The NPM supported the anticipated changes, because aliens accommodated in cells would have more privacy than in the current dormitory-style accommodation, when up to eight people could be living in one room if the number of aliens increased. In the case of accommodation in cells, it will be of key importance that aliens' rooms are not locked and that their movements are not limited only to their rooms.**

*The MNZ responded that the project documentation for renovating the men's unit, where the relevant change was anticipated, would be prepared in 2017. In doing so, the Aliens Centre would observe good practices from other EU Member States.*

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**The NPM asked the MNZ to submit the project documentation to the NPM before its final phase to enable it to provide comments. The NPM asked again that if accommodation in cells is introduced, the aliens' movement is not limited to only one room.**

## Staffing

**The NPM proposed that vacant positions of police officers be filled as soon as possible.**<sup>106</sup>

*The MNZ replied that the Centre had submitted a suitable proposal to the General Police Directorate, which would be implemented in accordance with the staffing possibilities of the Police.*

## 4.9 Visits to other centres for refugees/migrants

In 2016, we visited **two locations where refugees/migrants were accommodated during the refugee/migrant influx**, i.e. on 27 January 2016, we visited **Šentilj 'tent camp' Migrant Accommodation Centre** and on 17 February 2016, we went to **Dobova Migrant Reception Centre**. We conducted a **control visit** in Dobova Migrant Reception Centre, because we particularly verified the observance of recommendations made to the Centre during the visit at the end of 2015. The visits were conducted within the framework of regular and planned supervision, and were unannounced. After each visit, the group that conducted the visit drafted a **report with findings and recommendations**, which was submitted to the Ministry of the Interior (MNZ) and the Administration of the Republic of Slovenia for Civil Protection and Disaster Relief (URSZR).





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<sup>105</sup> During the initial conversation, the head of the Centre explained that some renovation works planned for 2016 were not implemented in the Centre because of the great influx of migrants at the end of 2015 and the beginning of this year. The already planned renovation works (e.g. renovation of the façade, painting of rooms etc.) would be implemented in 2017 and the activities were already underway. The Centre also strove to reduce heating costs (also of hot water) by switching from gas heating to heating with a heat pump.

<sup>106</sup> About the vacant positions of uniformed staff, the head of the Centre explained that 25 positions were envisaged, but only 13 positions were occupied. The Centre had ensured temporary assistance with six additional police officers. The head of the Centre clarified that talks were underway with the Service of the Director General of the Police to increase permanent staff, since police officers in the Centre require certain skills to work with aliens, which the temporary transferred police officers lack, or these are more difficult to ensure in the case of seconded temporary police officers.



During the visits, 14 recommendations were made, 4 of which had been realised, 2 accepted and 5 rejected, while the MNZ or the URSZR failed to provide their positions on 3 recommendations.

	Total	Adopted	Rejected	Realised	No data
Legend					
Number of recommendations	14	2	5	4	3

## Basic information on the visited location

### Šentilj 'tent camp' Migrant Accommodation Centre

The capacity of the Centre was 2,000 beds for the accommodation of refugees/migrants, and was located at the former border crossing with the Republic of Austria. The Centre was under the jurisdiction of the URSZR and managed by the relevant duty representative of the Civil Protection Service.

The Centre was divided into three locations, i.e. the 'lower and upper platforms' and the 'border zone' section. Tents of various sizes or other convenient facilities (containers and trailers) were set up at all locations to provide accommodation for refugees/migrants. There was also a dining area, premises for registration procedures, toilets, premises for medical service, the Police, non-governmental and humanitarian organisations and others.

### 'Stara Livarna' Dobova Migrant Reception Centre

The refugees/migrants arrived in Slovenia by train, i.e. on tracks 13 and 14 at Dobova railway station, which is under the jurisdiction of Dobova Border Police Station. The refugees/migrants were then taken by bus to Dobova Migrant Reception Centre, where registration procedures were implemented. Dobova Migrant Reception Centre consisted of several large tents and other convenient facilities (containers and trailers), where procedures for processing refugees/migrants took place (the admission tent – also known as the waiting area, a tent for security checks and further registration, a tent for the distribution of clothing and food, two tents used as waiting areas for bus transport to Dobova station, and a latrine tent divided for separate use by men and women), a trailer for medical service and representatives of NGOs, a Red Cross container for family reunification, a storage tent and tents for the needs of police (changing areas, shower area, dining area and headquarters of police management) and Civil Protection Service operations.


It was established in connection with the **control visit to Dobova Migrant Reception Centre** that the NPM had made a total of **18 recommendations** during its regular visit at the end of 2015, **12 of which were realised and 6 rejected**.

A **positive** finding was that **responsibility for the management of an individual refugee/migrant centre had been arranged. Uniform operations regarding procedures involving refugees/migrants have also been harmonised, including the possibility of at least partial maintenance of person hygiene, and separate areas for mothers with small children (playrooms, possibility to breastfeed etc.).** It was also established that **more notifications for refugees/migrants with basic information in several languages** (also Arabic) had been provided at all locations, with information on their present location and the possibilities of submitting an application for international protection. Refugees/migrants were also able to obtain chargers for mobile phones (so they could stay in contact with separated family members or relatives if families were separated). Free Internet access was also available to refugees/migrants in Šentilj Accommodation Centre.

In spite of the improved conditions for refugees/migrants, **certain deficiencies** were established during the visits, i.e. about the possibility of **maintaining comprehensive personal hygiene** (neither location enabled the refugees/migrants to shower or access hot water). In some cases in Dobova Migrant Reception Centre, refugees/migrants had to wait for lengthy periods (between one and two hours) for a meal due to the registration procedure. The carriages of the train which transported refugees/migrants from Dobova Migrant Reception Centre to Šentilj Accommodation Centre had not been cleaned accordingly in a few cases.

## Review of recommendations and responses


### Heating of tents

-  We proposed in Šentilj Accommodation Centre that the tents, which are not used regularly or are used only occasionally, be checked for damp.<sup>107</sup>

*The MNZ replied that tents had been heated and aired in Šentilj Accommodation Centre for some time, since condensation had first been noticed in the tents. Major problems with condensation occurred particularly on the lower platform, where the ceiling was lower. Due to the possible occurrence of condensation, all tents on both platforms were being heated at least two hours a day, regardless of whether they were occupied by refugees/migrants or not. On the basis of information on the arrival of refugees/migrants at the Centre, or if accommodation is needed, blankets are delivered from a dry and heated storage facility.*

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### Maintaining personal hygiene

-  When visiting Dobova Migrant Reception Centre in 2015, we proposed that possibilities of enabling refugees/migrants to shower be examined, given the size of the latrine tent and the new arrangement.

*The MNZ stated it had been decided not to install showers, because refugees/migrants stay in the Centre for a short time or only as long as necessary. Furthermore, the refugees/migrants had not expressed such needs on the matter. Showers were installed in the reception centre next to Brežice Police Station; however, refugees/migrants did not use them to shower, but particularly for urinating and also defecating.*

*During the control visit, it was established that the showers for refugees/migrants had still not been provided. This was again assessed as a deficiency, since refugees/migrants denied entry to the Republic of Slovenia were staying at Dobova Migrant Reception Centre for a longer period (several hours), and thus the possibility of maintaining personal hygiene by showering would be more than welcome.*

*Neither the MNZ nor the URSZR provided their opinions on the repeated proposal to arrange showers for refugees/migrants.*

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-  When visiting Dobova Migrant Reception Centre in 2015, we proposed that the tank with drinking water be regularly refilled.<sup>108</sup>

*The MNZ stated that it had no information about the draining or lack of water in Dobova Migrant Reception Centre. It also added that hot water had been provided in November 2015.*

It was established during the control visit that refugees/migrants had sufficient drinking water and (cold) water for washing, but there was no hot water for refugees/migrants, or it was available only to

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<sup>107</sup> During the visit, all tents on the upper platform were tidy and prepared to accommodate refugees/migrants, which was commended. It was established that the tents were not heated, with the exception of a small tent intended for repeated procedures with refugees/migrants (registration). We were of the opinion that damp could occur due to temperature fluctuations (cold nights and warmer days) if the tents are not used and heated.

<sup>108</sup> Access to drinking water had been arranged at Dobova Migrant Reception Centre for refugees/migrants, i.e. an additional tank was supplied, which was refilled by the fire brigade. During the visit, several representatives of humanitarian and non-governmental organisations said that the relevant tank with drinking water was sometimes not refilled quickly enough or was quickly empty.

the staff of Dobova Migrant Reception Centre (police officers). **The NPM thus again proposed that the possibility of providing hot water for refugees/migrants be examined, as was stated in the MNZ's response report.**

*Neither the MNZ nor the URSZR provided their opinions on the repeated proposal to provide access to hot water for refugees/migrants.*

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During the control visit to Dobova Migrant Reception Centre, we also proposed that problems with stagnating rainwater in the latrine tents be addressed by installing special plate treads (similar to those in front of the registration tent). We also proposed that a graphic presentation on the correct use of the toilet be installed inside (e.g. on the doors) the portable chemical toilets.

*The URSZR explained that a project to rehabilitate and adapt the land, including the construction of sewage infrastructure, had been prepared relating to the stagnating rainwater in the latrine tents. An indicative offer and consent for the implementation of works had been obtained. After the closure of the so-called Balkan route, a decision was made that the rehabilitation and adaptation of ground in Dobova Migrant Reception Centre was not to be implemented (until worsening of the conditions in the region).*

*The suitability of portable chemical toilets and their use became topical with the arrival of refugees/migrants to Slovenia, and the pictorial instructions for correct use of toilets were being installed. No substantial improvement in conditions was detected, but the URSZR stated that if another influx of refugees/migrants occurred, the instructions would be installed in portable chemical toilets.*

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## Possibilities for refugees/migrants to rest



When visiting Dobova Migrant Reception Centre in 2015, we proposed to examine the possibility of equipping at least one tent with beds in case refugees/migrants were again forced to wait several hours for transport.<sup>109</sup>

*Relating to the proposal that the tents be equipped with additional beds, the MNZ replied that it was of the opinion that a sufficient number of mattresses were available in the tents, which completely met the migrants' needs for resting only for the relatively short time spent in the reception centre. The provision of additional beds would substantially lower the capacity of the Centre. The possibility that at some point over 2,000 people could arrive at the Centre had not been excluded, which would mean that a certain number of people would be forced to stay outside for a certain time in cold weather conditions.*


During the control visit to Dobova Migrant Reception Centre, equipment for temporary beds (thin mattresses) were noticed in accommodation tents where refugees/migrants wait to continue their journey: transport back to the railway station or return to the Republic of Croatia. During the visit, it was determined that six migrants (three adults and three children) had stayed overnight in Dobova Migrant Reception Centre and waited to continue their journey. They were enabled to stay in more 'comfortable human' conditions, i.e. in the container used for quarantine (probably also because of the small number of refugees/migrants). **Due to the aforementioned and more frequent refused entries to Slovenia, refugees/migrants stay longer in Dobova Migrant Reception Centre (several hours or overnight). We again proposed that the arrangement be considered, or equipping at least part of Dobova Migrant Reception Centre with beds, so that refugees/migrants would be able to get some rest.**

*In connection with the repeated proposal that a section of Dobova Migrant Reception Centre be equipped with beds, the MNZ replied that there was no need for such an arrangement, since a sufficient number of mattresses was provided in Dobova Migrant Reception Centre. It furthermore stated that it had to be taken into account that refugees/migrants stayed in Dobova Migrant Reception Centre for a relatively short time, and the installation of additional beds would significantly reduce the capacity of the Centre.*

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<sup>109</sup> After completed registration, refugees/migrants were directed into one of the two large heated tents intended for short accommodation. During our visit, refugees/migrants (about 540) were accommodated in one of the large tents. The tent was not equipped with beds, or there were only few gymnastic mattresses and blankets available, which we assessed as a deficiency, since at the time of our visit, the aforementioned group of refugees/migrants was accommodated in Dobova Migrant Reception Centre from about 6:00 to 14:30, when further rail transport to the Republic of Austria was available to them.

## Food for refugees/migrants

-  During the control visit to Dobova Migrant Reception Centre, we proposed that the possibilities of distributing meals already in tent 1 be examined if the allegations that refugees/migrants with no documents wait longer in tent 1 (waiting tent) were true.<sup>110</sup>

*The MNZ replied that it had no information that refugees/migrants with no documents had to wait long in tent 1. Initially, the food was first distributed to all refugees/migrants, but this practice was later abandoned. It was determined that refugees/migrants were receiving food in Croatia before they arrived in Slovenia, and they thus rejected or even discarded it. Immediate distribution of food also extended police procedures (establishing identity, security searches), which was why food was distributed to refugees/migrants at a later time.*


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-  During the control visit to Dobova Migrant Reception Centre, we proposed examining the possibility of composing a different meal (different combination of foodstuffs), which would be suitable for migrants, and would not speed up digestion and thus an immediate need to go to the toilet.

*The URSZR explained that the selection of food products for refugees/migrants was determined in cooperation with the Slovenian Red Cross and Caritas Slovenia on the basis of experience and the given possibilities (concluded contracts with suppliers). The food products provided for refugees/migrants by the state or the URSZR included bottled water, apples, milk, milk powder, rusk, bread, canned fish, spreads (cheese, chocolate, honey), fruit bars, sugar and tea. The entire selection of the aforementioned food products was available in all reception and accommodation centres most of the time, and refugees/migrants were able to choose and combine products themselves. In the event of another wave of migrants through Slovenia, qualitative food products (meals) adjusted to the eating habits of the majority of migrants would again be provided in the future.*

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## Identification of police officers

-  When visiting Dobova Migrant Reception Centre in 2015, we proposed that police officers who use bulletproof vests during their work place their identification number or their last name and the initial of their name on their uniform in a visible place, so their identification can be seen clearly.

*The MNZ replied that it agreed with our finding, and that the issue would have to be addressed. It would examine the possibilities for systemically arranging the relevant issue.*

During the control visit, it was established that the NPM's recommendation about the identification mark being placed on the bulletproof vest had not been realised, since the members of the special police unit who wore bulletproof vests had not put their identification numbers in a visible place (this was additionally substantiated when we noticed a police officer in Dobova Migrant Reception Centre who used a bulletproof vest which had no identification mark). **The NPM again proposed that the wearing of identification marks be arranged accordingly.**

*The NPM did not state its position regarding the repeated proposal of police officers' wearing identification marks.*

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<sup>110</sup> The NPM also conducted interviews with representatives of several NGOs (Slovenian Red Cross, UNHCR and PIC), who said that, in their opinion, conditions had greatly improved compared to the onset of the refugee/migrant crisis in September or October. Food was sufficient, also for the children, and they particularly commended the inclusion of the WAHA organisation. Similarly to other stakeholders, they highlighted the noticeable increase in women and children among the refugees/migrants. They believed that the division of refugees/migrants into those with documents and those without was not suitable, since those without documents had to wait longer for food (also several hours, due to the registration procedure). According to information of the NGOs, the average time a person had to wait in the reception centre was 4 hours. The exceptions were those people waiting for family members (only a few) who were able to stay longer in Dobova Migrant Reception Centre. The representatives of NGOs proposed that food be distributed to refugees/migrants before the registration procedure, but the police rejected the proposal for security reasons.

## Conditions for the staff



When visiting Šentilj Accommodation Centre, we expressed our expectation that offices would be set up in the shortest time possible, which would quickly improve conditions for the staff.<sup>111</sup>

*The MNZ replied that the Commander of Maribor Police Station for Compensatory Measures (PPIU) responsible for managing the police in Šentilj Accommodation Centre submitted a proposal to the expert service of Maribor Police Directorate to install a computer in the building, located on the lower platform of Šentilj Accommodation Centre, with suitable and necessary access to police records. The expert service of Maribor Police Directorate examined the proposal, conducted an on-site inspection and a test, and submitted the opinion that the use of the computer with necessary access was not possible. Since the setting up of the computer without a suitable access to police records did not serve the purpose of implementing police tasks, the proposal was dismissed.*

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## Change in the field of security – the Police



When visiting Šentilj Accommodation Centre, we asked for information regarding whether Maribor Police Station for Compensatory Measures had already taken over the work in the Centre, and if and how many police officers from other Slovenian police units had been temporarily transferred to Maribor Police Station for Compensatory Measures, and how had the number of temporarily transferred police officers been determined.<sup>112</sup>

*The MNZ stated that Maribor Police Station for Compensatory Measures took over the duties in Šentilj Accommodation Centre on 1 February 2016. At the time of the takeover and until 30 April 2016, 30 police officers were temporarily transferred by a decision of the Director of Maribor Police Directorate to Maribor Police Station for Compensatory Measures, 4 of whom were deputy commanders who implemented the work and duties of officers responsible for shifts in Šentilj Accommodation Centre. Temporary transfers were conducted as per paragraph two of Article 67 of the Police Organisation and Work Act.*

*HR assistance with 20 police officers was also provided by Murska Sobota Police Directorate from 8 February 2016 until the cancellation. On the basis of an agreement on joint police operations between the Republic of Slovenia and the Republic of Slovakia, the latter provided HR assistance with 20 police officers between 4 February and 4 March 2016.*

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When visiting Šentilj Accommodation Centre, we expressed the expectation that procedures involving refugees/migrants would in the future also be conducted in the same 'calm' way as the procedure which we monitored.<sup>113</sup>

*The MNZ stated that police officers conduct their tasks as per the provisions of the Police Tasks And Powers Act (ZNPPol) and the Rules on police powers issued on the basis of paragraph two of Article 33, paragraph four of Article 48 and paragraph five of Article 54 of the ZNPPol. The tasks were implemented in accordance with the general principles for conducting police tasks defined in Articles 13 to 19 of the*

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111 It was commendable that the construction of offices for the staff of Šentilj Accommodation Centre (Civil Protection Service, Police and humanitarian and non-governmental organisations) had started in the solid construction facility, which had been closed until then, so that daily activities would no longer be managed or led from various makeshift offices in camping trailers and containers.

112 At the end of the interview with the head of the police officers in Šentilj Accommodation Centre, the Commander of Šentilj Police Station responsible for work of the police officers in Šentilj Accommodation Centre, joined the conversation. The latter said that a change would be implemented on 1 February 2016 regarding the work of police officers in Šentilj Accommodation Centre, i.e. the work would be taken over by the police officers of Maribor Police Station for Compensatory Measures. The police officers from other units would be transferred temporarily to this unit and would be working only in Šentilj Accommodation Centre.


113 During our visit, we were able to observe the arrival of a group of 476 refugees/migrants by train at the railway station in the immediate vicinity of Šentilj Accommodation Centre and also the departure of the first group of 107 refugees/migrants to the 'border zone' area. The train with refugees/migrants (most were families with children) arrived from Dobova at the railway station near Šentilj Accommodation Centre at 11:45. Upon the arrival of the train, interpreters were engaged to provide basic information to refugees/migrants through megaphones, and they directed the refugees/migrants constantly on their way to Šentilj Accommodation Centre. Volunteers transported refugees/migrants who were too weak to walk by wheelchairs. The entire group of refugees/migrants was divided into smaller groups (about 100 persons), who were gradually and slowly sent to the dining area immediately after arrival. The first group of refugees/migrants entered the dining area already at 12:05 and received a hot meal (lunch).

After lunch, the first group (we later heard from the head of the police officers that there were 107 refugees/migrants in the group) left Šentilj Accommodation Centre at 12:25, and the police officers and members of the Slovenian Armed Forces escorted them to the 'border zone' area towards the Republic of Austria. The remaining refugees/migrants continued with lunch after the first group and were accommodated in the accommodation tents before their departure. The NPM determined that the procedure involving refugees/migrants which we observed was conducted exceptionally quickly, efficiently and smoothly.

ZNPPol. Special attention was paid to conducting police tasks involving vulnerable groups of migrants, such as the elderly, exhausted migrants, the disabled, women, minors and children.

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## Possibilities of disinfecting footwear

-  When visiting Šentilj Accommodation Centre, we proposed that the disinfection of footwear be arranged in another way or so that disinfection would be possible at all times, regardless of weather conditions (frost).<sup>114</sup>

*The MNZ replied that the use of disinfectant for footwear depended on the solubility of the powdered disinfectant/concentrate, which was mixed with water. Low temperatures caused the concentrate to freeze and the URSZR had no substitute to prevent the freezing. In the event of freezing, disinfectants in the form of sprays were used instead.*

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## Writing of reports

-  When visiting Šentilj Accommodation Centre, we proposed that the possible introduction of a daily log or register of extraordinary events be considered, although the centre manager or his deputy already write daily reports.<sup>115</sup>

*The MNZ communicated that in addition to the daily report mentioned above, the shift manager in Šentilj Accommodation Centre also had to write a report on the police work conducted on 1 February 2016. Relevant daily events were also recorded in the report of the Operation Headquarters of Maribor Police Directorate.*

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## Cooperation between the Police and the relevant Social Work Centre

-  Relating to the increased number of children and minors among refugees/migrants, we proposed during the control visit to Dobova Migrant Reception Centre that the possibilities of organising the permanent presence of social service in Dobova Migrant Reception Centre (e.g. a social worker comes to Dobova Migrant Reception Centre at the time when a train with refugees/migrants was supposed to arrive) be examined to assist, supervise or care for children and minors, as stipulated by several international conventions, including the Convention on the Rights of the Child, to which the Republic of Slovenia is a signatory.

*The MNZ explained that Brežice Social Work Centre ensured the presence of its representative at Dobova Migrant Reception Centre when this was necessary, and it also organised standby duty for this purpose. Their response was prompt. The MNZ was thus of the opinion that cooperation between the Police and the relevant Social Work Centre was good.*

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<sup>114</sup> Disinfection of footwear was possible at the entrance or exit from Šentilj Accommodation Centre and at the container of the Civil Protection Service. Two disinfection sponges saturated with disinfectant were available for this purpose. The disinfection was implemented in such a way that a person stepped onto the sponges with their shoes. The NPM commended that disinfection of footwear was possible at the location, but it also established that the disinfection sponges were not functional during our visit, since the disinfectant or the sponges had frozen overnight due to the cold weather.

<sup>115</sup> Regarding extraordinary events, the centre manager explained that they had had no major problems with refugees/migrants, with the exception of refugees/migrants from Morocco (who also included drug addicts). According to the manager of Šentilj Accommodation Centre, the current head (duty member of the Civil Protection Service) or their deputy had to write daily reports regularly.

# 5

## CONVENTION AND PROTOCOL



### UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987, in accordance with article 27 (1). Published in Uradni list RS - Mednarodne pogodbe, No. 7/93 (Official Gazette of the Republic of Slovenia - International Treaties).

#### **The States Parties to this Convention,**

- Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,
- Recognizing that those rights derive from the inherent dignity of the human person,
- Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,
- Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,
- Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,
- Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

#### **Have agreed as follows:**

#### **PART I**

#### **Article 1**

**1.** For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

**2.** This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

## **Article 2**

- 1.** Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
- 2.** No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture.
- 3.** An order from a superior officer or a public authority may not be invoked as a justification of torture.

## **Article 3**

- 1.** No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
- 2.** For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

## **Article 4**

- 1.** Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
- 2.** Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

## **Article 5**

- 1.** Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:
  - (a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
  - (b) When the alleged offender is a national of that State;
  - (c) When the victim is a national of that State if that State considers it appropriate.
- 2.** Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.
- 3.** This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

## **Article 6**

- 1.** Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
- 2.** Such State shall immediately make a preliminary inquiry into the facts.
- 3.** Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.



4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

#### **Article 7**

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

#### **Article 8**

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

#### **Article 9**

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

#### **Article 10**

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

### **Article 11**

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

### **Article 12**

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

### **Article 13**

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

### **Article 14**

**1.** Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

**2.** Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

### **Article 15**

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

### **Article 16**

**1.** Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

**2.** The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

## **PART II**

### **Article 17**

- 1.** There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.
- 2.** The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and who are willing to serve on the Committee against Torture.
- 3.** Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
- 4.** The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
- 5.** The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.
- 6.** If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.
- 7.** States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

### **Article 18**

- 1.** The Committee shall elect its officers for a term of two years. They may be re-elected.
- 2.** The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:
  - (a) Six members shall constitute a quorum;
  - (b) Decisions of the Committee shall be made by a majority vote of the members present.
- 3.** The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.
- 4.** The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

#### **Article 19**

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.

3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.

4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph 1 of this article.

#### **Article 20**

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.

3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.

4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.

5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

#### **Article 21**

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a

State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure;

- (a) If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;
- (b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;
- (c) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;
- (d) The Committee shall hold closed meetings when examining communications under this article;
- (e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission;
- (f) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;
- (g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;
- (h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:
  - (i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
  - (ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

**2.** The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

## **Article 22**

**1.** A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

**2.** The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.

**3.** Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six months, the

receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

**4.** The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.

**5.** The Committee shall not consider any communications from an individual under this article unless it has ascertained that:

- (a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;
- (b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.

**6.** The Committee shall hold closed meetings when examining communications under this article.

**7.** The Committee shall forward its views to the State Party concerned and to the individual.

**8.** The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

### **Article 23**

The members of the Committee and of the ad hoc conciliation commissions which may be appointed under article 21, paragraph 1 (e), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

### **Article 24**

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

## **PART III**

### **Article 25**

**1.** This Convention is open for signature by all States.

**2.** This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

### **Article 26**

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

## **Article 27**

- 1.** This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
- 2.** For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

## **Article 28**

- 1.** Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.
- 2.** Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

## **Article 29**

- 1.** Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.
- 2.** An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.
- 3.** When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

## **Article 30**

- 1.** Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
- 2.** Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a reservation.
- 3.** Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

## **Article 31**

- 1.** A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

**2.** Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

**3.** Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

### **Article 32**

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

- (a) Signatures, ratifications and accessions under articles 25 and 26;
- (b) -The date of entry into force of this Convention under article 27 and the date of the entry into force of any amendments under article 29;
- (c) Denunciations under article 31.

### **Article 33**

**1.** This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

**2.** The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.





## **2.2 OPTIONAL PROTOCOL to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

### **ACT OF RATIFICATION OF THE OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

#### **Article 1**

The Optional Protocol to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted at the 57th session of the General Assembly of the United Nations 18 December 2002 is hereby ratified.

#### **Article 2**

The text of the Protocol in the original in the English language and in translation into the Slovene language reads as follows:

#### **PREAMBLE**

The States Parties to the present Protocol,

Reaffirming that torture and other cruel, inhuman or degrading treatment or punishment are prohibited and constitute serious violations of human rights,

Convinced that further measures are necessary to achieve the purposes of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Convention) and to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that articles 2 and 16 of the Convention oblige each State Party to take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction,

Recognizing that States have the primary responsibility for implementing those articles, that strengthening the protection of people deprived of their liberty and the full respect for their human rights is a common responsibility shared by all and that international implementing bodies complement and strengthen national measures,

Recalling that the effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires education and a combination of various legislative, administrative, judicial and other measures,

Recalling also that the World Conference on Human Rights firmly declared that efforts to eradicate torture should first and foremost be concentrated on prevention and called for the adoption of an optional protocol to the Convention, intended to establish a preventive system of regular visits to places of detention,

Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention,

Have agreed as follows:

## **PART I**

### **General principles**

#### **Article 1**

The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

#### **Article 2**

- 1.** A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (hereinafter referred to as the Subcommittee on Prevention) shall be established and shall carry out the functions laid down in the present Protocol.
- 2.** The Subcommittee on Prevention shall carry out its work within the framework of the Charter of the United Nations and shall be guided by the purposes and principles thereof, as well as the norms of the United Nations concerning the treatment of people deprived of their liberty.
- 3.** Equally, the Subcommittee on Prevention shall be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.
- 4.** The Subcommittee on Prevention and the States Parties shall cooperate in the implementation of the present Protocol.

#### **Article 3**

Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism).

#### **Article 4**

- 1.** Each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.
- 2.** For the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

## **PART II**

### **Subcommittee on Prevention**

#### **Article 5**

- 1.** The Subcommittee on Prevention shall consist of ten members. After the fiftieth ratification of or accession to the present Protocol, the number of the members of the Subcommittee on Prevention shall increase to twenty-five.
- 2.** The members of the Subcommittee on Prevention shall be chosen from among persons of high moral character, having proven professional experience in the field of the administration of justice, in particular criminal law, prison or police administration, or in the various fields relevant to the treatment of persons deprived of their liberty.
- 3.** In the composition of the Subcommittee on Prevention due consideration shall be given to equitable geographic distribution and to the representation of different forms of civilization and legal systems of the States Parties.
- 4.** In this composition consideration shall also be given to balanced gender representation on the basis of the principles of equality and non-discrimination.
- 5.** No two members of the Subcommittee on Prevention may be nationals of the same State.
- 6.** The members of the Subcommittee on Prevention shall serve in their individual capacity, shall be independent and impartial and shall be available to serve the Subcommittee on Prevention efficiently.

#### **Article 6**

- 1.** Each State Party may nominate, in accordance with paragraph 2 of the present article, up to two candidates possessing the qualifications and meeting the requirements set out in article 5, and in doing so shall provide detailed information on the qualifications of the nominees.
- 2.** (a) The nominees shall have the nationality of a State Party to the present Protocol;  
(b) At least one of the two candidates shall have the nationality of the nominating State Party;  
(c) No more than two nationals of a State Party shall be nominated;  
(d) Before a State Party nominates a national of another State Party, it shall seek and obtain the consent of that State Party.
- 3.** At least five months before the date of the meeting of the States Parties during which the elections will be held, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall submit a list, in alphabetical order, of all persons thus nominated, indicating the States Parties that have nominated them.

#### **Article 7**

- 1.** The members of the Subcommittee on Prevention shall be elected in the following manner:
  - (a) Primary consideration shall be given to the fulfilment of the requirements and criteria of article 5 of the present Protocol;
  - (b) The initial election shall be held no later than six months after the entry into force of the present Protocol;
  - (c) The States Parties shall elect the members of the Subcommittee on Prevention by secret ballot;
  - (d) Elections of the members of the Subcommittee on Prevention shall be held at biennial meetings of the States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Subcommittee on Prevention shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties present and voting.

2. If during the election process two nationals of a State Party have become eligible to serve as members of the Subcommittee on Prevention, the candidate receiving the higher number of votes shall serve as the member of the Subcommittee on Prevention. Where nationals have received the same number of votes, the following procedure applies:

- (a) Where only one has been nominated by the State Party of which he or she is a national, that national shall serve as the member of the Subcommittee on Prevention;
- (b) Where both candidates have been nominated by the State Party of which they are nationals, a separate vote by secret ballot shall be held to determine which national shall become the member;
- (c) Where neither candidate has been nominated by the State Party of which he or she is a national, a separate vote by secret ballot shall be held to determine which candidate shall be the member.

### **Article 8**

If a member of the Subcommittee on Prevention dies or resigns, or for any cause can no longer perform his or her duties, the State Party that nominated the member shall nominate another eligible person possessing the qualifications and meeting the requirements set out in article 5, taking into account the need for a proper balance among the various fields of competence, to serve until the next meeting of the States Parties, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

### **Article 9**

The members of the Subcommittee on Prevention shall be elected for a term of four years. They shall be eligible for re-election once if renominated. The term of half the members elected at the first election shall expire at the end of two years; immediately after the first election the names of those members shall be chosen by lot by the Chairman of the meeting referred to in article 7, paragraph 1 (d).

### **Article 10**

1. The Subcommittee on Prevention shall elect its officers for a term of two years. They may be re-elected.

2. The Subcommittee on Prevention shall establish its own rules of procedure. These rules shall provide, inter alia, that:

- (a) Half the members plus one shall constitute a quorum;
- (b) Decisions of the Subcommittee on Prevention shall be made by a majority vote of the members present;
- (c) The Subcommittee on Prevention shall meet in camera.

3. The Secretary-General of the United Nations shall convene the initial meeting of the Subcommittee on Prevention. After its initial meeting, the Subcommittee on Prevention shall meet at such times as shall be provided by its rules of procedure. The Subcommittee on Prevention and the Committee against Torture shall hold their sessions simultaneously at least once a year.

## **PART III**

### **Mandate of the Subcommittee on Prevention**

### **Article 11**

The Subcommittee on Prevention shall:

- (a) Visit the places referred to in article 4 and make recommendations to States Parties concerning the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

- (b) In regard to the national preventive mechanisms:
  - (i) Advise and assist States Parties, when necessary, in their establishment;
  - (ii) Maintain direct, and if necessary confidential, contact with the national preventive mechanisms and offer them training and technical assistance with a view to strengthening their capacities;
  - (iii) Advise and assist them in the evaluation of the needs and the means necessary to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
  - (iv) Make recommendations and observations to the States Parties with a view to strengthening the capacity and the mandate of the national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;
- (c) Cooperate, for the prevention of torture in general, with the relevant United Nations organs and mechanisms as well as with the international, regional and national institutions or organizations working towards the strengthening of the protection of all persons against torture and other cruel, inhuman or degrading treatment or punishment.

## **Article 12**

In order to enable the Subcommittee on Prevention to comply with its mandate as laid down in article 11, the States Parties undertake:

- (a) To receive the Subcommittee on Prevention in their territory and grant it access to the places of detention as defined in article 4 of the present Protocol;
- (b) To provide all relevant information the Subcommittee on Prevention may request to evaluate the needs and measures that should be adopted to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
- (c) To encourage and facilitate contacts between the Subcommittee on Prevention and the national preventive mechanisms;
- (d) To examine the recommendations of the Subcommittee on Prevention and enter into dialogue with it on possible implementation measures.

## **Article 13**

**1.** The Subcommittee on Prevention shall establish, at first by lot, a programme of regular visits to the States Parties in order to fulfil its mandate as established in article 11.

**2.** After consultations, the Subcommittee on Prevention shall notify the States Parties of its programme in order that they may, without delay, make the necessary practical arrangements for the visits to be conducted.

**3.** The visits shall be conducted by at least two members of the Subcommittee on Prevention. These members may be accompanied, if needed, by experts of demonstrated professional experience and knowledge in the fields covered by the present Protocol who shall be selected from a roster of experts prepared on the basis of proposals made by the States Parties, the Office of the United Nations High Commissioner for Human Rights and the United Nations Centre for International Crime Prevention. In preparing the roster, the States Parties concerned shall propose no more than five national experts. The State Party concerned may oppose the inclusion of a specific expert in the visit, whereupon the Subcommittee on Prevention shall propose another expert.

**4.** If the Subcommittee on Prevention considers it appropriate, it may propose a short follow-up visit after a regular visit.

## **Article 14**

**1.** In order to enable the Subcommittee on Prevention to fulfil its mandate, the States Parties to the present Protocol undertake to grant it:

- (a) Unrestricted access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
- (b) Unrestricted access to all information referring to the treatment of those persons as well as their conditions of detention;

- (c) Subject to paragraph 2 below, unrestricted access to all places of detention and their installations and facilities;
- (d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the Subcommittee on Prevention believes may supply relevant information;
- (e) The liberty to choose the places it wants to visit and the persons it wants to interview.

**2.** Objection to a visit to a particular place of detention may be made only on urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder in the place to be visited that temporarily prevent the carrying out of such a visit. The existence of a declared state of emergency as such shall not be invoked by a State Party as a reason to object to a visit.

### **Article 15**

No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Subcommittee on Prevention or to its delegates any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

### **Article 16**

**1.** The Subcommittee on Prevention shall communicate its recommendations and observations confidentially to the State Party and, if relevant, to the national preventive mechanism.

**2.** The Subcommittee on Prevention shall publish its report, together with any comments of the State Party concerned, whenever requested to do so by that State Party. If the State Party makes part of the report public, the Subcommittee on Prevention may publish the report in whole or in part. However, no personal data shall be published without the express consent of the person concerned.

**3.** The Subcommittee on Prevention shall present a public annual report on its activities to the Committee against Torture.

**4.** If the State Party refuses to cooperate with the Subcommittee on Prevention according to articles 12 and 14, or to take steps to improve the situation in the light of the recommendations of the Subcommittee on Prevention, the Committee against Torture may, at the request of the Subcommittee on Prevention, decide, by a majority of its members, after the State Party has had an opportunity to make its views known, to make a public statement on the matter or to publish the report of the Subcommittee on Prevention.

## **PART IV**

### **National preventive mechanisms**

#### **Article 17**

Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions.

#### **Article 18**

**1.** The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel.

2. The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country.
3. The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms.
4. When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights.

#### **Article 19**

The national preventive mechanisms shall be granted at a minimum the power:

- (a) To regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;
- (b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;
- (c) To submit proposals and observations concerning existing or draft legislation.

#### **Article 20**

In order to enable the national preventive mechanisms to fulfil their mandate, the States Parties to the present Protocol undertake to grant them:

- (a) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
- (b) Access to all information referring to the treatment of those persons as well as their conditions of detention;
- (c) Access to all places of detention and their installations and facilities;
- (d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the national preventive mechanism believes may supply relevant information;
- (e) The liberty to choose the places they want to visit and the persons they want to interview;
- (f) The right to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.

#### **Article 21**

1. No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.
2. Confidential information collected by the national preventive mechanism shall be privileged. No personal data shall be published without the express consent of the person concerned.

#### **Article 22**

The competent authorities of the State Party concerned shall examine the recommendations of the national preventive mechanism and enter into a dialogue with it on possible implementation measures.

#### **Article 23**

The States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms.

## **PART V**

### **Declaration**

#### **Article 24**

1. Upon ratification, States Parties may make a declaration postponing the implementation of their obligations under either part III or part IV of the present Protocol.
2. This postponement shall be valid for a maximum of three years. After due representations made by the State Party and after consultation with the Subcommittee on Prevention, the Committee against Torture may extend that period for an additional two years.

## **PART VI**

### **Financial provisions**

#### **Article 25**

1. The expenditure incurred by the Subcommittee on Prevention in the implementation of the present Protocol shall be borne by the United Nations.
2. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Subcommittee on Prevention under the present Protocol.

#### **Article 26**

1. A Special Fund shall be set up in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, to help finance the implementation of the recommendations made by the Subcommittee on Prevention after a visit to a State Party, as well as education programmes of the national preventive mechanisms.
2. The Special Fund may be financed through voluntary contributions made by Governments, intergovernmental and non-governmental organizations and other private or public entities.

## **PART VII**

### **Final provisions**

#### **Article 27**

1. The present Protocol is open for signature by any State that has signed the Convention.
2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.



5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

#### **Article 28**

1. The present Protocol shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession, the present Protocol shall enter into force on the thirtieth day after the date of deposit of its own instrument of ratification or accession.

#### **Article 29**

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

#### **Article 30**

No reservations shall be made to the present Protocol.

#### **Article 31**

The provisions of the present Protocol shall not affect the obligations of States Parties under any regional convention instituting a system of visits to places of detention. The Subcommittee on Prevention and the bodies established under such regional conventions are encouraged to consult and cooperate with a view to avoiding duplication and promoting effectively the objectives of the present Protocol.

#### **Article 32**

The provisions of the present Protocol shall not affect the obligations of States Parties to the four Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, nor the opportunity available to any State Party to authorize the International Committee of the Red Cross to visit places of detention in situations not covered by international humanitarian law.

#### **Article 33**

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the present Protocol and the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act or situation that may occur prior to the date on which the denunciation becomes effective, or to the actions that the Subcommittee on Prevention has decided or may decide to take with respect to the State Party concerned, nor shall denunciation prejudice in any way the continued consideration of any matter already under consideration by the Subcommittee on Prevention prior to the date on which the denunciation becomes effective.

3. Following the date on which the denunciation of the State Party becomes effective, the Subcommittee on Prevention shall not commence consideration of any new matter regarding that State.

#### **Article 34**

**1.** Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General of the United Nations to all States Parties for acceptance.

**2.** An amendment adopted in accordance with paragraph 1 of the present article shall come into force when it has been accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

**3.** When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment that they have accepted.

#### **Article 35**

Members of the Subcommittee on Prevention and of the national preventive mechanisms shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions. Members of the Subcommittee on Prevention shall be accorded the privileges and immunities specified in section 22 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, subject to the provisions of section 23 of that Convention.

#### **Article 36**

When visiting a State Party, the members of the Subcommittee on Prevention shall, without prejudice to the provisions and purposes of the present Protocol and such privileges and immunities as they may enjoy:

- (a) Respect the laws and regulations of the visited State;
- (b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

#### **Article 37**

**1.** The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

**2.** The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.

#### **Article 3**

The Ministry of Justice shall be responsible for the implementation of the Protocol.

#### **Article 4**

In connection with Article 17 of the Optional Protocol to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment the Republic of Slovenia hereby makes the following statement: "The competences and tasks of national preventive mechanism under the Optional Protocol, in compliance with Article 17 shall be carried out by the Human Rights Ombudsman, and

with his agreement also non-governmental organisations registered in the Republic of Slovenia and organisations that have obtained the status of humanitarian organisations in the Republic of Slovenia.”

## Article 5

**1.** The tasks and authorities of national preventive mechanism under this protocol shall be performed by the Human Rights Ombudsman. In carrying out monitoring at places of detention and checking the treatment of persons who have been deprived of their liberty, non-governmental organisations registered in the Republic of Slovenia and organisations that have obtained the status of humanitarian organisations in the Republic of Slovenia, which deal with the protection of human rights or fundamental freedoms, especially in the field of preventing torture and other cruel, inhuman or degrading treatment of punishment, may cooperate with the Ombudsman in carrying out the tasks and authorities of the Ombudsman under this protocol.

**2.** Organisations that will cooperate in the implementation of tasks and authorities under the provisions of the previous paragraph shall be chosen on the basis of public tender, which will be held by the Ombudsman, who will also decide on the choice of organisations. The content of the public tender must be in compliance with Article 4 of this Act and statutory regulations issued on the basis of the fourth paragraph.

**3.** Persons from the selected organisations who will cooperate in implementing the tasks and authorities of national preventive mechanism under this Protocol shall provide a prior written declaration that in performing these tasks and authorities they will work according to the instructions of the Human Rights Ombudsman and work according to regulations on the protection of the confidentiality of personal and confidential information, as these apply for the Ombudsman and his deputies and staff.

**4.** Necessary costs and rewards of persons from organisations that perform tasks or implement authorities under the first paragraph shall be paid by the Human Rights Ombudsman from budget headings of the Ombudsman, according to rules which the Ombudsman shall issue after the prior approval of the minister responsible for finance. The rules shall be published in the Official Gazette of the Republic of Slovenia.

## Article 6

This Act shall take effect on 1 January 2007.

No. 713-03/91-4/4

Ljubljana, 29 September 2006

EPA 1008-IV

President

National Assembly

of the Republic of Slovenia

France Cukjati, M.D., l.r.

# National Preventive Mechanism in the Republic of Slovenia under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Report 2016

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