



HUMAN  
RIGHTS  
OMBUDSMAN

**REPORT  
OF THE HUMAN RIGHTS OMBUDSMAN  
OF THE REPUBLIC OF SLOVENIA  
ON THE IMPLEMENTATION OF TASKS  
OF THE NATIONAL PREVENTIVE MECHANISM  
UNDER THE OPTIONAL PROTOCOL  
TO THE UN CONVENTION AGAINST TORTURE  
AND OTHER CRUEL, INHUMAN OR DEGRADING  
TREATMENT OR PUNISHMENT FOR 2017**

**Abrided version**

Ljubljana, April 2018



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# 1

## IMPLEMENTATION OF THE DUTIES AND POWERS OF THE NATIONAL PREVENTIVE MECHANISM IN 2017

### 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 of the Republic of Slovenia (the Ombudsman) assumed important **duties and powers of the National Preventive Mechanism (NPM)**. The Ombudsman thus 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 national and international levels. This system is particularly based on **regular visits to places of deprivation of liberty**. These are preventive visits whose purpose is to prevent torture or other ill-treatment before it occurs. In addition to the Subcommittee on the Prevention of Torture (SPT) established by the United Nations for the implementation of tasks at the international level, the Optional Protocol introduces the NPM at national level of the State Parties whose task is to regularly visit places where people are (or could be) deprived of their liberty.

The Act Ratifying the Optional Protocol (Article 5) stipulates that the **duties and powers of the NPM are performed 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 cooperate 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 tender. The Act Ratifying the Optional Protocol further stipulates that the people from the selected organisations who will cooperate in the implementation of the duties and powers under the NPM must provide a prior written statement that, in performing these duties and powers, they will observe the Ombudsman's instructions and the regulations on the protection of personal and confidential data, as these apply to the Ombudsman, her deputies and staff.

The Act Ratifying the Optional Protocol further stipulates that the costs and remuneration of people from organisations implementing the duties and powers under the NPM with the Ombudsman are paid by the Ombudsman's office from its budget headings, according to the rules issued by the Ombudsman upon prior approval of the minister responsible for finance. On this basis, the Ombudsman issued **Rules on the reimbursement of costs and remuneration of people from organisations implementing the duties and powers under the provisions of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.**<sup>2</sup> The Ombudsman prepared the first Rules before having any kind of experience with the additionally entrusted duties under the Optional Protocol. In cooperation with the selected organisations, the first visit as the NPM was made in March 2008, followed by a growing number of visits each year. On the basis of the experience gained

<sup>1</sup> Official Gazette of the RS, No. 114/06 – International Treaties, No. 20/06.

<sup>2</sup> The first Rules were published in the Official Gazette of the RS, No. 17/2008.

in cooperating with the selected organisations, and in consideration of their proposals for amendments and annexations to the reimbursement of costs and remunerations, the valid rules were amended in 2011 (and were published in the Official Gazette of the RS, No. 20/2011 as of 18 March 2011 upon prior approval of the minister competent for finance). **Upon receiving new proposals by the selected organisations for amendments and annexations to the existing Rules, it was decided, in 2016, that a consolidated text of the Rules should be prepared.** Additional proposals by the selected organisation were considered, especially the findings and proposals of the internal audits of the Ombudsman from this field. Attempts were made to eliminate editorial and other errors in the text of the previous Rules, and to clarify individual provisions (e.g. when the Monitor is entitled to remuneration for preparing a site visit report – Article 8 of the Rules). The method of calculating the costs and their amount was clarified, i.e. by referencing the regulation stipulated for public servants unless otherwise specified in these Rules (Article 4 of the Rules). An attempt was also made to specify more appropriately the calculation of the compensation for loss of income when the Monitor cooperates voluntarily with the selected non-governmental or humanitarian organisation during the implementation of monitoring (Article 7 of the Rules). The observation by one of the selected organisations that the time which a Monitor spends on preparing their site visit report is not attributed any value was also considered (Article 9). Another change was the remuneration in the amount of EUR 100 for a person from the selected non-governmental or humanitarian organisations who, following prior agreement with the Ombudsman, prepares an individual content segment for the Annual Report on the implementation of the duties and powers of the National Preventive Mechanism. Article 13 now stipulates that the Rules apply mutatis mutandis for the reimbursement of costs and payment of remunerations to people from non-governmental or humanitarian organisations for their participation in other organised events of the Ombudsman for the purposes of implementing the duties and powers under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (e.g. participation at press conferences, coordination and other meetings, consultations, etc.). The previously valid Rules did not enable the reimbursement of any of these costs to the selected organisations, even though their participation was necessary at these events. **The new Rules were published in the Official Gazette of the RS, No. 13/2017 as of 17 March 2017.**

**In the implementation of the duties and powers of the NPM in 2017, the Ombudsman again cooperated with representatives of organisations which applied to the public tender to cooperate in the implementation of the duties and powers of the NPM in the 2015–2017 period, with the possibility of prolongation for one more year.<sup>3</sup> Eight NGOs applied to the public tender, i.e. Novi paradoks (NP), the Association for Developing Voluntary Work Novo mesto (Association or DRPDNM), Humanitarno društvo Pravo za vse (Pravo za vse), Caritas Slovenia (Caritas), SKUP – Community of Private Institutes (SKUP), the Legal Information Centre for NGOs (PIC), the Peace Institute (MI) and the Slovenian Federation of Pensioners' Associations (ZDUS).**

**As previously reported, it was decided at the end of 2014 that a special NPM unit would be established in 2015, which would not review individual initiatives, but only perform visits and other NPM duties.** This work method continued in 2017. **The two activities of the Ombudsman (preventive, including NPM duties, and reactive, including the review of individual initiatives) were thus separated.** The need for this separation is explicitly stipulated in Item 32 of the Guidelines on National Preventive Mechanisms by the SPT,<sup>4</sup> adopted in Geneva in November 2010, which determine 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”. **The operation of a separate internal organisational unit of the Ombudsman, which focuses exclusively on the duties and powers of the NPM, was also stipulated in 2017 by Article 50c of the Act Amending the Human Rights Ombudsman Act – ZVarCP-B (Official Gazette of the RS, No. 54/17 as of 29 September 2017). It further stipulates that the work of the NPM should be managed by the Deputy Ombudsman, authorised by the Ombudsman for a specific period.**

**The decision to make this division of the Ombudsman's activities was found to be appropriate. The implementation of the duties 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, 39 visits under the role of the NPM were conducted in 2014, 67 in 2015, and as many as 80 in 2016 and 2017). The improved organisation of work also contributes to better preparation for individual visits, their implementation, and the drafting of reports on the visits. More visits also incur higher costs (for the**

<sup>3</sup> Official Gazette of the RS, No. 92/2014 as of 19 December 2014.

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

cooperation with the selected NGOs and the implementation of visits). Higher costs are also incurred due to the need to improve the participation of medical experts in individual NPM visits. The use of funds for the implementation of the duties and powers of the NPM is evident from the attached table.

<b>Funds spent for the implementation of the duties and powers of the NPM in 2014-2017</b>				
	<b>NPM 2014</b>	<b>NPM 2015</b>	<b>NPM 2016</b>	<b>NPM 2017</b>
Salaries	100,105	106,388	113,030	115,099
Cooperation with non-governmental organisations	4,367	11,666	11,435	9,716
Cooperation of medical experts	5,580	5,105	1,720	3,592
Travel expenses	690	1,799	2,686	1,012
<b>TOTAL</b>	<b>110,742</b>	<b>124,958</b>	<b>128,871</b>	<b>129,419</b>

The table does not include material costs: rent, design and printing of the AR, translation, mobile telephony, and other expenses.

In addition to the Deputy Ombudsman, Ivan Šelih, the head of the NPM, in 2017 the unit also included Robert Gačnik (BA in Criminal Justice and Security, specialist in criminal investigation), councillor and adviser to the Ombudsman (responsible in particular for visiting prisons, police stations, the Aliens Centre, and asylum centres); mag. Jure Markič (LLB, MA), senior councillor and adviser to the Ombudsman (responsible for visiting social care institutions and psychiatric hospitals); and Lili Jazbec (Professor of special education for behavioural and personality disorders and institutional education science), councillor and adviser to the Ombudsman (part of her work is a responsibility for visiting residential treatment institutions). Ana Polutnik (LLB), who is responsible for visits to social care institutions (also only under one part of her work obligations), was a new member of the unit in 2017.



Members of the National Preventive Mechanism (from left to right): Ana Polutnik, Lili Jazbec, Ivan Šelih – Deputy Ombudsman and Head of the National Preventive Mechanism, mag. Jure Markič and Robert Gačnik.

## 1.2 Activities of the NPM

When implementing its duties and powers, the NPM **visits all the places of deprivation of liberty in the Republic of Slovenia (in consideration of the annual programme of visits) and inspects how persons deprived of their liberty 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 such persons, and to prevent torture and other forms of cruel, inhuman or degrading treatment or punishment. In this regard, it may also submit proposals and observations concerning existing or draft legislation.**

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

- Prisons and all their units, and the Radeče Juvenile Correctional Facility;
- Residential treatment institutions;
- Individual social care institutions – retirement homes and special social care institutions;
- Psychiatric hospitals;
- Detention rooms in police stations and the Ljubljana Police Detention Centre;
- The Aliens Centre and the Asylum Centre;
- Detention rooms operated by the Slovenian Armed Forces;
- All other locations within the meaning of Article 4 of the Optional Protocol (e.g. police intervention vehicles, etc.).

The Ombudsman, in the role as NPM, engages experts with the widest range of recommended specialist knowledge. As the selected NGOs cannot provide certain other suitable experts, and because the Ombudsman does not employ an expert in the field of healthcare, certain external experts had to be engaged. **The Ombudsman selected the medical experts on the basis of a public call for proposals for the purpose of recruiting medical experts to help the Ombudsman establish, clarify or evaluate facts indicating 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.** In 2017, we cooperated with Associate Professor Dr Peter Pregelj MD, Psychiatry Specialist, and Assistant Professor Dr Milan Popovič MD, General Surgery Specialist. An individual expert, selected from the list by the Ombudsman according to the type and place of an individual visit, carries out their tasks according to the orders and instructions of the Ombudsman and in cooperation with the Ombudsman's expert colleagues, by participating in the planned visit and providing written replies to the Ombudsman's questions in the role of the NPM, and by providing their own findings, particularly on the suitability of healthcare and the treatment of persons deprived of their liberty.

The selected NGOs implement their duties and powers with people qualified for individual fields of supervision as members of a group appointed by the Ombudsman for each individual visit. **The group implementing supervision is thus composed of the Ombudsman's representatives, and representatives of the selected organisations, who observe the programme of visits adopted by the Ombudsman in cooperation with the selected organisations and, if necessary, also other circumstances demanding an immediate visit.**

For each visit, the NPM drafts a comprehensive (final) **report on the findings established at the institution visited.** This report also covers proposals and recommendations for the elimination of any established irregularities and improvement of 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 cooperate in drafting the site visit report. All participants, including the NGO representatives, must prepare a brief report on their findings together with proposals, which form part of the report on the supervision which took place. The report is submitted to the competent authority (i.e. the superior body of the institution visited) with a proposal that the authority takes a position on the statements or recommendations in the report and submits it to the Ombudsman by a set deadline. The institution visited also receives the report, and in specific cases (when visiting social care institutions, psychiatric hospitals, and juvenile institutions) a preliminary report is also prepared.

A representative of the Ombudsman is usually responsible for preparing the site visit report, although a person from the 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 site visit 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/>.



## 1.3 Brief statistics on NPM visits and other activities in 2017

In 2017, the NPM visited 80 places of deprivation of liberty, as follows:

- 27 visits to detention rooms at police stations;
- 21 visits to prisons (including the juvenile correctional facility);
- 1 visit to locations of deprivation of liberty of aliens;
- 2 visits to psychiatric hospitals;
- 10 visits to special social care institutions;
- 15 visits to retirement homes;
- 4 visits to educational institutions treating children and adolescents with emotional and behavioural disorders.

In **18 cases, the visits were thematic** (we visited 13 prisons and 5 special social care institutions), while we also conducted **18 review visits** (during which we mostly focused on the implementation of recommendations made following a previous visit). The majority of the visits were conducted **without prior notification**, as **only four visits were announced in advance** (visits to one police station, one psychiatric hospital, and one prison due to the attendance of foreign observers who were part of the visiting group; a visit to Dob Prison, the largest prison in Slovenia, was also announced a day in advance for better organisation of the visit).

More information on the NPM visits in 2017 is provided in the tables below and in the review of NPM activities in the Appendix.

### General data on visits in 2017

	Police stations	Prisons + Radeče CF	Aliens Centre	Psychiatric hospitals (including the forensic unit)	Special social care institutions	Retirement homes	Residential treatment institutions
<b>Number of visits</b>	<b>27</b>	<b>21<sup>1</sup></b>	<b>1</b>	<b>2</b>	<b>10<sup>2</sup></b>	<b>15</b>	<b>4</b>
Number of one-day visits	27	6	1	2	10	15	4
Number of two-day visits	/	2	/	/	/	/	/
Announced visits	1 (attended by Italian representatives)	2 (attended by Italian representatives)	/	1 (attended by an international expert)	/	/	/
Unannounced visits	26	19	1	1	10	15	4
Regular visits	25	8	1	/	/	9	1
Review visits	2	/	/	2	5	6	3
Thematic visits	/	13	/	/	5	/	/
In the morning	27	21	1	2	8	15	2
In the afternoon	/	/	/	/	2	/	2
Attended by an expert	/	2	/	/	/	6	1

<sup>1</sup> 13 visits were thematic, i.e. on the subject of vulnerable people in custody (the elderly, people with impaired mobility, etc.). A questionnaire on this subject was sent to the prisons and their remote units on 23 May 2017, which had to be answered by 15 July 2017. After receiving the completed questionnaires, visits were made to individual prisons and their remote units. A joint thematic report was prepared on these visits.

<sup>2</sup> 7 Special social care institutions also include units of retirement homes which care for younger people with mental health problems (units of combined institutions). 5 visits were made in the context of a thematic visit.

## Participation of NGOs in visits to individual institutions in 2017

### Number of NGO members and active members:

	Number of all members	Number of active participants
Pravo za vse	9	6
PIC	4	4
Peace Institute	4	2
Novi paradoks	6	1
Caritas	1	1
ZDUS	7	3
DRPDNM	4	1
SKUP	7	4
<b>TOTAL</b>	<b>42</b>	<b>22</b>

### Participation of NGOs in the preparation of the 2017 final report

	Police stations	Prisons + Radeče CF	Aliens Centre	Psychiatric hospitals	Special social care institutions	Retirement homes	Residential treatment institutions
<b>Pravo za vse</b>	1	1	/	/	6	6	/
Final report	1	/	/	/	/	5	/
<b>PIC</b>	3	1	2 <sup>8</sup>	/	/	1	/
Final report	3	/	/	/	/	/	/
<b>Peace Institute</b>	3	1	/	/	/	2	1
Final report	3	/	/	/	/	/	/
<b>Novi paradoks</b>	/	/	/	2	1	/	2
Final report	/	/	/	/	/	/	1
<b>Caritas</b>	/	/	/	/	/	/	1
Final report	/	/	/	/	/	/	/
<b>ZDUS</b>	/	1 <sup>9</sup>	/	/	2	4	2
Final report	/	/	/	/	/	/	1
<b>DRPDNM</b>	1	1	/	/	/	/	/
Final report	1	1	/	/	/	/	/
<b>SKUP</b>	2	4	/	/	1	4	3
Final report	2	3	/	/	/	1	1
<b>Total no. of reports prepared</b>	<b>10</b>	<b>4</b>	<b>/</b>	<b>/</b>	<b>/</b>	<b>6</b>	<b>3</b>

## 1.4 Proposals and observations concerning existing or draft legislation

The NPM may also submit proposals and observations concerning existing or draft legislation (Article 19 of the Optional Protocol). In the role of the NPM, the Ombudsman has been making use of this possibility in the preparation of individual reports, and more directly in the procedure of drafting regulations or their amendments and annexations in the area of restrictions of personal liberty. Individual examples from 2017 are presented below. The drafter of the proposed regulation or the legislator decides

<sup>8</sup> Two external experts were also present.

<sup>9</sup> The same person participated in all 13 thematic visits to the prisons and their dislocated units.

whether and to what extent to consider our observations. The Ombudsman is unable to participate in the preparation of concrete legislative solutions because of its position, so as not to face subsequent reproach that the office participated in the drafting of an Act.

Our observations were already provided to the proposed amendments to the **Police Tasks And Powers Act (ZNPPol)**, which governs the duties and powers of police officers, at the time of the presentation of the ZNPPol amendment in 2015, and later in the further process of preparing the amendment. Several of our observations on the planned amendments to the ZNPPol were considered. As we assessed that several provisions of the ZNPPol-A amendment, which was adopted in 2017, were inconsistent with the Constitution of the Republic of Slovenia and the European Convention for the Protection of Human Rights and Fundamental Freedoms, we filed an initiative for the review of the constitutionality of individual provisions. We are still awaiting the decision of the Constitutional Court of the RS.

In the process of preparing the ZNPPol-A amendment, special attention was paid to the **introduction of the taser as a coercive measure**. We have reservations about its introduction, as we believe (as does the CPT) that its use should be strictly limited to cases of serious and imminent threat to life or grave injury and only if this cannot be prevented in any other way, i.e. when this is the only option instead of using other, riskier means which cause injury or death (e.g. firearms). We are glad that a number of our observations have been considered in this part of preparing the draft Act.

Unfortunately, the drafter or legislator did not follow solutions which foresaw stricter use of tasers. We believe that if tasers are introduced as a coercive measure, the law must stipulate that they can be used only by police officers who perform their tasks and duties in intervention teams or in other similar operations. This has been observed by the **amended Rules on police powers**. This implementing regulation details the method of exercising police powers. Following the ZNPPol-A amendment, the Rules were amended (Official Gazette of the RS, No. 59/2017) after obtaining our preliminary opinion (as stipulated by Article 33 of the ZNPPol). We are especially satisfied with the new Article 43a of the Rules, which stipulates stricter use of the electric taser. The Rules allow the use of electric tasers only by police officers who perform their tasks and duties in intervention teams or in other similar operations, members of the Special Unit, and mobile crime units. In this part, the Rules also follow the recommendations provided by the CPT.

We also provided our observations on the **amendment to the Criminal Code (KZ-1E)**, which has brought several innovations in the field of criminal liability, including a definition of the purpose of punishment. We find the definition of the purpose of punishment especially welcoming, as we believe it to be essential and useful, especially with regard to the enforcement of penal sanctions. We also proposed additional consideration of the definition of the purpose of punishment to specifically emphasise the need to give meaning to the time spent in prison, as highlighted in the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) under Rule 4, which states that a period of imprisonment should be used to ensure, so far as possible, the reintegration of prisoners into society upon release so that they can lead a law-abiding and self-supporting life.

The initial proposal of the amendment also recommended abolishment of life imprisonment; however, this has not yet happened. We also welcomed this (initial) proposed amendment. The Ombudsman has had reservations since the introduction of life imprisonment.

During the procedure of drafting the **amendments to the Criminal Procedure Act (ZKP)**, which had not yet been adopted in 2017, the Ombudsman provided their observations as requested to the Ministry of Justice, as the drafter of the amendments.

In addition to the ZKP, the implementation of remand is regulated in detail by the **Rules on the Implementation of Remand**. The Ministry of Justice prepared a new amendment in 2017, i.e. the Rules amending the Rules on the Implementation of Remand (Official Gazette of the RS, No. 41/2017). We welcomed these amendments and annexations, which are aimed at facilitating fast action so as to prevent conditions which could violate the prohibition of torture, inhuman or degrading treatment or punishment which is stipulated in Article 18 of the Constitution of the RS, and in Article 3 of the European Convention on Human Rights (ECHR). This would provide an additional measure for preventing similar violations as those established in the judgment of the European Court of Human Rights (ECHR) in the case *Mandić and Jović v. Slovenia*. We believe that it is (in light of its content) a significant legal remedy which must be based on a law. We have therefore proposed corresponding amendments or annexations to the ZKP, as we do not believe that it suffices to only regulate this by (extension of)

the Rules. With regard to our observations, the Ministry of Justice said that the amendment to the Rules also supplements the proposed amendment of Article 212 of the ZKP (proposed by the ZKP-N), which explicitly establishes that the overcrowding of an institution is a reason for transferring a remand prisoner. A special mechanism for transferring prisoners and remand prisoners in the event of reaching full operational capacity of the institution has been set up and is being implemented. Remand prisoners have already successfully enforced their right to compensation due to inappropriate spatial conditions on remand. The Ministry further stated that our observations on the additional legislative regulation of an effective legal remedy would be studied from the viewpoint of eventual future legislative amendments.

The Ministry of Justice prepared the proposed **amendment to the Enforcement of Penal Sentences Act (ZIKS-1)** in 2017, for which it affirms that it improves the legal framework and ensures a more appropriate legal basis for the enforcement of penal sanctions. The Ombudsman's office provided its observations during the drafting of the proposal. The amendment was prepared on the basis of the findings during the monitoring and assessment of the implications of the valid legislation in practice. An appropriate legal basis had to be ensured for the correct and consistent regulation of powers of judicial police officers, which are now predominantly governed only at a regulatory level. According to the Ministry of Justice, the amendments and annexations were also required to harmonise the Act with legislation on minor offences, which introduces a substitute prison sentence, and with the new probation Act. The competent probation unit will assume individual tasks of the court, the police, and social work centres relating to home detention, community service, and suspended sentences. Individual tasks will be assumed by the probation administration. It is especially important for the amendment to be harmonised with European legislation on the rights, support, and protection of victims of crime. This amendment also governs the procedure for the expulsion of aliens. The amendment foresees the implementation of some of our past observations, such as ensuring the safety of the victim by providing notification of temporary release, escape or final release of the offender, and considers other observations, such as the regulation of special accommodation for convicted prisoners when reasons exist for a special, stricter regime of sentence enforcement.

In 2017, the Prison Administration of the Republic of Slovenia (UIKS) prepared the **Strategy of the Prison Administration of the Republic of Slovenia (2017–2020)**. We welcomed the adoption of this strategy as we believe it is a useful document for the work of the prison system and the implementation of its mission, in addition to the definition of the purpose of punishment in the KZ-1E amendment. We also encouraged the announced preparation of the action plan which will define in detail the time schedule for individual measures, the required resources, the monitoring of the planned measures, and the implementation of the objectives. We hope that our recommendations, which we provide when reviewing the suggestions of prisoners, and the recommendations provided in the role of the National Preventive Mechanism will be of assistance.

The healthcare and social healthcare system in the area of mental health, the implementers of this activity, the rights of people being treated in departments of a psychiatric hospital under special supervision, treatment in secure departments of social care institutions, and in a supervised hearing are stipulated by the **Mental Health Act (ZDZdr)**. The Ombudsman has repeatedly recommended comprehensive professional monitoring and analysis of the implementation of the ZDZdr, and using these findings to prepare proposals for system changes which will eliminate the established deficiencies, simplify existing legislative procedures, and ensure a high level of safeguarding of the fundamental rights of people being treated in departments of a psychiatric hospital under special supervision and in secure departments of social care institutions. When reviewing initiatives concerning people in secure departments of social care institutions, and when conducting visits in the role of the NPM in these institutions, several problems have been noted in the implementation of the ZDZdr. These problems include the lack of regulations of the admission procedure in secure departments of social care institutions when dealing with admission without consent.

For quite some time, we have also been pointing out the need for **updating the professional guidelines for the use of special precautionary measures (SPM)**. We welcomed the communication by the Ministry of Health in October 2016 that the Extended Expert Council for Psychiatry (EEC) had appointed a team of experts for preparing and updating the Recommendations and Guidelines for the use of SPM in Psychiatry, and its explanation that the appointed team was planned to present these recommendations at the National Psychiatric Congress in November 2016, as these were matters of national importance. In mid-2017, the EEC informed us that the team was concluding its work, and that once the team had confirmed the guidelines, they will be adopted by the EEC for psychiatry and presented to the Slovenian Psychiatric Association. We were also assured that we would receive the guidelines once these were confirmed by the EEC; however, we had not received them by the beginning of 2018. Information provided

by the EEC (in January 2018) allows us to conclude that they have adopted the updated guidelines; however, individual amendments have been proposed and the team should submit them by the next EEC meeting, i.e. in February 2018.

When reviewing initiatives which relate to people in social care institutions, the Ombudsman often comes across dissatisfaction with the **applicable standards and norms of social services, especially as regards the staffing standards for these services**. In the Response Report by the Government of the RS to the Report on the Implementation of the Duties and Powers of the National Preventive Mechanism in 2016, dated 27 July 2017, on the findings of the National Preventive Mechanism during visits to retirement homes and special social care institutions with regard to low staffing standards, especially understaffed institutions during the weekends, the Ministry of Labour, Family, Social Affairs and Equal Opportunities explained that it was aware that the standards and norms of social care services must be updated. This is also one of the priority tasks of the Ministry. The Ministry explained that a working group was set up for preparing **draft Rules amending the Rules on the Standards and Norms for Social Services** and that the working group is planned to continue its work in 2017. The proposal for the amendments and annexations to the standards and norms of social services should also include proposals provided by the National Preventive Mechanism. This is very encouraging news and we will closely follow the implementation of the Ministry's announcements.

## 1.5 Implementation of NPM recommendations

**The implementation of the 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 examine the recommendations of the NPM and enter into a dialogue with it on possible implementation measures. In this respect, individual topics from this field were discussed at meetings in 2017 with representatives of the responsible ministries and other bodies. In the context of preparations for drafting the guidelines and mandatory instructions for the preparation of the annual plan of the work of the police, and the planning of supervisions of the police in the observed year (as normal), we met with the Police and Security Directorate of the Ministry of the Interior and also discussed individual issues with the Director General of the Police or the General Police Directorate. We also welcomed the Director General of the Prison Administration and his colleagues for a working visit. The discussions focused on issues concerning prisoners in the Republic of Slovenia, the implementation of the Ombudsman's recommendations regarding the initiatives posed by remand and sentenced prisoners, and the recommendations by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Strategy of the Prison Administration, the placement in and transfer of prisoners to less strict regimes, and staffing problems with judicial police officers. We also focused on individual problems within interministerial working groups (e.g. at the Ministry of Labour, Family, Social Affairs and Equal Opportunities).

	Number of recommendations	Accepted	Rejected	Implemented	No data	No response yet
<b>Social care institutions</b>	170	40	5	76	0	<b>49</b>
<b>Special social care institutions</b>	24	10	0	8	6	<b>0</b>
<b>Psychiatric hospitals</b>	20	12	0	6	0	<b>2</b>
<b>Police stations</b>	172	49	28	94	1	<b>0</b>
<b>Aliens Centre</b>	18	0	0	0	0	<b>18</b>
<b>Residential treatment institutions</b>	48	26	2	12	0	<b>5</b>
<b>Prisons</b>	163	67	20	49	1	<b>26</b>
<b>TOTAL</b>	<b>615</b>	<b>204</b>	<b>55</b>	<b>245</b>	<b>8</b>	<b>100</b>

**The success of implementing the recommendations from the NPM visits in 2017** is presented in detail in a report issued only in Slovenian, available online and in printed form. All **the recommendations and responses by the competent authorities** are published online.<sup>10</sup> We have prepared an overview of the consideration or implementation of the recommendations provided by the NPM in 2017 using the received response to our recommendations, in which we considered whether the visited institution and/or the competent Ministry accepted the NPM recommendation (✓), implemented it (☑) or failed to accept it (✗). When feedback was not received, we marked this with “No data” or (0), while we also need to consider the fact that individual response reports had not yet been received at the time of the preparation of this report (31 January 2018). The implementation of our recommendations will be verified regularly during our future visits to the relevant institutions.

**In addition to the primary, 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 their liberty improved in many institutions due to our recommendations. This is also seen in the number of the already implemented recommendations from a total of 615 recommendations in 2017, i.e. 245, the 204 accepted recommendations, and the 55 rejected recommendations.**

We cannot overlook the repeat **visit by the CPT** to Slovenia at the beginning of 2017 (previously in 2012), which visited several institutions housing persons deprived of their liberty. On the basis of this visit, it provided individual observations and recommendations in its report (some of which are also emphasised in this report) which our country is obligated to consider, and to eliminate all established deficiencies, a fact which we will undoubtedly follow. We will especially follow the implementation of those observations and recommendations which coincide with ours.

## 1.6 International and other activities of the NPM

**In addition to visiting places of deprivation of liberty, the NPM is also engaged in numerous other activities, such as preparing proposals and observations concerning existing or draft Acts, preparing and giving presentations to foreign delegations or visitors, preparing replies to questions from different networks and other NPM and authorities, participating in meetings and so on. The NPM also organises discussions with representatives of individual state authorities (including ministers) and presents the Ombudsman's actions in this field (such as press conferences, training for judicial police officers, etc.).**

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. **On 11 January 2017, the Ombudsman organised a meeting of all the representatives of non-governmental organisations that participate in the work of the NPM.** We reviewed the activities which were implemented in the previous year and we assessed them as successful. We also discussed the work of the NPM in the future. We established the need for thematic visits, where special attention will be paid to specific aspects of the treatment of persons deprived of their liberty (e.g. the position of children and adolescents and other vulnerable groups). **The meeting was followed by a consultation on communicating with people with mental health problems.** A member of the NPM, mag. Jure Markič, initially presented the NPM's experience in conducting interviews with residents of social care institutions during previous visits. The Deputy Ombudsman, Ivan Šelih, pointed out the recommended standards of the SEE NPM Network and other organisations (e.g. the CPT) for social care institutions. Representatives from the Slovenian Association for Help with Dementia – Spominčica, Alzheimer Slovenia presented dementia, how to recognise it, and how the environment treats patients suffering from this disease, which affects more than 33,000 Slovenians, and whose symptoms and consequences also affect their families, friends, and acquaintances. The consultation ended with a lecture by the NPM's external expert, Associate Professor Dr Peter Pregelj, who presented individual psychological disorders in detail, while particularly focusing on the special characteristics of communicating with people with such a disorder. All the participants agreed that they will be able to use this new knowledge in the future work of the NPM, and when visiting social care institutions, psychiatric hospitals, and other institutions where freedom of movement is restricted.

<sup>10</sup> See: <http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/>.

**NPM members also participated at events at home and abroad, where they presented their activities and previous experience.** From 16 to 17 May 2017, the Deputy Ombudsman, Ivan Šelih, attended the first Forum of the National Preventive Mechanism, Preventing Torture: Kazakhstani and International Experience, which was held in the Kazakhstan capital of **Astana**. The event was hosted by the Kazakhstan National Ombudsman Office, with support from the Council of Europe and other international institutions. The event was organised in commemoration of 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, promoting the Protocol and encouraging the effectiveness of the existing NPM. In addition to the more than one hundred participants from Kazakhstan, the event was also attended by representatives of Central Asian institutions for the protection of human rights or NPM and a representative from the UK NPM. Deputy Ombudsman Šelih presented the current experience of the NPM in Slovenia, where its duties and powers are implemented by the Ombudsman together with selected non-governmental organisations. His presentation was particularly interesting to the Kazakhstani NPM representatives, as following Slovenia's example, the Kazakhstani Ombudsman and representatives of non-governmental organisations or civil society participate in the implementation of the duties and powers of the NPM.

The Deputy Ombudsman, Ivan Šelih, also presented the Slovenian NPM in **Tunisia**. At the invitation of the Council of Europe, he attended the International Colloquium of National Preventive Mechanisms – Repositories and Practices, in Hammamet, Tunisia held on 15 and 16 December 2017. The event was organised in the context of a joint project by the European Union and the Council of Europe entitled Towards Strengthened Democratic Governance in the Southern Mediterranean. It was attended by representatives of the Tunisian NPM and other authorities, representatives of other NPMs, and international mechanisms (e.g. SPT and NPM Obs). Numerous aspects of the work of the NPM were covered, including cooperation with civil society, the type and duration of visits, work methods, preparation for visits, preparation of recommendations and reports, review of individual complaints, and the preventive nature of visits. Discussions also focused on establishing dialogue with the competent authorities on the implementation of recommendations, cooperation with other NPMs, and establishing connections. Deputy Ombudsman Šelih presented the method of implementing the duties and powers of the NPM in Slovenia, especially the Ombudsman's cooperation with the selected non-governmental organisations. His presentation also focused on the attention that the NPM in Slovenia places on vulnerable groups. He pointed out the Special report on the violation of human rights of people with mental disorders with regard to involuntary placement and involuntary treatment in secure departments of social care institutions, and the report on the conditions for vulnerable people in custody. Special attention was also paid to the institutional care of the elderly (especially people with dementia), people with mental health disorders, adolescents, and other people with special needs.

**We remain active in the South-Eastern Europe (SEE) NPM Network**, whose purpose is, inter alia, to establish better cooperation and exchange of experience, and to implement numerous joint activities for more effective implementation of the duties and powers of the NPM in South-Eastern Europe which derive from the Optional Protocol. On 25 and 26 May 2017, we attended a meeting in Belgrade discussing the detention of people with mental health disorders. This is an especially vulnerable group, whose members can be detained in various closed institutions such as police stations, prisons, social care institutions and psychiatric hospitals, among others. The meeting was attended by all the members of the network and other representatives of the NPM or institutions for the protection of human rights, and international organisations. In his opening address, Deputy Ombudsman Šelih, the current Chair of the Network's Legal Group, emphasised that people with mental disorders are socially marginalised and, as such, particularly vulnerable and helpless. Because of the difficulties that they face, they can scarcely manage to protect their own interests, or write an application or appeal. As such, they are particularly prone to various risks and discrimination, as well as to possible abuse during detention. All NPMs are accordingly bound to ensure that these people receive appropriate and dignified treatment.

We also attended a SEE NPM Network meeting (5–6 July 2017) in Podgorica, focusing on the **problems of ensuring healthcare in prisons and psychiatric institutions**. At this meeting, the Deputy Ombudsman and Chair to the Legal Group of the SEE NPM Network, Ivan Šelih, emphasised in his opening address that the starting point when assessing the level of healthcare should be the principle that detained people should enjoy the same right to healthcare as other citizens. This is an unalienable right of every detained person. Only appropriate healthcare can ensure quality of life in a closed institution. Inadequate healthcare may lead to inhuman and degrading treatment. We must not overlook the fact that health services significantly contribute to the prevention of maltreatment by careful recording of the medical condition of detained people, providing appropriate medical assistance, reacting to possible worrying

medical conditions, and preventive activities. The participants exchanged views on the availability of doctors, equal treatment, consent to medical treatment and confidentiality, prevention, assistance for people with special needs, and professional independence and competence. All this is monitored by the NPM when visiting health services in prisons. The meeting ended with the conclusion that healthcare services within penitentiary institutions should be part of the public healthcare network (as regulated for example in Slovenia), while emphasising the special and additional duties and position of health services when treating detained people.

Healthcare is also exceptionally important when it comes to patients committed to psychiatric hospitals. The Slovenian representative emphasised the urgency of delineating between commitment to a department under special supervision and treatment. As this is an important issue, it was the subject of a lively discussion on the second day of the meeting. Even though it initially seemed that the participants held different views on the matter, the discussion showed that they agreed as to the most important aspects, which enabled the drawing up of appropriate conclusions on the basis of the expressed opinions, which will undoubtedly represent a guideline for all NPMs of the region and beyond. In the same way as is emphasised by CPT standards, the fundamental principle should be the patient's right to give or refuse their free and informed consent to treatment. Involuntary commitment to a hospital should not automatically include involuntary medical treatment without the patient's consent. This means that every competent patient, whether committed voluntarily or involuntarily, should be given the opportunity to refuse treatment or any other medical intervention. Any derogation from this fundamental principle should be based upon law and only relate to clearly and strictly defined exceptional circumstances.

**At the SEE NPM Network meeting in Belgrade on 12 and 13 December 2017, we discussed the NPM work methodology.** At the end of the meeting, with agreements reached on their future work, the network members also appointed a new chairperson, i.e. the Montenegro NPM, while next year the Legal Group will be chaired by the Austrian NPM and the Health Group by the Serbian NPM.

**In 2017, the Slovenian NPM also hosted a Tajikistan delegation,** comprising the Ombudsman of Tajikistan, Alizoda Zarif, and representatives of other authorities: the Office of the President of the Republic, the Supreme Court, the Prosecutor General's Office, the justice system, the Supreme Assembly, the university, and two representatives of non-governmental organisations. The delegation came to Slovenia to familiarise itself with the NPM and the activities of other state authorities with regard to the treatment of persons deprived of their liberty.

The Ombudsman's representatives presented their work and activities to the members of the delegation, especially the legal framework of the activity of the NPM, and the method of implementing the duties and powers of the NPM. They explained how NPM visits were conducted at police stations, in prisons, and in social care institutions. The members of the delegation also visited these institutions and thus had the opportunity (also through discussions with their representatives) to learn about life in these institutions. Representatives of the Ministry of Justice presented activities on ensuring the protection of human rights and preventing torture or other forms of cruel, inhuman or degrading treatment or punishment, and the related cooperation with the Ombudsman. The foreign guests were also able to obtain information on cooperation in the implementation of the duties and powers of the NPM directly from PIC and Peace Institute representatives. We expect that the information provided will help Tajik representatives in their preparations for the signing and ratification of the Optional Protocol, especially with regard to the setting up, appointment or establishment of one or more independent NPMs for the prevention of torture.

**The NPM visited Piran Police Station and Koper Prison together with observers from Italy,** i.e. members of the Antigone organisation from Rome. This organisation regularly visits prisons in neighbouring Italy, and this event presented the opportunity for an exchange of experience on conducting preventive visits to closed institutions. **We visited the unit for Forensic Psychiatry in Maribor, together with a representative of the Austrian Ombudsman or member of the Austrian NPM.**

**Representatives of the Slovenian NPM had a working visit to the NPM mechanism of the Republic of Croatia** which is implemented by the Ombudsman of the Republic of Croatia.. The main purpose of our visit was the exchange of practical experience in the implementation of preventive visits. For this reason, Croatian NPM representatives implemented an unannounced visit to Zadar prison, which was observed by representatives of the Slovenian NPM. The visit focused on the treatment of prisoners in



the sense of how they are treated and the use of coercive measures. Such cooperation and exchange of experience in the implementation of preventive visits within the context of the SEE NPM Network has already proven useful in the past. It is an excellent opportunity for the exchange of best practice in the implementation of the duties and powers of the NPM, while it also provides an opportunity to learn about how prisoners are treated in other countries, and in this respect also the legal framework which governs the enforcement of penal sanctions. A good example of best practice in Zadar Prison is their confidential access to health services, as prisoners submit their requests for medical examination in special closed boxes located in every unit (opened exclusively by health personnel).

**Representatives of the Slovenian NPM visited their colleagues in Austria**, where they learned about the treatment of forensic patients, as well as their treatment after release. This is a field where we have found numerous difficulties.

## 1.7 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 2017. On the whole, we are pleased with the response of the relevant authorities (especially the institutions visited) to our findings and recommendations for improvement, as these show a readiness to cooperate. We particularly note that the institutions that we visited in 2017 are trying to take all the necessary measures for improvement which are within their domain.** We are pleased to establish that the findings, observations, and recommendations for improvement made by the Ombudsman within the context of the duties and powers of the NPM frequently result in an improvement in the conditions and treatment of persons deprived of their liberty. **We strive to further enhance and deepen our cooperation with the relevant ministries, especially with regard to issues which require systemic changes in the field.** It was therefore worrisome to receive a communication from the **Ministry of Labour, Family, Social Affairs and Equal Opportunities** that the Ministry was unable to respond to our reports and recommendations in time due to limitations in human resources. **Several problems have been established in the operation of social care institutions with regard to the application of the ZDZdr.** These problems relate to the observation of the definition of a secure department, admission of people to these departments (as pointed out by the NPM special report), ensuring the required human resources, and the use of special precautionary measures, among other things. **Deficiencies in the use of special precautionary measures have also been established during our visits to psychiatric hospitals.** We therefore strive for a closer cooperation in this field, particularly in faster response times by the Ministry of Health and other actors when it comes to the adoption of measures aimed at improving the situation (e.g. the preparation of the required amendments and annexations to the ZDZdr and professional guidelines for the use of (special) precautionary measures as early as possible). **For quite some time now, we have also been warning the Ministry of Education, Science and Sport of the need to prepare expert bases for a comprehensive and unified treatment of adolescents, with instructions on appropriate educational action, especially with regard to adolescents with mental health problems and associated violent and hetero-aggressive behaviour.** On the other hand, the cooperation of the Ministry of the Interior and the Police is exemplary with regard to the review of the findings from visits to police stations. These predominantly relate to the furnishing of detention rooms, the recording of detention, and the enforcement of the rights of detainees and the possibilities for outdoor exercise. **With regard to the processing of aliens, we wish to point out the processing of minors, especially unaccompanied minors. We can also commend the cooperation of the Ministry of Justice or the Prison Administration.** Problems remain in this field with regard to the overcrowding of individual prisons, ensuring appropriate accommodation facilities and work possibilities, ensuring the required human resources, and care for especially vulnerable people in custody (the elderly, people with disabilities, etc.) who need special equipment during their incarceration.

**In conclusion, we highlight the fact that the NPM's operations significantly contribute to improving the situation of persons deprived of their liberty. We are pleased to report that no cases of torture or other forms of cruel treatment or punishment were established during our visits in 2017. Our recommendations for improvements indicate situations which may represent inhuman or degrading treatment (maltreatment) of persons deprived of their liberty (e.g. problems ensuring rooms for people with mental health problems, and consequently their accommodation in hallways and other common areas of social care institutions or even refusing them admittance; inappropriate**

**use of special precautionary measures; ensuring appropriate day clothes for patients in psychiatric hospitals; placement and treatment of alien minors; ensuring appropriate (closed) rooms for the treatment of minors with mental health problems, and so on.).** We do note, however, that we have contacted the Specialised State Prosecutor's Office of the Republic of Slovenia (SSPO), Section for the Investigation and Prosecution of Official Persons Having Special Authority with regard to one case, where the instigator described maltreatment by police officers even though the Ministry of the Interior denied that police officers were even using coercive measures in the said case. We have asked the competent state prosecutor to investigate the actions of the police officers from the viewpoint of an eventual criminal offence. We are still awaiting the State Prosecutor's response.

**After ten years of implementing the duties and powers of the NPM in Slovenia, we have also established that the time has come to introduce certain changes.** Ten years ago, we began to implement the duties and powers of the NPM predominantly on the basis of experience gained in the context of the activities of the Ombudsman. The different nature of work of the NPM, which is preventive and does not deal with individual complaints, meant that we had to adapt the organisation of our work. One of these adaptations is the already presented independent NPM unit, which manages the implementation of regular visits to places of deprivation of liberty in Slovenia.

**The content of our visits, which are organised on the basis of written methodology (published in the NPM 2014 Report), has also changed.** Unlike general visits, which focus on getting to know the institutions, thematic visits have become important, i.e. visits where special attention is paid to a specific subject or topic. These visits are presented below. One of these visits to a prison focused on how prisoners spend their time in prison, which useful activities are available, the possibilities for work and joining programmes, and on general activities aimed at facilitating their return to society upon release. We have also prepared a special report on the violation of human rights of people with mental disorders with regard to involuntary placement and involuntary treatment in secure departments of social care institutions and a report on the conditions for people with special needs in custody. We plan to mark the tenth anniversary of implementing the duties and powers of the NPM with an international NPM meeting in April 2018 in Ljubljana. This will be an opportunity to review the implemented activities and the potential measures for improving the effectiveness of the NPM.

# 2

## REVIEW OF NPM VISITS IN 2017

1. **18 January 2017** Members of the National Preventive Mechanism (NPM), the Ombudsman's adviser, Robert Gačnik, and Barbara Marić from the Legal Information Centre for NGOs – PIC, made an unannounced **visit to Gornja Radgona Police Station.**
2. **18 January 2017** Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Barbara Marić from the Legal Information Centre for NGOs – PIC, made an unannounced **visit to Lenart Police Station.**
3. **18 January 2017** Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Barbara Marić from the Legal Information Centre for NGOs – PIC, made an unannounced **visit to Ruše Police Station.**
4. **19 January 2017** Members of the NPM, the Ombudsman's adviser, mag. Jure Markič, and Jure Trbič from SKUP – Community of Private Institutes, made an unannounced review **visit to the Petrovo Brdo Unit of Podbrdo Retirement Home.**
5. **25 January 2017** Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations, made an unannounced **visit to the Ig Open Unit of Ljubljana Prison.**
6. **30 January 2017** The Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, together with Ana Černeč from Humanitarno društvo Pravo za VSE, made an unannounced **thematic visit to the Dom Lukavci special social care institution.**
7. **30 January 2017** The Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, together with Ana Černeč from Humanitarno društvo Pravo za VSE, made an unannounced **thematic visit to the Hrastovec special social care institution.**
8. **30 January 2017** The Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, together with Ana Černeč from Humanitarno društvo Pravo za VSE, made an unannounced **thematic visit to the Dom Nine Pokorn Grmovje special social care institution.**
9. **31 January 2017** The Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, together with Stanka Radojičič from ZDUS made an unannounced **thematic visit to the Dom Prizma Ponikve special social care institution.**
10. **1 February 2017** The Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, together with Stanka Radojičič from ZDUS, made an unannounced **thematic visit to the Dutovje special social care institution.**
11. **2 February 2017** On the basis of the implementation of the duties and powers of the NPM, the Ombudsman's adviser, Robert Gačnik, and Maja Ladić from the Peace Institute, made an unannounced **visit to Cerknica Police Station.**
12. **2 February 2017** On the basis of the implementation of the duties and powers of the NPM, the Ombudsman's adviser, Robert Gačnik, and Maja Ladić from the Peace Institute, made an unannounced **visit to Postojna Police Station.**
13. **2 February 2017** On the basis of the implementation of the duties and powers of the NPM, the Ombudsman's adviser, Robert Gačnik, and Maja Ladić from the Peace Institute, made an unannounced **visit to Ilirska Bistrica Police Station.**
14. **14 February 2017** Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Katja Piršič from SKUP – Community of Private Institutes, made an unannounced **visit to the Slovenska Vas Semi-Open Unit of Dob Prison.**

<b>15. 21 February 2017</b>	Members of the NPM, the Ombudsman's adviser, Lili Jazbec, and Katja Piršič and Neža Peternel from SKUP – Community of Private Institutes, together with Nika Mori from Novi paradoks, made an unannounced <b>visit to Višja Gora Educational Institution.</b>
<b>16. 22 February 2017</b>	In the context of implementing the duties of the NPM, members of the NPM, the Ombudsman's adviser mag. Jure Markič and Jure Trbič from SKUP – Community of Private Institutes, made an announced <b>control visit to the Dom Sv. Lenarta private social care institution</b> in Lenart v Slovenskih Goricah.
<b>17. 2 March 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Ana Hederih from Humanitarno društvo Pravo za VSE, made an unannounced <b>visit to Ljutomer Police Station.</b>
<b>18. 2 March 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Ana Hederih from Humanitarno društvo Pravo za VSE, made an unannounced <b>visit to Murska Sobota Police Station.</b>
<b>19. 2 March 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Ana Hederih from Humanitarno društvo Pravo za VSE, made an unannounced <b>visit to Lendava Police Station.</b>
<b>20. 10 March 2017</b>	Members of the NPM, mag. Jure Markič, and Mojca Frelj from the Peace Institute, made an unannounced <b>review visit to the Dom Viharnik Kranjska Gora private social care institution.</b>
<b>21. 13 March 2017</b>	Members of the NPM, the Deputy Ombudsman, Ivan Šelih, the Ombudsman's advisers, Robert Gačnik and Ana Polutnik, and Maja Ladič from the Peace Institute, made an unannounced <b>visit to Ig Prison.</b> They inspected the facilities, spoke to prisoners who wished to speak to them, and spoke to the prison management. They continued their visit on 14 March 2017. On 15 March 2017, the Prison was also visited by the medical expert, Dr Milan Popovič MD, General Surgery Specialist.
<b>22. 21 March 2017</b>	Members of the NPM, the Ombudsman's adviser, mag. Jure Markič, and Nika Mori from Novi paradoks, made an unannounced <b>review visit to the Department of Psychiatry of Maribor Medical Centre.</b>
<b>23. 5 April 2017</b>	Members of the NPM, the Ombudsman's adviser, Lili Jazbec, mag. Mojca Frelj from the Peace Institute, and Nives Jakomin Škrli from ZDUS, made an unannounced <b>visit to the Črna na Koroškem Special Education, Work and Care Centre.</b> On 10 April 2017, members of the NPM, the Deputy Ombudsman, Ivan Šelih, and the Ombudsman's adviser, made a subsequent <b>additional unannounced visit to the Črna na Koroškem Special Education, Work and Care Centre.</b>
<b>24. 6 April 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Primož Križnar from SKUP – Community of Private Institutes, made an unannounced <b>visit to Sežana Police Station.</b>
<b>25. 6 April 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Primož Križnar from SKUP – Community of Private Institutes, made an unannounced <b>visit to Ajdovščina Police Station.</b>
<b>26. 6 April 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Primož Križnar from SKUP – Community of Private Institutes, made an unannounced <b>visit to Nova Gorica Police Station.</b>
<b>27. 11 April 2017</b>	Members of the NPM, the Ombudsman's adviser, mag. Jure Markič, and Mateja Veingerl from Humanitarno društvo Pravo za VSE, made an <b>unannounced review visit to the Hrastovec social care institution.</b>
<b>28. 18 April 2017</b>	Members of the NPM, mag. Jure Markič, and Ana Polutnik and Mateja Veingerl from Humanitarno društvo Pravo za VSE, made a regular <b>unannounced visit to Gornja Radgona Retirement Home.</b> The retirement home was subsequently also visited by the external expert, Associate Professor Dr Peter Pregelj MD, Psychiatry Specialist.

29. 19 April 2017	Members of the NPM, the Ombudsman's advisers, Robert Gačnik and Lili Jazbec, together with Barbara Marić from the Legal Information Centre for NGOs – PIC and Marko Štante from Humanitarno društvo Pravo za VSE, made an unannounced <b>visit to Radeče Juvenile Correctional Facility.</b>
30. 9 May 2017	Members of the NPM, mag. Jure Markič and Jan Irgel from Humanitarno društvo Pravo za VSE, made an <b>unannounced review visit to Impoljca Retirement Home.</b>
31. 11 May 2017	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Miha Nabergoj from the Legal Information Centre for NGOs – PIC, made an unannounced <b>visit to Velenje Police Station.</b>
32. 11 May 2017	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Miha Nabergoj from the Legal Information Centre for NGOs – PIC, made an unannounced <b>visit to Šmarje pri Jelšah Police Station.</b>
33. 11 May 2017	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Miha Nabergoj from the Legal Information Centre for NGOs – PIC, made an unannounced <b>visit to Rogaška Slatina Police Station.</b>
34. 16 May 2017	Members of the NPM, the Ombudsman's advisers, Robert Gačnik and mag. Uroš Kovačič, together with Maja Ladić from the Peace Institute, made an <b>unannounced review visit to Gorišnica Police Station.</b>
35. 16 May 2017	Members of the NPM, the Ombudsman's advisers, Robert Gačnik and mag. Uroš Kovačič, together with Maja Ladić from the Peace Institute, made an <b>unannounced review visit to Ptuj Police Station.</b>
36. 16 May 2017	Members of the NPM, the Ombudsman's adviser, Lili Jazbec, Nika Mori from Novi padaroks and Neža Peternel from SKUP – Community of Private Institutes, made an unannounced <b>visit to Planina Educational Institution.</b>
37. 17 May 2017	Members of the NPM, the Ombudsman's advisers, Robert Gačnik, and Anja Kirn Hrovat from the Association for Developing Voluntary Work Novo mesto, made an unannounced <b>visit to the Novo Mesto Unit of Ljubljana Prison.</b>
38. 22 May 2017	Members of the NPM, the Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, together with Stanka Radojčić from the Slovenian Federation of Pensioners' Associations – ZDUS, made an <b>unannounced visit to the Kidričevo Unit of the Ptuj Retirement Home.</b>
39. 1 June 2017	Members of the NPM, the Ombudsman's adviser, Lili Jazbec, Barbara Pirnat from Slovenian Caritas, and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations – ZDUS, made an unannounced visit to <b>Kranj Educational Institution.</b>
40. 12 June 2017	Members of the NPM, the Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, together with Mateja Veingerl from Humanitarno društvo Pravo za VSE and the external expert, Associate Professor Dr Peter Pregelj MD, Psychiatry Specialist, made an <b>unannounced visit to Ljutomer Retirement Home and its residential unit in Stročja vas.</b>
41. 20 June 2017	Members of the NPM, the Deputy Ombudsman, Ivan Šelih, the Ombudsman's adviser, Robert Gačnik, and Boris Nusdorfer from the Legal Information Centre for NGOs – PIC, made an <b>announced visit to the detention rooms at Piran Police Station.</b> The visit was also attended by Antigone's observers from Rome; the President, Patrizio Gonnella and the national coordinator, Susanna Marietti.
42. 20 June 2017	Members of the NPM, the Deputy Ombudsman, Ivan Šelih, the Ombudsman's adviser, Robert Gačnik, and Boris Nusdorfer from the Legal Information Centre for NGOs – PIC, made an <b>announced visit to Koper Prison.</b> The visit was also attended by Antigone's observers from Rome; the President, Patrizio Gonnella and the national coordinator, Susanna Marietti.
43. 18 July 2017	Members of the NPM, the Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, together with Mojca Frelj from the Peace Institute, made an unannounced <b>review visit to Lipa Retirement Home in Štore.</b>
44. 20 July 2017	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Anja Kirn Hrovat from the Association for Developing Voluntary Work Novo mesto, made an unannounced <b>visit to Grosuplje Police Station.</b>

<b>45. 20 July 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Anja Kirn Hrovat from the Association for Developing Voluntary Work Novo mesto, made an unannounced <b>visit to Črnomelj Police Station.</b>
<b>46. 20 July 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Anja Kirn Hrovat from the Association for Developing Voluntary Work Novo mesto, made an unannounced <b>visit to Metlika Police Station.</b>
<b>47. 27 July 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Primož Križnar from SKUP – Community of Private Institutes, made an unannounced <b>visit to the Puščava Open Unit of Dob Prison.</b>
<b>48. 2 August 2017</b>	Members of the NPM, the Ombudsman's adviser mag. Jure Markič and Jure Trbič from SKUP – Community of Private Institutes, made an unannounced <b>regular visit to the Dom Sv. Martina Retirement Home in Srednja vas v Bohinju.</b>
<b>49. 6 September 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Maja Ladič from the Peace Institute, made an unannounced <b>visit to Ljubljana Centre Police Station.</b>
<b>50. 6 September 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Maja Ladič from the Peace Institute, made an unannounced <b>visit to Ribnica Police Station.</b>
<b>51. 6 September 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Maja Ladič from the Peace Institute, made an unannounced <b>visit to Kočevje Police Station.</b>
<b>52. 12 September 2017</b>	Members of the NPM, the Ombudsman's adviser, mag. Jure Markič, and Anton Pori from Humanitarno društvo Pravo za VSE, made an <b>unannounced review visit to the Dom Lukavci special social care institution.</b>
<b>53. 14 September 2017</b>	Members of the NPM, the Deputy Ombudsman, Miha Horvat, the Ombudsman's adviser, Robert Gačnik, and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations, made an unannounced <b>thematic visit to Dob Prison</b> on the subject of the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons (vulnerable people).
<b>54. 14 September 2017</b>	Members of the NPM, the Deputy Ombudsman, Miha Horvat, the Ombudsman's adviser, Robert Gačnik, and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations, made an unannounced <b>thematic visit to the Slovenska Vas Semi-Open Unit of Dob Prison</b> on the subject of the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons (vulnerable people).
<b>55. 14 September 2017</b>	Members of the NPM, the Deputy Ombudsman, Miha Horvat, the Ombudsman's adviser, Robert Gačnik, and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations, made an unannounced <b>thematic visit to the Puščava Open Unit of Dob Prison</b> on the subject of the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons (vulnerable people).
<b>56. 19 September 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations, made an unannounced <b>thematic visit to Koper Prison</b> on the subject of the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons (vulnerable people).
<b>57. 20 September 2017</b>	Members of the NPM, the Ombudsman's adviser, Jure Markič, and Jure Trbič from SKUP – Community of Private Institutes, made an unannounced visit to <b>Idrija Retirement Home, the Idrija Unit.</b>
<b>58. 21 September 2017</b>	Members of the NPM, the Deputy Ombudsman, Miha Horvat, the Ombudsman's adviser, Robert Gačnik, and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations, made an unannounced <b>thematic visit to Ljubljana Prison</b> on the subject of the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons (vulnerable people).

<b>59.25 September 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations, made an unannounced <b>thematic visit to the Rogoza Open Unit of Maribor Prison</b> on the subject of the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons (vulnerable people).
<b>60.25 September 2017</b>	Members of the NPM, the Ombudsman's adviser Robert Gačnik and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations, made an unannounced <b>thematic visit to the Murska Sobota Unit of Maribor Prison</b> on the subject of the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons (vulnerable people).
<b>61.26 September 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations, made an unannounced <b>thematic visit to the Nova Gorica Unit of Koper Prison</b> on the subject of the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons (vulnerable people).
<b>62.28 September 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations, made an unannounced <b>thematic visit to Maribor Prison</b> on the subject of the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons (vulnerable people).
<b>63. 2 October 2017</b>	Members of the NPM, Deputy Ombudsman Ivan Šelih and the Ombudsman's advisers mag. Jure Markič and Robert Gačnik together with Nika Mori from Novi paradoks and Dr Peter Kastner from the Austrian NPM as the external expert, made an <b>announced control visit to the Forensic Unit of the Psychiatric Department of Maribor University Hospital</b> .
<b>64. 3 October 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations, made an unannounced <b>thematic visit to the Novo Mesto Unit of Ljubljana Prison</b> on the subject of the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons (vulnerable people).
<b>65. 4 October 2017</b>	Members of the NPM, the Deputy Ombudsman, Miha Horvat, the Ombudsman's adviser, Robert Gačnik, and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations, made an unannounced <b>thematic visit to Ig Prison</b> on the subject of the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons (vulnerable people).
<b>66. 5 October 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations, made an unannounced <b>thematic visit to the Ig Open Unit of Ljubljana Prison</b> on the subject of the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons (vulnerable people).
<b>67. 10 October 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Marija Milavec Kapun from the Slovenian Federation of Pensioners' Associations, made an unannounced <b>thematic visit to Celje Prison and Juvenile Prison</b> on the subject of the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons (vulnerable people).
<b>68. 19 October 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Primož Križnar from SKUP – Community of Private Institutes, made an unannounced <b>visit to Kozina Police Station</b> .

<b>69.</b>	<b>19 October 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Primož Križnar from SKUP – Community of Private Institutes, made an unannounced <b>visit to Koper Police Station.</b>
<b>70.</b>	<b>19 October 2017</b>	Members of the NPM, the Ombudsman's adviser, Robert Gačnik, and Primož Križnar from SKUP – Community of Private Institutes, made an unannounced <b>visit to Izola Police Station.</b>
<b>71.</b>	<b>23 October 2017</b>	Members of the NPM, the Ombudsman's adviser, mag. Jure Markič, and Nives Škrlić Jakomin from ZDUS, made an unannounced <b>visit to Horjul Retirement Home.</b>
<b>72.</b>	<b>24 October 2017</b>	Members of the NPM, the Ombudsman's adviser, Ana Polutnik, together with Stanka Radojčič from the Slovenian Federation of Pensioners' Associations, Ana Repič from the Legal Information Centre for NGOs – PIC, and the external expert Associate Professor Dr Peter Pregelj MD, made an <b>unannounced visit to Fužine Retirement Home.</b>
<b>73.</b>	<b>7 November 2017</b>	Members of the NPM, the Ombudsman's adviser, mag. Jure Markič, and Ana Hederih from Humanitarno društvo Pravo za VSE, made an <b>unannounced visit to Dr Jože Potrč Retirement Home in Poljčane.</b> The retirement home was subsequently also visited by the external expert, Associate Professor Dr Peter Pregelj MD, Psychiatry Specialist.
<b>74.</b>	<b>22, 23 and 24 November 2017</b>	Members of the NPM, the Deputy Ombudsman, Ivan Šelih, the Ombudsman's adviser, Robert Gačnik, and Katja Piršič and Primož Križnar from SKUP – Community of Private Institutes, made an <b>announced</b> (only one day in advance) <b>visit to Dob Prison.</b>
<b>75.</b>	<b>28 November 2017</b>	Members of the NPM, the Ombudsman's adviser, Ana Polutnik, Stanka Radojčič from the Slovenian Federation of Pensioners' Associations, and Katja Piršič from SKUP – Community of Private Institutes, made an unannounced <b>visit to Dr Janko Benedik Retirement Home in Radovljica.</b> On 2 December 2017, the retirement home was subsequently also visited by the external expert, Associate Professor Dr Peter Pregelj MD, Psychiatry Specialist.
<b>76.</b>	<b>29 November 2017</b>	Members of the NPM, the Ombudsman's adviser mag. Jure Markič, and Ana Hederih from Humanitarno društvo Pravo za VSE, made an unannounced review visit to <b>the Muretinci Unit of Ptuj Retirement Home.</b>
<b>77.</b>	<b>29 November 2017</b>	Members of the NPM, the Ombudsman's adviser, mag. Jure Markič, and Ana Hederih from Humanitarno društvo Pravo za VSE, made an unannounced review <b>visit to the Juršinci Unit of Ptuj Retirement Home.</b>
<b>78.</b>	<b>6 December 2017</b>	Members of the NPM, the Ombudsman's advisers, mag. Jure Markič, and Nika Mori from Novi paradoks, made an unannounced <b>review visit to the Dom Nine Pokorn Grmovje special social care institution.</b>
<b>79.</b>	<b>20 December 2017</b>	Members of the NPM, the Deputy Ombudsman and Head of the NPM, Ivan Šelih, the Ombudsman's adviser, Robert Gačnik, and Boris Nusdorfer and Miha Nabergoj from the Legal Information Centre for NGOs –PIC, made an unannounced <b>visit to the Aliens Centre in Postojna.</b> Pursuant to the Ombudsman's authorisation for the need for expert assistance in monitoring the position of vulnerable groups of alien children, and encouraging and advocating the implementation of children's rights, the visit was also attended by Alja Skele and Romana Židar.
<b>80.</b>	<b>20 December 2017</b>	Members of the NPM, the Ombudsman's adviser, mag. Jure Markič, and Anton Pori from Humanitarno društvo Pravo za VSE, made an unannounced <b>review visit to Radenci Retirement Home.</b>



# 3

## REVIEW OF OTHER NPM ACTIVITIES IN 2017

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- 1. 11 January 2017** The Ombudsman organised a **meeting of representatives of all the non-governmental organisations cooperating with the Ombudsman in the work of the NPM**. They reviewed the activities that were implemented in the previous year and assessed them as successful. They visited 80 closed institutions in Slovenia, the highest number since 2008, when they started implementing the duties and powers of the NPM. They also discussed the work of the NPM in the future. They established the need for thematic visits where special attention is paid to certain aspects of the treatment of persons deprived of their liberty (e.g. the position of children and adolescents and other vulnerable groups).

**The meeting was followed by a consultation on communicating with people with mental health problems.** Mag. Jure Markič, member of the NPM, initially presented the NPM's experience with conducting interviews with residents of social care institutions during previous visits. The Deputy Ombudsman, Ivan Šelih, pointed out the recommended standards of the SEE NPM Network and other organisations (e.g. the CPT) for social care institutions. Representatives of the Spominčica – Alzheimer Slovenia association, Štefanija L. Zlobec and Alenka Virant, presented dementia, how to recognise it, and how the environment treats patients suffering from this disease. The consultation ended with a lecture by the NPM's external expert, Associate Professor Dr Peter Pregelj MD, who presented individual psychological disorders in detail, focusing in particular on the special characteristics of communicating with people with such a disorder.

All participants agreed that they would be able to use this new knowledge in the future work of the NPM and when visiting social care institutions, psychiatric hospitals, and other institutions where freedom of movement is restricted.

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  - 2. 19 January 2017** At the Ombudsman's office, the Ombudsman and the Deputy Ombudsman, Ivan Šelih, met with **Štefanija Lukič Zlobec and David Krivec, representatives of the Slovenian association for help with dementia, Spominčica – Alzheimer Slovenia**. They discussed issues concerning the setting up of a dementia-friendly community, and agreed on cooperation in projects aimed at increasing awareness and establishing a care system for people with dementia.

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  - 3. 24 January 2017** The Deputy Ombudsman, Ivan Šelih, and the Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, met at the Ombudsman's office with **representatives of the Association of Social Institutions of Slovenia**, Jaka Bizjak, Živa Cotič and Stanka Vozlič (Director of the Dom Lukavci special social care institution). The subject of the discussion was the placement of people in special social care institutions under the Mental Health Act.

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  - 4. 27 January 2017** The Deputy Ombudsman, Ivan Šelih, attended a **working consultation** at Ljubljana Moste police station, where they tried to develop joint **systemic solutions for the treatment of juvenile runaways** in other family communities. The consultation was organised by the Criminal Police Directorate of the General Police Directorate, in cooperation with the Association of Centres for Social Work.
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5. **13 and 14 February 2017** At the invitation of the Council of Europe, the Deputy Ombudsman, Ivan Šelih, **attended a meeting of the newly established organisation the** Observatory of National Preventive Mechanisms against Torture set up pursuant to the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (**NPM Observatory**) which was held in Paris, France. The participants learned about the purpose of setting up the NPM Observatory, which will check how individual NPMs are implementing their duties and powers and, where necessary, provide advice on how to improve their effectiveness.
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6. **20 February 2017** The Deputy Ombudsman, Ivan Šelih, and the Ombudsman's adviser, mag. Jure Markič, were asked by the Ministry of Justice to present the role of the Ombudsman of the Republic of Slovenia and its implementation of the duties and powers of the NPM, as one of the views of judicial reform, to a **Kyrgyz delegation** which came to Slovenia to attend a study visit on the sharing of best practice and experience in the strategic planning and drafting of strategic documents in the reform of justice system, so as to gain experience in strategic planning of their own judicial reform. The participants found the presentation to be very interesting, especially with regard to matters associated with the activities of the courts.
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7. **23 February 2017** The Deputy Ombudsman, Ivan Šelih, and the Ombudsman's adviser, mag. Jure Markič, attended the **first meeting of the inter-ministerial Working Group for setting up a specialised unit for people with the most severe cases of mental illness**, held at the Ministry of Labour, Family, Social Affairs and Equal Opportunities, which had been appointed by the Government of the Republic of Slovenia in 2016.
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8. **10 March 2017** The Deputy Ombudsman, Ivan Šelih, and the Ombudsman's adviser, Ana Polutnik, attended a **meeting of the inter-ministerial group** at the Ministry of Labour, Family, Social Affairs and Equal Opportunities (the Ministry) **on the subject of involuntary placement of people with mental health problems in secure departments of social care institutions** on the basis of the Mental Health Act (ZDZdr). The meeting, which focused on establishing progress in this field, was attended by Ministry representatives, representatives of individual social care institutions, the Association of Social Institutions of Slovenia, the Ministry of Health, the Ministry of Justice, and the Prison Administration.
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9. **27 March 2017** The Deputy Ombudsman and Head of the NPM, Ivan Šelih, the Deputy Ombudsman, Miha Horvat, the Ombudsman's advisers and members of the NPM, Robert Gačnik, mag. Jure Markič and Lili Jazbec, and representatives of non-governmental organisations which work with the Ombudsman in the context of the NPM **met with a CPT delegation** (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment) at the Ombudsman's office. The CPT delegation was on its regular periodic visit to Slovenia.
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10. **28 March 2017** The Deputy Ombudsman, Miha Horvat, and Robert Gačnik, member of the NPM, **met with the second part of the CPT delegation** (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment) at the offices of the Ministry of Justice. The CPT delegation was on its regular periodic visit to Slovenia.
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11. **30 March 2017** The Ombudsman's adviser, Lili Jazbec, attended the **27<sup>th</sup> expert meeting of management and executive employees in the education and training of children and adolescents with special needs**. The meeting was organised by the Special Education Association of Slovenia, the Association of Slovenian Training Organisations for People with Special Needs, and the Employment Service of Slovenia. The meeting focused on the education and training of children with special needs from the point of view of inclusion.
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- 12. 4 and 5 April 2017** As the Head of the NPM, the Deputy Ombudsman, Ivan Šelih, attended an **international conference on cooperation activities between the Council of Europe and National Preventive Mechanisms (NPM)**, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Subcommittee on the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), and the Organisation for Security and Cooperation in Europe (OSCE), which was held **in the Palace of Europe in Strasbourg** (2017 Cooperation activities between the Council of Europe and NPMs, SPT, CPT). The participants discussed work methods and forms and exchanged experience.
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- 13. 4 April 2017** The Ombudsman, and Robert Gačnik and mag. Jure Markič, members of the NPM, visited the Ministry of Justice to participate in the **final meeting of the periodic visit of the CPT delegation** – the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.
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- 14. 12 April 2017** The Deputy Ombudsman, Ivan Šelih, and the Ombudsman's adviser, Robert Gačnik, visited Gotenica and **presented the office of the Human Rights Ombudsman** of the Republic of Slovenia and the role of the National Preventive Mechanism to **newly accepted judicial police officers**.
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- 15. 23–25 April 2017** The Deputy Ombudsman, Ivan Šelih, and the Ombudsman's adviser, mag. Jure Markič, travelled to Vienna to **visit the Austrian Ombudsman**, where they learned of how (post)forensic treatment is regulated in Austria.
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- 16. 10 May 2017** The Deputy Ombudsman, Ivan Šelih, and the Ombudsman's advisers, Robert Gačnik and mag. Uroš Kovačič, **welcomed the Head of the Aliens Centre** mag. Jože Konec, who presented the planned refurbishment of the male section of the Aliens Centre. The Ombudsman supports the planned refurbishment.
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- 17. 12 May 2017** A discussion was held at the Ombudsman's office with representatives of the Slovenian Federation of Pensioners' Associations, Nika Antolašič and Vida Bogataj, on the future cooperation of this non-governmental organisation in the work of the National Preventive Mechanism.
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- 18. 15 May 2017** A representative of the NPM, mag. Jure Markič, participated in the meeting of the Ombudsman, Vlasta Nussdorfer, with the **Director of Inspection for Social Affairs, Peter Stefanoski**. They discussed several subjects, including how the Ombudsman, in the role of the National Preventive Mechanism, implements the monitoring of retirement homes in the part with restricted freedom of movement, especially people with dementia. During its visits, the Ombudsman established that individual retirement homes, even though they do not have secure departments, use special precautionary measures (SPM), even though the Mental Health Act only allows these to be used in secure departments. The Inspection of Social Affairs has also established inconsistencies in the use of SPM. The participants of the meeting agreed that population ageing and a larger number of people suffering from dementia will require special care from the state in the future. They also spoke about the dissatisfaction of initiators with the level of care in retirement homes, also from the viewpoint of the (in) adequacy of staffing standards.
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- 19. 31 May and 1 June 2017** The Ombudsman's adviser, Ana Polutnik, attended the bilateral **Slovenia–Norway Conference on the Development of Community Services for Managing Dementia 2014–2020**. The conference presented the main findings in managing dementia. The Living with Dementia project, which was financed by the Norwegian Financial Mechanism, provided an opportunity for establishing the Memory Centre in Celje, which has a multidisciplinary team offering counselling, training, workshops, self-help groups, social gatherings, and various services to people with dementia and their relatives in the form of assistance, including through volunteers.
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20. **16–17 May 2017** The Deputy Ombudsman, Ivan Šelih, travelled to Astana, the capital of Kazakhstan, to attend the First Forum of the National Preventive Mechanism **Prevention of Torture: Kazakhstani and International Experience**. The event was hosted by the Kazakhstan National Ombudsman's Office, with support from the Council of Europe and other international institutions. The event was organised in commemoration of 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, promoting the Protocol and encouraging the effectiveness of existing National Preventive Mechanisms (NPM). In addition to the more than one hundred participants from Kazakhstan, the event was also attended by representatives from Central Asian institutions for the protection of human rights or NPMs, and a representative of the UK NPM. Ivan Šelih presented the current experience of the NPM in Slovenia, where its duties and powers are implemented by the Human Rights Ombudsman of the Republic of Slovenia, together with chosen non-governmental organisations. His presentation was especially interesting for Kazakhstani NPM representatives as, following Slovenia's example, the Kazakhstani Ombudsman and representatives of non-governmental organisations participate in the implementation of the duties and powers of the NPM.
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21. **24–26 May 2017** The Deputy Ombudsman and Head of the NPM, Ivan Šelih, and the Ombudsman's advisers, mag. Jure Markič and Robert Gačnik, travelled to Belgrade, the capital of Serbia, to **attend a meeting of the SEE NPM Network**, where they discussed issues concerning the detention of people with mental health problems. This is an especially vulnerable group whose members can be detained in various closed institutions such as police stations, prisons, social care institutions and psychiatric hospitals, among others. The meeting was attended by all the members of the network and other representatives of National Preventive Mechanisms or institutions for the protection of human rights and international organisations. In his opening address, Ivan Šelih, the current Chair of the Network's Legal Group, emphasised that people with mental health problems are socially marginalised and as such particularly vulnerable and helpless. Because of the difficulties that they face, they are barely able to manage to protect their own interests or write an application or appeal. Because of this, they are particularly prone to various risks and discrimination, as well as to possible abuse during detention. All NPMs are accordingly bound to ensure that these people receive appropriate and dignified treatment.
- The main objective of the network is to establish intensive cooperation and exchange of experience, create synergies between network members, provide assistance, and create conditions for the effective implementation of the term of the NPM. For this reason, this meeting was an excellent opportunity for exchanging experience of the treatment of detained people with mental health problems.
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22. **1 June 2017** At the Celje National Home, the Ombudsman spoke to the participants of the bilateral Slovenia–Norway conference on the Development of Community Services for Managing Dementia 2014–2020, organised by the Celje Association for Research into Learning and Sustainable Development. The conference was also attended by the Ombudsman's advisers, mag. Jure Markič, Ingrid Russi Zagožen, and Ana Polutnik.
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23. **30 May – 1 June 2017** The Deputy Ombudsman and Head of the NPM, Ivan Šelih, and the Ombudsman's adviser and member of the NPM, Robert Gačnik, travelled to Strasbourg, France **to attend a consultation meeting of National Preventive Mechanisms (NPM)** on the draft rules for the detention of migrants and the independent monitoring of the work of NPMs. The meeting was organised by the Council of Europe and the OSCE/ODIHR.
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- 24. 13 June 2017** The Ombudsman, Vlasta Nussdorfer, and her Deputy, Ivan Šelih, also in the role of the Head of the National Preventive Mechanism in Slovenia, attended a **press conference to present the main highlights of the work of the National Preventive Mechanism in Slovenia in 2016**. The press conference was also attended by three members of the NPM, i.e. the Ombudsman's advisers, Robert Gačnik and mag. Jure Markič, and a representative of SKUP – Community of Private Institutes, Jure Trbič.
- The Ombudsman emphasised that planned preventive visits have successfully prevented torture and other cruel treatment, and, following our recommendations, many of the visited institutions have improved their living conditions and treatment of persons deprived of their liberty. Ivan Šelih expressed his satisfaction with the fact that the systematic analysis of recommendations, which was introduced last year, has shown that the vast majority of the 674 NPM recommendations issued in 2016 have been implemented or accepted.
- Last year, the NPM conducted 80 visits to places of detention. During these visits, the NPM verifies the legal bases for placement, the living conditions, the treatment of detained people, and other conditions and standards. He pointed out the problem of placing people in social care institutions on the basis of court orders. The state must provide for the suitable treatment of people with dementia, and finally update the Mental Health Act as decided by the Constitutional Court of the Republic of Slovenia. A particularly urgent issue is the problem of children and adolescents with combined disorders who are not given adequate paediatric psychiatry treatment and assistance. He expressed his expectation that a single national secure facility for children and adolescents would soon be established. He again pointed out that the Aliens Centre was not a suitable place for accommodating vulnerable groups, especially children, for a long period of time. It is therefore necessary to find an alternative systemic solution for short-term placement, as well as to find systemic solutions in other institutions for longer-term placement. In 2016, in accordance with Article 19 of the Optional Protocol, the NPM participated in the drafting of the new Police Tasks and Powers Act, the Criminal Procedure Act, the Criminal Code (KZ-1E), and other regulations.
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- 25. 26 June 2017** The Ombudsman, her Deputy, Ivan Šelih, and the Ombudsman's advisers, Robert Gačnik and Liana Kalčina, **met with Boštjan Šefic, State Secretary at the Ministry of the Interior**, mag. Lado Bradač, Director General of the Police and Security Directorate, and other employees of the directorate: Dr Valter Fabjančič, Head of the Division for Systemic Guidelines and Supervision of the Police; mag. Gregor Hudrič, Head of the Police Complaints Division; and Simon Sihur, mag., Secretary at the Division for Systemic Guidelines and Supervision of the Police. The meeting was held at the Ombudsman's office and also focused on issues that the Ombudsman had dealt with on the basis of received initiatives and the findings from visits to police stations in the context of implementing the duties and powers of the NPM.
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- 26. 5–6 July 2017** The Deputy Ombudsman, Ivan Šelih, and the Ombudsman's adviser, mag. Jure Markič, travelled to **Podgorica (Montenegro) to attend a meeting of the SEE NPM Network**, where they discussed issues concerning healthcare in prisons and psychiatric institutions. The Deputy Ombudsman and Chair to the Legal Group of the SEE NPM Network, Ivan Šelih, emphasised in his opening address that the starting point when assessing the level of healthcare should be the principle that detained people must enjoy the same rights to healthcare as other citizens. This was an unalienable right of every detained person. Only appropriate healthcare can ensure quality of life in a closed institution. Inadequate healthcare may lead to inhuman and degrading treatment. We must not overlook the fact that health services significantly contribute to the prevention of maltreatment, in particular by careful recording of the medical condition of detained people, providing appropriate medical assistance, reacting to possible alarming medical conditions, and preventive activities.
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27. **11 July 2017** The Ombudsman, Vlasta Nussdorfer, and Štefanija L. Zlobec, the President of the Spominčica association, opened **the first DEMENTIA FRIENDLY SPOT at the premises of the Ombudsman**. The opening ceremony took place parallel to a press conference. The Deputy Ombudsman, Ivan Šelih, the Ombudsman's adviser, mag. Jure Markič, the Secretary General of Spominčica, David Krivec, and the work organiser for Spominčica, Alenka Virant, also attended the conference.
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28. **26 July 2017** The Ombudsman's adviser, mag. Jure Markič, attended the **second meeting of the Working Group for setting up a specialised unit for people with the most severe cases of mental illness**. The meeting took place at the premises of the Ministry of Labour, Family, Social Affairs and Equal Opportunities.
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29. **28 August – 1 September 2017** The Human Rights Ombudsman of the Republic of Slovenia and the Legal Information Centre for NGOs – PIC hosted a **delegation from Tajikistan**. The delegation came to Slovenia to learn about the work of the National Preventive Mechanism, which is being implemented by the Ombudsman together with selected non-governmental organisations (including PIC and the Peace Institute). They were also interested in the operations of other state authorities in the treatment of persons deprived of their liberty. The Ombudsman, the Deputy Ombudsman, Ivan Šelih, and the Ombudsman's advisers, Robert Gačnik, Ana Polutnik and Nataša Kuzmič, as well as representatives of PIC and the visited institutions, participated in the preparation and implementation of the programme.
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30. **30 August 2017** The Deputy Ombudsman, Ivan Šelih, visited the Ministry of Labour, Family, Social Affairs and Equal Opportunities to attend a **meeting of the Working Group for setting up a specialised unit for people with the most severe cases of mental illness** which causes them to endanger their own lives or the lives of others.
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31. **5 September 2017** **At a press conference held at the premises of the Human Rights Ombudsman** of the Republic of Slovenia, the Human Rights Ombudsman, Vlasta Nussdorfer, and the Deputy Ombudsman, Ivan Šelih, presented a **special report**, which the Ombudsman had sent to the National Assembly of the Republic of Slovenia the previous day. The report covered the issue of overcrowding in secure departments of social care institutions (especially special social care institutions) and the difficulties faced by people with mental disorders who are placed in these departments, drawing attention to violations of their right to personal dignity. The Ombudsman, the Association of Social Institutions of Slovenia, individual social care institutions, and the Supreme Court of the Republic of Slovenia have been drawing attention to this issue for several years, sending letters to the competent ministries, participating in press conferences, and attending various consultations. Overcrowding in secure departments has been one of the topics of the Ombudsman's annual reports ever since 2010. The Ombudsman constantly monitors the activities of the relevant ministry, i.e. the Ministry of Labour, Family, Social Affairs and Equal Opportunities, which is seeking possible solutions for the overcrowding, but the situation has remained unchanged for too long. For this reason the decision was made to highlight this issue in a special report.
- In the special report, the Ombudsman proposed that the Government of the Republic of Slovenia should adopt the necessary measures to ensure more appropriate involuntary placement and treatment of people with mental health problems in social care institutions in accordance with the provisions of the Mental Health Act, and provide appropriate capacities in social care institutions and sufficient staff for the provision of appropriate social care services. The current situation, where such people are refused placement or are admitted and then accommodated in overcrowded rooms, dining rooms, living areas, and hallways of social care institutions, is unacceptable and violates the right to dignity and safety.
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- 32. 7–8 September 2017** The **Human Rights Ombudsman, Vlasta Nussdorfer, led the Days of Mental Health in Portorož** focusing on **children and adolescents with mental health problems**. At the event, the work of the Ombudsman was presented by the Deputy Ombudsman, Ivan Šelih, while the Ombudsman's adviser, Lili Jazbec, presented the findings of the work of the NPM with regard to activities in residential treatment institutions. The Days of Mental Health, which was organised for the first time last year at the initiative of the Ombudsman, in the hope that it will become traditional, was again held at the Bernardin Congress Centre in Portorož. It was organised by the Judicial Training Centre of the Ministry of Justice, in cooperation with the Human Rights Ombudsman of the Republic of Slovenia, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of Health, and the Association of Centres for Social Work. The event was also attended by the Ombudsman's adviser, mag. Jure Markič.
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- 33. 8 September 2017** The Human Rights Ombudsman, Vlasta Nussdorfer, **met with the Prime Minister, Dr Miro Cerar**, at the premises of the Government of the Republic of Slovenia. They reviewed the most pressing individual issues concerning human rights. The Ombudsman also **provided Dr Cerar with the Special Report** on the violation of human rights of people with mental disorders with regard to involuntary placement and involuntary treatment in secure departments of social care institutions
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- 34. 15 September 2017** At the premises of the Slovenian Federation of Pensioners' Associations, mag. Jure Markič, member of the NPM, met with representatives of this association who cooperate in the work of the NPM. He explained the work methods of the NPM and answered numerous questions on the implementation of visits and the participation of representatives of non-governmental organisations in these visits.
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- 35. 20 September 2017** The Deputy Ombudsmen, Ivan Šelih, Dr Kornelija Marzel, and Miha Horvat, and the Ombudsman's adviser, Lan Vošnjak, attended the 95<sup>th</sup> session of the Commission for State Organisation and the 81<sup>st</sup> session of the Commission for Social Care, Labour, Health and the Disabled at the **National Council of the Republic of Slovenia**, where the Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2016 and the Report on the Implementation of the Duties and Powers of the National Preventive Mechanism in 2016 were discussed.
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- 36. 22 September 2017** The Deputy Ombudsman, Ivan Šelih, and the Ombudsman's advisers, Robert Gačnik and mag. Jure Markič, attended a **Symposium on Forensic Psychiatry** at Maribor University Medical Centre, entitled Five Years of the Unit for Forensic Psychiatry of Maribor Medical Centre.
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- 37. 25–27 September 2017** The Ombudsman's adviser and member of the NPM, mag. Jure Markič, travelled to **Vienna to attend international workshops for NPM members entitled Communication Skills and Techniques**. The workshops were organised by the International Ombudsman Institute (IOI).
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- 38. 28 September 2017** The Ombudsman and her Deputy, Ivan Šelih, attended the **82<sup>nd</sup> session of the National Council's Commission for Social Care, Labour, Health and the Disabled**, where the **Special Report** of the Human Rights Ombudsman of the Republic of Slovenia on the violation of human rights of people with mental disorders with regard to involuntary placement and involuntary treatment in secure departments of social care institutions was discussed.
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**39. 28 September 2017** The Ombudsman met with mag. **Damjan Florjančič, President of the Supreme Court of the Republic of Slovenia**, Supreme Court Judge Mateja Končina Peternel, and Adviser to the President of the Supreme Court of the Republic of Slovenia, Rado Brezovar. The Deputy Ombudsmen, Ivan Šelih and Miha Horvat, the Director of the Expert Service of the Human Rights Ombudsman, Martina Ocepek, and the Ombudsman's adviser, Liana Kalčič, also attended the meeting.

The discussion focused on issues that the Ombudsman had emphasised in the Special Report on the violation of human rights of people with mental disorders with regard to involuntary placement and involuntary treatment in secure departments of social care institutions. All agreed that the state authorities do not adequately react to the numerous recommendations of the Ombudsman and the judicial branch of power, and that overcrowding in these departments violates the human rights and fundamental freedoms of people with mental disorders. They expressed their hope that the discussion of the Special Report in the National Council and the National Assembly of the Republic of Slovenia might contribute to a more appropriate resolution of these issues and the respect for personal dignity.

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**40. 3 October 2017** The Ombudsman's adviser, Ana Polutnik, travelled to **Vienna to attend a meeting of the European Forum of National Preventive Mechanisms** on the subject of setting up a database on detention.

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**41. 3 October 2017** The Human Rights Ombudsman, Vlasta Nussdorfer, the Deputy Ombudsmen, Ivan Šelih, Dr Kornelija Marzel, and Miha Horvat, and the Director of the Expert Service of the Human Rights Ombudsman, Martina Ocepek, actively participated in a **meeting of the Commission for Petitions, Human Rights and Equal Opportunities**, where the 22<sup>nd</sup> regular Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2016, the Report on the Implementation of the Duties and Powers of the National Preventive Mechanism in 2016, and the Special Report on the violation of human rights of people with mental disorders with regard to involuntary placement and involuntary treatment in secure departments of social care institutions were discussed.

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Meeting of members of the National Preventive Mechanism with the representatives of non-governmental organisations cooperating with the Ombudsman in the implementation of the duties and powers of the NPM.



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- 42. 11 October 2017** The Human Rights Ombudsman, Vlasta Nussdorfer, attended the **55<sup>th</sup> session of the National Council of the Republic of Slovenia**, where the 22<sup>nd</sup> regular Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2016, the Report on the implementation of the duties and powers of the National Preventive Mechanism in 2016, and the Special Report on the violation of human rights of people with mental disorders with regard to involuntary placement and involuntary treatment in secure departments of social care institutions were discussed.
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- 43. 12–14 October 2017** The Ombudsman’s adviser and member of the NPM, mag. Jure Markič, attended the 43<sup>rd</sup> Slovenian Jurists’ Days in Portorož.
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- 44. 20–21 October 2017** The Deputy Ombudsman, Ivan Šelih, and the Ombudsman’s adviser, mag. Jure Markič, attended the **9<sup>th</sup> Conference on Dementia held in Terme Čatež**, where they spoke to the participants about the experience of the Ombudsman and the National Preventive Mechanism in the field of dementia. Ivan Šelih presented the first dementia friendly point which had been set up at the Ombudsman’s office in the summer. Mag. Jure Markič presented the findings of the thematic visit to institutions detaining people with mental health problems. The subject of the thematic visit implemented in 2016 were activities which are organised in these institutions at weekends.
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- 45. 24 October 2017** The Ombudsman, Vlasta Nussdorfer, and her deputies, Tone Dolčič, Ivan Šelih and Dr Kornelija Marzel, attended the **34<sup>th</sup> session of the National Assembly of the Republic of Slovenia**, where the 22<sup>nd</sup> regular Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2016, the Report on the Implementation of the Duties and Powers of the National Preventive Mechanism in 2016, and the Special Report on the violation of human rights of people with mental disorders with regard to involuntary placement and involuntary treatment in secure departments of social care institutions were discussed. The Ombudsman presented the main findings to the deputies. The National Assembly adopted the recommendation to the Ombudsman’s Special Report on the violation of human rights of people with mental disorders with regard to involuntary placement and involuntary treatment in secure departments of social care institutions. It recommended to the Government of the Republic of Slovenia that amendments to the social care and mental health acts should be prepared as soon as possible. In accordance with the adopted recommendation, the Government of the Republic of Slovenia should also adopt measures ensuring more appropriate involuntary placement of people with mental disorders in social care institutions.
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- 46. 25–26 October 2017** Representatives of the Slovenian NPM, the Deputy Ombudsman, Ivan Šelih, and the Ombudsman’s adviser, Robert Gačnik, had a **working visit to the NPM of the Republic of Croatia which is implemented by the Ombudsman of the Republic of Croatia**. The main purpose of the visit was the exchange of practical experience in the implementation of preventive visits. For this reason, Croatian NPM representatives implemented an unannounced visit to Zadar prison, which was observed by representatives of the Slovenian NPM. The visit focused on the treatment of prisoners in the sense of how they are treated and the use of coercive measures. Such cooperation and exchange of experience with the implementation of preventive visits within the context of the SEE NPM Network has already proven useful in the past. It is an excellent opportunity for the exchange of best practices in the implementation of the duties and powers of the NPM, while it also provides an opportunity to learn about how prisoners are treated in other countries, and in this respect also the legal framework which governs the enforcement of penal sanctions. A best practice example in Zadar Prison is the confidential access to health services, as prisoners submit their requests for medical examination in special closed boxes located in every unit (and opened exclusively by health personnel).
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47. **27 October 2017** The Human Rights Ombudsman, Vlasta Nussdorfer, her deputies, Ivan Šelih and Dr Kornelija Marzel, and her advisers, mag. Uroš Kovačič, Robert Gačnik and Liana Kalčina, welcomed the **Director General of the Prison Administration of the Republic of Slovenia, Jože Podržaj**, and his associates Lucija Božikov and Janja Pahor Mohorič to a working visit. The discussions focused on issues concerning prisoners in the Republic of Slovenia, recent events in Ljubljana and Dob pri Mirni Prisons, the implementation of the Ombudsman's recommendations regarding the initiatives posed by remand and sentenced prisoners, and the recommendations by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Strategy of the Prison Administration, the placement and transfer of prisoners to less strict regimes, and staffing problems with judicial police officers.
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48. **9 November 2017** The Ombudsman's adviser, mag. Jure Markič, attended a **meeting** at the Ministry of Health **focusing on the possibilities of regulating the rights of people with dementia and other people in social care institutions and psychiatric hospitals** where freedom of movement must be restricted exclusively for health reasons.
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49. **13-15 November 2017** The Deputy Ombudsman, Ivan Šelih, travelled to **Prague, in the Czech Republic, to attend a consultation of European National Preventive Mechanisms (NPM)** on norm-making and skills management (Brainstorming Meeting on the Norm-making Powers and Skills Management of NPMs). The participants established that when inspecting the observance of existing rules and standards, NPMs also explain and through their recommendations even create such rules and standards, even though this is not their principle role. The majority of the existing rules or standards are not always clear and do not cover all aspects of NPM activity. This enables NPMs to provide their interpretation of the rules or standards and to fill the gaps at the national and supranational level (e.g. draft standards of the SEE NPM Network for social care institutions).
- The meeting was organised in the context of the European NPM Forum, financed by the European Union and implemented by the Council of Europe. In addition to representatives from the Council of Europe and NPM Obs, the consultation was also attended by NPMs from Albania, Armenia, Austria, Croatia, Cyprus, the Czech Republic, Germany, Hungary, Romania, Macedonia, and the United Kingdom.
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50. **16 November 2017** The Deputy Ombudsman, Ivan Šelih, and the Ombudsman's adviser, mag. Jure Markič, **attended an expanded session of the Working Group on dementia** at the premises of the Ministry of Labour, Family, Social Affairs and Equal Opportunities (Ministry). A few years ago, the Ministry adopted Guidelines for working with people with dementia in the field of institutional care. The purpose of the Guidelines is to assist retirement homes in ensuring comparable treatment of people with dementia. The Ministry has established that, with the development of the concepts of working with people with dementia, by monitoring questions and dilemmas concerning retirement homes in their provision of care, and on the basis of the findings of the Ombudsman of the Republic of Slovenia and the Inspection for Social Affairs, the need arises to update these Guidelines every few years. The Ombudsman is pleased to establish that the foreseen amendments and annexations of the Guidelines are in line with the office's recommendation or the recommendations of the National Preventive Mechanism, expressed in the reports on visiting individual retirement homes. These are mainly questions concerning the limitation of freedom of movement outside secure departments, admission to the secure department, the use of special and other precautionary measures, the use of therapy when required, and other issues mainly associated with the implementation of the Mental Health Act. In agreement with the Association of Social Institutions, the Ministry is planning to present the proposals for the amendments at the meeting of directors of retirement homes.
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- 51. 22 November 2017** The Human Rights Ombudsman, Vlasta Nussdorfer, and her colleagues met with the **Minister of , Milojka Kolar Celarc**, and her associates. NPM member mag. Jure Markič also attended the discussions. The meeting focused on the setting up and operations of a paediatric psychiatry unit, the problems of financing health care services in social care institutions, the implementation of health services in special social care institutions, the position of the forensic unit, and the findings of the National Preventive Mechanism. The Ombudsman emphasised the urgency of setting up a paediatric psychiatry unit, as for several years the Ombudsman has been pointing out the inappropriate hospitalisation of children with mental health problems who are placed in hospitals together with adults. The Minister assured the Ombudsman that all the conditions (including financial) for the commencement of the work of such a unit as part of the Ljubljana Psychiatric Clinic have been met.
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- 52. 28 November 2017** The Ombudsman's adviser, mag. Jure Markič, attended a conference organised by the Working Group of Social Workers with the Association of Social Institutions and the Social Section of the Gerontological Association of Slovenia, entitled **The Right of the Elderly to Legal Representation?**.
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- 53. 30 November 2017** The Deputy Ombudsman, Ivan Šelih, and the Ombudsman's adviser, mag. Jure Markič, visited the Ministry of Labour, Family, Social Affairs and Equal Opportunities to attend the **4<sup>th</sup> meeting of the Working Group for setting up a specialised unit for people with the most severe cases of mental illness** which cause them to endanger their own lives or the lives of others.
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- 54. 6 December 2017** The Deputy Ombudsman, Ivan Šelih, gave a lecture on the National Preventive Mechanism at the **Faculty of Social Sciences of the University of Ljubljana**.
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- 55. 11–13 December 2017** The Deputy Ombudsman, Ivan Šelih, and the Ombudsman's adviser, Robert Gačnik, travelled to Belgrade to attend **a meeting of the SEE NPM Network**. Together with representatives of SPT, CPT, APT, and NPM Obs, they dealt with the methodology of the work of the present NPM, who are network members, while representatives of the UK NPM and the Armenian NPM were present as observers.
- Ivan Šelih emphasised that after almost ten years of implementing the duties and powers of the NPM in Slovenia, we have established that the time has come to introduce certain changes. Ten years ago, we began implementing the duties and powers of the NPM predominantly on the basis of experience gained in the context of the activities of the Ombudsman. The different nature of work of the NPM, which is preventive and does not deal with individual complaints, meant that we had to adapt the organisation of our work. One of these adaptations is also the independent NPM unit which sees to the implementation of regular visits to places of deprivation of liberty in Slovenia. Unlike general visits, which focus on getting to know the institutions, thematic visits have become important, i.e. visits where special attention is paid to a specific subject or topic. In 2017, the Ombudsman prepared a Special Report on the violation of human rights of people with mental disorders with regard to involuntary placement and involuntary treatment in secure departments of social care institutions, and is currently preparing a report on the conditions for vulnerable people in custody. At the end of the meeting, with agreements reached on their future work, the network members also appointed a new chairperson, i.e. the Montenegro NPM, while next year the Legal Group will be chaired by the Austrian NPM and the Health Group by the Serbian NPM.
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- 56. 12 December 2017** The Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, attended **a training course on dementia friendly points** organised by the Spominčica – Alzheimer Slovenia association. At the training, mag. Jure Markič presented the experience with the first such point in Slovenia, which is operating at the Ombudsman's office.
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- 57. 12 December 2017** The Human Rights Ombudsman, Vlasta Nussdorfer, and her colleagues met with the **Minister of Labour, Family, Social Affairs and Equal Opportunities, Dr Anja Kopač Mrak**, and her colleagues. The meeting was also attended by NPM member mag. Jure Markič, who emphasised numerous issues that the NPM comes across when visiting social care institutions (overcrowding of special social care institutions, the work of representatives of people with mental health problems, staffing standards, and delays in decision-making on the verification of secure departments, among other things).
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- 58. 14 December 2017** The Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, **visited Dom na Krasu (former SVZ Dutovlje) social care institution** and inspected the situation in the secure department with regard to overcrowding.
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- 59. 15 December 2017** The Ombudsman's adviser, mag. Jure Markič, visited the Ministry of Health to **attend the presentation of the proposal of the Resolution on the National Mental Health Programme 2018–2028.**
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- 60. 15–16 December 2017** At the invitation of the Council of Europe, the Deputy Ombudsman, Ivan Šelih, attended **the International Colloquium of National Preventive Mechanisms – Repositories and Practices in Hammamet, Tunisia**. The event was organised in the context of a joint project by the European Union and the Council of Europe, entitled Towards Strengthened Democratic Governance in the Southern Mediterranean. In addition to representatives of the Tunisian NPM and other authorities, it was also attended by representatives of numerous other NPMs, and international mechanisms (e.g. SPT and NPM Obs).  
 Numerous aspects of the work of the NPM were covered, including cooperation with civil society, type and duration of visits, work methods, preparation for visits, preparation of recommendations and reports, review of individual complaints, and the preventive nature of visits. Discussions also focused on establishing dialogue with the competent authorities on the implementation of recommendations, cooperation with other NPMs, and establishing connections. Ivan Šelih presented the method of implementing the duties and powers of the NPM in Slovenia, especially the Ombudsman's cooperation with the selected non-governmental organisations. His presentation specifically focused on the attention that the NPM in Slovenia places on vulnerable groups. In 2017, it prepared the Special report on the violation of human rights of people with mental disorders with regard to involuntary placement and involuntary treatment in secure departments of social care institutions, and is currently preparing a report on the conditions for vulnerable people in custody. Special attention was also paid to the institutional care of the elderly (especially people with dementia), people with mental health disorders, adolescents, and other people with special needs. The presented experience of the NPM of Slovenia and other NPMs and organisations will help the NPM of Tunisia at the start of its work, which was also the purpose of the event.
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- 61. 18 December 2017** The Human Rights Ombudsman, Vlasta Nussdorfer, and the Ombudsman's adviser and member of the NPM, mag. Jure Markič, met with representatives of the Krka company and the Spominčica – Alzheimer Slovenia association.
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# 4

## VISITS TO PLACES OF DEPRIVATION OF LIBERTY

### 4.1 Visits to retirement homes

In 2017, the NPM made **regular visits to nine retirement homes or their units, i.e. to Gornja Radgona Retirement Home, the Kidričevo Unit of Ptuj Retirement Home, Ljutomer Retirement Home and its residential unit in Stročja vas, Dom Sv. Martina Retirement Home in Srednja vas v Bohinju, the Idrija Unit of the Idrija Retirement Home, Horjul Retirement Home, Fužine Retirement Home, Dr Jože Potrč Retirement Home in Poljčane, and Dr Janko Benedik Retirement Home in Radovljica.**

**The NPM also made review visits to six retirement homes, i.e. Dom Sv. Lenarta in Lenart v Slovenskih Goricah, Dom Viharnik Kranjska Gora, Lipa Retirement Home in Štore, Ptuj Retirement Home – the Muretinci and Juršinci Units, and Radenci Retirement Home.** Reports on the visits to Idrija and Horjul Retirement Homes have already been sent to the Ministry of Labour, Family Social Affairs and Equal Opportunities; however, we are still awaiting its answer. Fužine Retirement Home provided its answers to our preliminary report, while we are still waiting for the answers from Dr Jože Potrč Retirement Home in Poljčane, Dr Janko Benedik Retirement Home in Radovljica, Ptuj Retirement Home – the Muretinci and Juršinci Units, and Radenci Retirement Home.

**During its visits, the NPM made 170 new recommendations. These also include recommendations that the NPM repeated at its review visit, as they had not yet been implemented<sup>1</sup>. The responses to our preliminary reports on the visits allowed us to establish that a large number of recommendations have been accepted, and almost one half have already been implemented.**

Total number of all (new or repeated) recommendations	Accepted	Rejected	Implemented	No data	No response yet
170	40	5	76	0	49

### General points about the visits

On 22 February 2017, we made **a review visit to Dom Sv. Lenarta in Lenart v Slovenskih goricah.** It was established that **of the 13 recommendations which were made during the 2015 visit, five have been accepted and seven already implemented. Dom Sv. Lenarta considered the majority of the recommendations made by the NPM in 2015, and has (at least partially) implemented them.** During this visit, **two new recommendations** were made, which the retirement home has already accepted but not (yet) implemented. The need to immediately replace the residents' dirty clothes with clean ones was explicitly pointed out. **The general impression after the visit was positive and we found the living situation to be good, which was also confirmed by the residents during our talks.**

<sup>1</sup> Individual recommendations which were made during the visits to the above social care institutions in 2017 are provided below as an example. The others are or will be available on the Ombudsman's website after receiving the response of the visited institutions or the competent ministries: <http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/>.



Room in Dom Sv. Lenarta



Opportunity to submit (anonymous) complaints

On 10 March 2017, we made a **review visit to Dom Viharnik in Kranjska Gora**. It was established that of the **13 recommendations which were made during the 2014 visit, almost all have been accepted and already (at least partially) implemented**. Six new recommendations were made. The institution's response to our preliminary report shows that four recommendations have already been implemented and two have been accepted and are awaiting implementation. In addition to the recommendations which are explicitly mentioned below, it was recommended that the retirement home establish efficient control over the preparation and handing out of therapies, and print the menu in a larger format so that residents will be able to read it. **The general impression after the visit to Dom Viharnik was positive and we found the living situation to be good, which was also confirmed by the residents during our talks.**



Dom Viharnik



Notice board with the (too small) menu

On 18 April 2017, we visited **Gornja Radgona Retirement Home**. This was the first visit to this social care institution in the context of implementing the duties and powers of the NPM. During the visit, **17 recommendations** were made. After receiving the response to our preliminary report, it was established that Gornja Radgona Retirement Home has accepted seven recommendations but not yet implemented them. Ten recommendations, i.e. more than half, have already been implemented, which is very positive. In addition to the recommendations provided below, it was also pointed out that staff should inform the residents of the possibility of using a night light; that the schedule of activities for 2016 should be replaced with the current schedule of activities; and that the list of the names and surnames of all the residents in the department on the medicine cabinet should be updated. The NPM also expressed its opinion that the operations of the department, which the NPM believes meets the definition of a secure department, should consider all provisions of the ZDZdr regarding the special rights of people in secure departments of social care institutions. The NPM also recommended that the form on the implementation of special precautionary measures (SPM) be supplemented with the signature and stamp of the competent doctor who ordered the individual SPM, instead of just stating the name of the general practitioner. It also recommended that the form on the implementation of SPM be supplemented with a column stating (or choosing from a list) the measures that were taken prior to the implementation of SPM (e.g. de-escalation techniques). In light of the expert's findings, the NPM recommended that as many people with severely impaired mobility as possible be given access to wheelchairs, which enable the individual adaptation of seating, and allow staying outside the hospital bed and greater inclusion in social interactions, especially the possibility to leave the unit with the help

of other people. On the basis of the expert's opinion, the NPM also recommended that in the event of insomnia and consequent behavioural symptoms, preference should be given to non-pharmacological measures over prescribing psychopharmacotherapy. The NPM further recommended that any complaints be examined thoroughly and consistently (e.g. fortnightly), as this is the only way to ensure their timely management. Another recommendation was that a special form be prepared for complaints or violations of house rules. The NPM recommended that appropriate visibility and readability of complaint paths be ensured on the notice board, as otherwise such a document does not serve its purpose. Staff should pay special attention, especially at night, to problems and inconveniences with regard to residents whose mobility is limited due to precautionary measures (e.g. bed rails) and who cannot go to the toilet on their own, and also with regard to residents who use the toilet themselves and do not use incontinence pads at night.



Gornja Radgona Retirement Home



Notice board

On 22 May 2017, we visited the **Kidričevo Unit of Ptuj Retirement Home**. This was the first visit to this unit of this social care institution in the context of implementing the duties and powers of the NPM. During the visit, **10 recommendations** were made. After receiving the response to our preliminary report, it was established that the unit has already implemented six of the recommendations, which is more than half. It was further established that it has accepted but not yet implemented four recommendations. In addition to the recommendations which are explicitly stated below, it was also recommended that this unit starts to invest in improving communication with employees and consequently also in establishing the (concrete) dissatisfaction of employees and studying the possibilities for improving employee satisfaction. It was also recommended that the record of psychiatric visits be supplemented so as to show which are periodic and which are exceptional examinations of residents, and that an effective control mechanism be established to prevent cases where delays in notifying the court would result in residents being detained in secure departments for specific periods without an appropriate legal basis. It was further recommended that, in the event of written complaints, residents receive a written answer and, if necessary, this answer is additionally verbally explained.



Ptuj Retirement Home, Kidričevo Unit



A nicely equipped room in the Unit

On 12 June 2017, we visited **Ljutomer Retirement Home**. This was the first visit to this social care institution in the context of implementing the duties and powers of the NPM. During the visit, **15 recommendations** were made and, as is evident from their response to our preliminary report, the institution has already implemented nine recommendations, i.e. almost two-thirds of them. The institution has accepted another six recommendations but has not yet implemented them. In addition

to the recommendations explicitly stated below, the NPM also recommended that the staff regularly ventilate rooms to eliminate unpleasant smells and improve the living environment for everybody in the department. It was also recommended that the institution regularly monitor the satisfaction of employees, residents, and their family members. In light of the expert's findings, the NPM recommended that more frequent psychiatric exams of residents be made (at least once a month), as exams made four times a year do not enable a quick enough termination of residence in the secure department should the medical condition of the resident change. The NPM also recommended that the strip between the terrace and green areas be removed or levelled, as there is a risk of falling when stepping on the gravel, and that leaking of water from the overhead roof to this path be prevented. In light of the expert's opinion, the NPM recommended that the institution consider setting up a secure department in the unit in Ljutomer, and that the continuous availability of medical documents in the residential unit is ensured. Furthermore, a record of complaints should be set up and a visible and readable summary of the house rules should be available in a clearly visible location in all departments.



Residential Unit of Ljutomer Retirement Home



Room for food preparation in the unit

On 18 July 2017, we made a review visit to **Lipa Retirement Home in Štore**. At this visit, it was established that of the **19 recommendations**, which the NPM made at its 2015 visit, **Lipa Retirement Home has implemented 14 recommendations and accepted another 4 recommendations, which it has not yet (fully) implemented. This indicates that the institution took the recommendations seriously and made an effort to implement or at least start to implement most of them. The institution rejected one of the recommendations; however it was established that they had valid reservations. We nevertheless believe that it would be sensible for the institution to study how to ensure normal passage to people who are not detained in the department (employees, visitors), while also completely preventing the possibility of residents leaving one of the secure departments without supervision. It was recommended that Lipa Retirement Home pay attention to the new recommendations made by the NPM and try to implement them, thus additionally improving the situation in the retirement home.** The NPM made three new recommendations, which, as is evident from their response to the preliminary report, the institution has already accepted and implemented. The NPM recommended that the staff try to prevent unpleasant smells travelling from individual rooms to the common areas, and ventilate rooms after nursing care, thus striving for appropriate living conditions. We also recommended that Lipa Retirement Home quickly see to repairing their small inventory and that they empty the complaint box more frequently, i.e. at least fortnightly.



Common area in Lipa Retirement Home



Nicely furnished room



On 2 August 2017, we visited **Sv. Martin Retirement Home in Srednja vas v Bohinju**. This was the second visit to this social care institution in the context of implementing the duties and powers of the NPM. The first visit was made in 2011. During this visit, **20 recommendations** were made, and, as is evident from their response to our preliminary report, the institution has implemented 15 recommendations, which is three quarters of them, and accepted a further five recommendations but has not yet implemented them. In addition to the recommendations which are explicitly stated below, the NPM recommended revising individual plans for residents regularly or at least every six months. It also recommended that the possibility of upgrading the system be examined, thus enabling the recording of calls and consequently checking employees' response times after receiving a distress call. The staff should also regularly check for possible defects in the call buttons in rooms and bathrooms. The NPM recommended that the institution again contact the Municipality of Bohinj (in writing) about the time frames regarding the arrangement of access to cycling trails which would be appropriate for the residents, and inform us of the answer, even if no answer is received. The NPM recommended that the menu be published in the common area of the secure department, and that the wishes of residents for meals should continue to be observed. The institution should also implement measuring the satisfaction of residents, families, and employees periodically and anonymously, and over shorter time periods, at least every two years, using a comparable method to enable the analysis of trends over longer periods of time. The NPM recommended that the television in the secure department only be turned on if a resident explicitly wants to watch it, or if residents are watching it in the presence of and with the appropriate assistance/explanation of the staff. Sitting residents down in front of the TV so as to distract them or because no other activities are available is not appropriate. The NPM further recommended that the institution offer its residents a general newspaper (in agreement with the residents) allowing them to learn about daily news from across the globe (alone or with the help of the staff), and more importantly from their local community which they perhaps still remember. The idea of installing an aquarium in the secure department should also be considered. The NPM recommended that the help of volunteers in the afternoons and at weekends be organised in cooperation with volunteer associations from the community, so as to facilitate the implementation of activities for the residents. Should a resident be placed in the department due to a court decision and this exceeds the capacity of the department, the Ombudsman should immediately be informed of this fact. The NPM recommended that the provisions of the ZDZdr on the detaining of residents in secure departments be consistently observed at all times, and that special attention be paid to the deadlines for submitting a proposal for prolonging detention. The notice board should have sufficient room for documents informing residents of their rights and the possibilities of making a complaint.



**Dom Sv. Martina Retirement Home in Srednja vas v Bohinju**



**Raised garden bed**

On 20 September 2017, we visited **the Idrija Unit of the Idrija Retirement Home**. This was the first visit to this unit of this social care institution in the context of implementing the duties and powers of the NPM. During the visit, **13 recommendations** were made, of which 11 have already been accepted and implemented and one has been accepted but not yet implemented. One recommendation has been addressed to the Ministry of Labour, Family Social Affairs and Equal Opportunities, and we are still waiting for the answer (at the time of preparing this text, the deadline for the answer had not yet expired). With regard to the visited retirement home, the NPM recommended to the Ministry to check the reasons for the lengthy decision-making on the meeting of conditions for the verification of a secure department and to inform us of these reasons, and to ensure decision-making on the meeting of conditions for the verification of secure departments in the shortest possible time. In addition to the recommendations provided below, it was recommended that Idrija Retirement Home strive for the

rooms of residents and common areas to be aesthetically equipped and furnished with the help of relatives and occupational therapy, contributing to the residents accepting these facilities as their true home. The television in the secure department should only be turned on if a resident wishes to watch it, or if residents are watching it in the presence of and with the appropriate assistance or explanation of employees. Sitting residents down in front of the TV so as to distract them or because no other activities are available is not appropriate. It was further recommended that residents are offered a daily newspaper (in agreement with the residents) allowing them to learn about daily news from across the globe (alone or with the help of the staff), and more importantly from their local community which they perhaps still remember. The NPM recommended that they study the possibility of visits by therapy dogs or other animals, as residents obviously respond well to contact with animals. The retirement home should also try to attract appropriate volunteers for socialising and other activities in the secure department, as this would make the lives of residents more versatile and interesting. The NPM recommended that the retirement home pay attention to the timely submission of the proposal to the court to issue a detaining order and for prolonging detention in accordance with the provisions of the ZDZdr.



Idrija Retirement Home



Complaints and compliments box

On 23 October 2017, we visited **Horjul Retirement Home**. This was the first visit to this social care institution in the context of implementing the duties and powers of the NPM. During the visit, **20 recommendations** were made, of which 11 have already been accepted and implemented. The retirement home has accepted but not yet implemented five recommendations, and two recommendations were rejected. We are still waiting for an answer from the Ministry as we have not yet received its response to two of the recommendations relating to the Ministry's work (including the lengthy decision-making process on the verification of a secure department). In addition to the recommendations provided below, the NPM further recommended that the retirement home consider rearranging furniture in the common area if this would provide residents with more room for moving around, and in the future even consider expanding the common area. It should also consider expanding the hedge in the direction towards the cemetery and thus at least partially limiting the view of the headstones. It is possible that some of the residents might feel uneasy due to the vicinity of the cemetery, while their medical condition could prevent them from (correctly) interpreting this. The NPM also recommended that the retirement home strive for the rooms of residents, as well as the common areas, to be aesthetically equipped and furnished with the help of relatives and occupational therapy, contributing to residents accepting these facilities as their true home. Greater care should be paid to handling the shortcomings in rooms and in the secure department in general, as this increases the comfort of living. They should especially make sure to immediately eliminate deficiencies which could be dangerous to residents. It was recommended that they pay attention to regular cleaning of toilets and appropriate airing of these facilities and the rooms of residents. This does not only prevent unpleasant smells but also improves the living atmosphere of the residents. It was recommended that a more appropriate solution for storing cleaning agents and aids be found, and that the bathroom be transformed into a place where residents feel pleasant and comfortable. The television should only be turned on if the residents are actually watching a show or if this is explicitly requested by a resident. Before a resident signs the statement on accepting responsibility for non-compliance with a diet, the retirement home should check (e.g. with the help of an expert – psychiatrist) if the resident is even able to understand the importance of their signature and the consequences arising from non-compliance with a diet. It was further recommended that prior to such a signature being given by a third party, the retirement home should establish a potential conflict of interests with the resident, and request an appropriate consultation on the eventual detrimental effects with the resident's physician or ask the competent social work centre to appoint a special guardian. It was further recommended that the

adverse effects of non-compliance with a diet be explained to the resident despite a signed statement and that the residents be encouraged to accept the prescribed diet. As the identification badges of staff are important to facilitate their identification and communication with relatives or the identification of an employee in the event of wishing to file a complaint, it was recommended that staff are provided with appropriate badges or patches enabling such identification. It was further recommended that special records be kept for periodic psychiatric examinations, as this would reduce the search time while at the same time also reducing the possibility of overlooking a resident who might need an examination. The retirement home should also consider setting up a system allowing relatives to make an appointment if they wish to talk to the resident's doctor. It was recommended that the retirement home and the attending psychiatrist set up a system which will ensure that deadlines for submitting requests for prolonging detention will no longer be exceeded. A transparent record of complaints should be set up enabling a better overview of the number and type of complaints, and serving as a reminder of what could be improved to increase residents' satisfaction. It was recommended that the residents' ability and interest in participating in elections is continuously checked, as this is a constitutional right of every individual..



Horjul Retirement Home



Pets in the department

On 24 October 2017, we visited **Fužine Retirement Home**. This was the first visit to this social care institution in the context of implementing the duties and powers of the NPM. During the visit, **18 recommendations** were made. In light of its response to the preliminary report, Fužine Retirement Home accepted eight recommendations but has not yet implemented them. It has implemented seven recommendations, although we need to point out three recommendations which it rejected. In addition to the recommendations which are explicitly stated below, the NPM also recommended that the retirement home should update information or activities on the website on time, if the website is active; that it pay special attention to the residents during construction works or the refurbishment of secure residential units; that it appropriately inform residents about the refurbishment and its duration and purpose; and that it see to the residents' well-being during refurbishment. It was recommended that the retirement home again contact the Ministry of Labour, Family, Social Affairs and Equal Opportunities with regard to the verification of secure residential units, and inform us of the Ministry's response. So as to help the residents find their way in the facility, the retirement home should include not only the room number and the name of its resident on or next to the door, but also a photo of the resident, and photos of their favourite things, hobbies, their past job or similar. It was also recommended that residents and their family members be encouraged to bring personal items and furnish the room to their liking, and that the retirement home continue monitoring (theoretical and practical) innovations in the treatment of people with dementia, and to change or update the work concept. Our expert believes that it would be sensible to ensure the presence of healthcare personnel in the secure residential units also during the night, while with the planned refurbishment it would be appropriate to consider ensuring a room for healthcare personnel in the secure residential units. It is the expert's opinion that this would enable better supervision of and faster assistance to residents in the secure residential units during the night. The NPM expressed its opinion that continuous monitoring of the satisfaction level of residents and their family members, as well as that of staff, is an effective way of recognising the (dis)satisfaction of these groups of people, and it therefore recommended that the retirement home continue to measure the satisfaction levels of these three categories in the future. Our expert recommended that the circumstances of using specific drugs when required be added to the medical records (with insomnia, anxiety), and that the number of doses in a single day be consistently provided. Residents who are prescribed several different drugs which might affect the QT interval should be checked by ECG monitoring. We further recommended that every resident's complaint be answered in writing and the decision correspondingly

explained, as this is the only way for residents to be correctly informed of the Committee's reasons and for the opinions of residents, family members, and legal representatives to be correctly recorded.

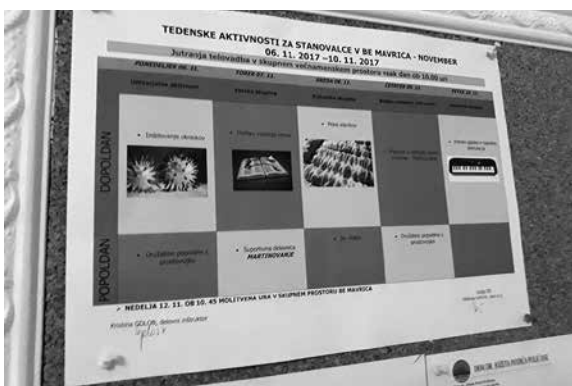


Room in Fužine Retirement Home



Entry to the secure department

On 7 November 2017, we visited **Dr Jože Potrč Retirement Home in Poljčane**. This was the first visit to this social care institution in the context of implementing the duties and powers of the NPM. During the visit, **14 recommendations** were made. We are still waiting for the retirement home's answer and the deadline has not yet expired. In addition to the recommendations stated below, the NPM also recommended that the retirement home (with an appropriate security assessment for each resident) should ensure the appropriate safety of residents by providing corresponding security (physical or through staff) and preventing possible uncontrolled departures which could be dangerous for residents. Even though we believe that works of art make the hallways more interesting, it was recommended that (even greater) emphasis be placed on works of art made by the residents during occupational therapy, and that residents and their family members be encouraged to put up photos or other objects linking the residents to the social environment of their origin. The NPM recommended that a computer-controlled system be set up to enable the monitoring of response times in the event of activating call buttons, and that such monitoring be regularly implemented so as to prevent too slow response times of staff. It also recommended that activities which are intended for all residents be harmonised with activities in individual departments so that all residents can attend all activities, i.e. that they are not deprived of the possibility to attend the activities that they wish to. In consideration of the results of the satisfaction survey of the employees, the NPM also recommended that the retirement home adopt measures which will contribute to a timely and quality exchange of information and tasks, and strive for better interdisciplinary cooperation. The NPM also recommended that SPM be implemented only when legal conditions to do so have been met, that their duration be limited, and that any other legislative requirements have been met. The use of precautionary measures should be anticipated in the ZDZdr and appropriate professional guidelines on using them should be adopted at Ministry level in accordance with legislative definitions and in consideration of the standards of ensuring care at secure departments of social care institutions. The NPM further recommended that the retirement home pay attention to elements which the residents and their family members have expressed dissatisfaction about, or for which the results of the survey are poor, and that it try to implement measures to eliminate such dissatisfaction.



Notice board at Dr Jože Potrč Retirement Home



Satisfaction questionnaire

On 28 November 2017, we visited **Dr Janko Benedik Retirement Home in Radovljica**. This was the second visit to this social care institution in the context of implementing the duties and powers of the NPM. The first visit was made as part of a thematic visit in 2016. During this (regular) visit, **17 recommendations** were made. We are still waiting for the retirement home's answer and the deadline has not yet expired. In addition to the recommendations which are explicitly stated below, the NPM recommended that the halls and common areas be additionally decorated, as this would provide the residents with a (even) greater feeling of homeliness and warmth, and that the possibility of allowing residents direct passage to external fenced areas be examined. We also recommended that in order to help the residents find their way in the facility, the retirement home include not only the room number and the name of its resident on or next to the door, but also a photo of the resident and a photo of their favourite things, hobbies, their past job or similar, and that it study the possibility of setting up a system which would allow residents of the secure department to call the staff from their room or bathroom if required. The NPM further recommended that the residents and their family members (continue to) be encouraged to bring personal items and to furnish the room to their liking, and that night lights should be installed next to the beds for the residents of secure departments. It recommended that with regard to the verification of secure departments, the retirement home again contact the Ministry of Labour, Family, Social Affairs and Equal Opportunities and notify it of the obstacles regarding verification, and inform the NPM of the Ministry's answer. Continuous presence of staff should be ensured at night in the secure department, as well as additional aids for monitoring people in secure departments. We recommended that (in consideration of the fact that residents do not have direct access to external areas) special attention and effort be paid to residents spending time outdoors daily, with regard to the weather. Continuous monitoring of the satisfaction levels of residents and their family members, as well as of employees, should be considered as an effective way to recognise the (dis)satisfaction of these groups of people, and measurements of the satisfaction levels of these three categories should be continued in the future. For each individual case, the help of a psychiatrist should be used to assess whether it is necessary to submit to the court a proposal to admit a person to the secure department under the ZDZdr. The List of Measures Implemented against the Will of the Resident should be sensibly updated with a column on implemented measures prior to the implementation of precautionary measures (e.g. talks, de-escalation techniques, additional drug therapy), and a column for the detailed circumstances of implementing the measure. It was recommended that after the precautionary measure has been implemented, a discussion be held with the resident to inform them of the reasons for the implemented measure, and to note this on the form. The procedure for filing complaints and the house rules should be published in a visible location in the secure department.



Dr Janko Benedik Retirement Home in Radovljica



Department furnished to feel like home

On 29 November 2017, we visited **the Muretinci Unit of Ptuj Retirement Home**. At this year's (review) visit, it was established that of the **13 recommendations made in 2015, 7 recommendations have been accepted and implemented**. **The unit was objectively unable to implement two of the recommendations due to renovations; however, the answers they provided allow us to conclude that they plan to implement these recommendations in the future. The unit will undoubtedly try to implement the remaining four accepted but not yet implemented recommendations.** At its visit, the NPM made **five new recommendations** and we are still awaiting the answer of Ptuj Retirement Home with regard to their acceptance or implementation. The NPM recommended that residents be repeatedly reminded of the existence and purpose of call buttons and shown how to use them; that the possibility of moving the dining table so that all seats are available be examined; that one copy of the activity schedule be put on the notice board; that statutory deadlines under the ZDZdr be observed and that admission records be managed consistently and contain all required

information; and that the form for recording falls be adapted so as to regularly and promptly include the reason for the fall, if one can be established.



Entrance to the secure department in the Muretinci unit



Activities for residents

On 29 November 2017, we visited **the Juršinci Unit of Ptuj Retirement Home**. At this year's (review) visit, it was established that from the **9 recommendations made in 2016, (only) one recommendation has been accepted and implemented. Eight recommendations have been accepted but not yet implemented. Some recommendations (six) were repeated on this visit as we established that no major progress has been made.** At the visit, the NPM also made **four new recommendations** and we are still awaiting the answer of Ptuj Retirement Home with regard to their acceptance or implementation. In addition to the recommendations which are explicitly stated below, it was also recommended that the number of personal items of residents be increased, especially the number of objects made by the residents during occupational therapy. It was also recommended that the social worker be informed of the need to send proposals for prolonging detention of a resident to the competent court on time, and that the use of precautionary measures be written down on the form or in the report book. The NPM further recommended that information be provided to residents (on the notice board or in an appropriate brochure) to help them establish contact with a representative of their religious community. The NPM recommended that the doors leading to the outside part of the facility be repaired, so that they open without having to use extra force. The NPM recommended that the retirement home pay attention to certain aspects that the residents emphasised as problematic in the questionnaire – the ones which decrease the quality of living conditions and increase dissatisfaction. The retirement home should also pay attention to the results of the questionnaires completed by the other two groups (employees and family members) and focus special attention on the factors which the questionnaires have shown to be problematic. The NPM recommended that the room where the cleaning agents are kept be consistently locked, as serious injuries can occur with improper use, and that the incident form be completed carefully, especially with regard to recording falls, in order to regularly and promptly include the reason of the fall, if one can be established. The collected data could help the retirement home to later make an analysis of the reasons for falls and try to eliminate the elements causing the falls or at least mitigate the consequences.

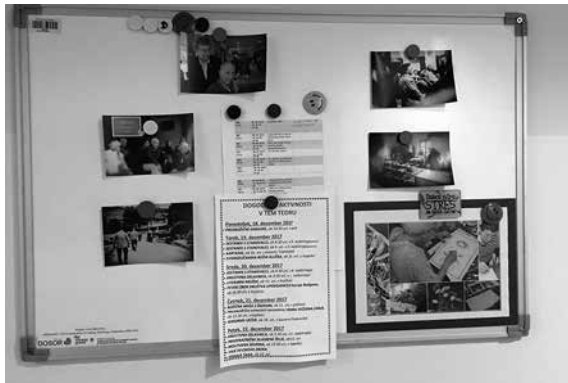


Juršinci Unit – common area with a couch



Room in the Juršinci Unit

On 20 December 2017, we visited **Radenci Retirement Home**. This was a review visit to this social care institution. **At its 2016 visit, the NPM made 14 recommendations. At this year's visit, it was established that 10 recommendations have been accepted and implemented, while four have been accepted but not yet implemented (in full).** The NPM established that a least a partial reason for the lack of implementation lies in the rethinking of the concept of working with the residents, as the retirement home is obviously transitioning from a secure department (previously called a department with special attention) to the concept of personal monitoring. **This indicates that the institution took the provided recommendations seriously and made an effort to implement or at least start to implement most of them. It is especially positive that individual changes have been made on the basis of recommendations provided at our review visit, which has (finally) allowed for the implementation of recommendations which were made at our previous visit.**



Notice board in Radenci Retirement Home



Nice-looking complaint box

## Joint findings with recommendations

### a) Definition of the department

Visits to several retirement homes have shown that, due to problems with the definition of the department (whether this was a secure department under the ZDZdr or not), retirement homes frequently fail to inform courts about detaining people in a department which the NPM believes meets the conditions of a secure department. It was also established that retirement homes usually place a resident in the secure department first, and only subsequently inform the court, which is not in accordance with the ZDZdr. In addition to the recommendations explicitly stated below, which are presented as an example, the NPM also made the same recommendations in Dom Viharnik Kranjska Gora, Ljutomer Retirement Home, Sv. Martin Retirement Home in Srednja vas v Bohinju, Idrija Retirement Home, Fužine Retirement Home (in addition to the recommendation stated below), Dr. Jože Potrč Retirement Home in Poljčane, Dr Janko Benedik Retirement Home in Radovljica, and the Juršinci Unit of Ptuj Retirement Home.

- The NPM pointed out to **Gornja Radgona Retirement Home** that it needs to observe the provisions of the ZDZdr and Constitutional Court decision no. U-I-294/12-20 of 10/06/2015 regarding the procedure of admitting residents to a dementia unit, either with or without consent.

*The retirement home did not provide a specific answer in its response to this recommendation. It has however agreed that the staff could upgrade, correct, and improve the residents' living conditions.*

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- It was recommended that when a resident is unable to provide their consent to admittance to the secure department, **the Kidričevo Unit of Ptuj Retirement Home** should inform the court prior to detaining the resident in the secure department, as in such cases detention is allowed only on the basis of a court decision. It was recommended that the Unit inform us of the matter, should the court not decide on the proposal or issue the decision that the procedure not be started.

*In its response to the preliminary report, the retirement home stated that it would consider the recommendation made by the NPM.*

*In its response, the Ministry stated that it had already asked the management of the retirement home to implement the NPM recommendations as soon as possible. It also stated that it agreed that admission to secure departments be permissible only on the basis of a court decision. The Ministry has unfortunately established that this was often not the case, as retirement homes were facing cases where immediate admittance was expected of them, which, due to psychiatric opinion after a 24-hour watch, they could not ensure in any way other than by admittance to a secure department. For this reason, the retirement home was only able to submit a proposal to the court after the user had been admitted. The Ministry is therefore striving for the law to be amended on this issue. The Ministry also stated that individual topics which the NPM often provides as recommendations would be included in the training programme for retirement homes, e.g. limiting the application of drugs when necessary and restricting residents due to safety.*

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- The NPM recommended that **Horjul Retirement Home** pays attention to the appropriate legal basis for detention, which must be already given at the time of admitting a resident to the secure department, and later throughout the duration of the stay in this department (consent, court decision).

*In its response to the preliminary report, the retirement home stated that it was almost impossible to obtain a court decision on detaining a resident in a secure department beforehand, as events in the secure department could not be foreseen, and it was impossible to predict a resident's future medical condition. The staff immediately report the admission or transfer of every resident to the secure department to the competent district court and act in accordance with Article 53 of the ZDZdr. **During our visit, we pointed out that we were aware of the unrealistic solution stipulated by the ZDZdr. We hope that when the legislator amends the act a better solution will be found for admitting residents to secure departments of social case institutions. However, we point out that institutions should observe the valid legislative regulation until a corresponding amendment has been implemented. It needs to be said that the institution cannot act in accordance with Article 53***



*of the ZDZdr, as this Article applies ONLY to admittance to departments of a psychiatric hospital under special supervision, and cannot be used for social care institutions EITHER DIRECTLY OR REASONABLY.*

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- **It was our recommendation that when a resident (who has not been deprived of legal capacity) is unable to provide their consent to be admitted to the secure department, Fužine Retirement Home should notify the court prior to detaining the resident in the secure department, as in such cases detention is permissible only on the basis of a court decision. It was recommended that the retirement home inform us of the matter, should the court not decide on the proposal or issue a decision that the procedure not be started.**

*In its response to the preliminary report, the retirement home stated that in its thirteen years of operation they had had only two applicants or residents who had been deprived of their legal capacity prior to arrival. It is the retirement home's opinion that admittance to a secure residential unit mostly comes as a relief to family members who are burnt out from caring for a person with dementia. Because of these facts, it is their opinion that it would be wrong to keep people with dementia in their home environment only for the purpose of the implementation of proceedings stipulated by the ZDZdr. It is the retirement home's opinion that if they considered the recommendation made by the NPM, this would mean that the court would have to visit the person with dementia in their home environment, and the person would have to be charged the reservation of an empty room until admittance. We also explained to our dialogue partners in the retirement home that we were aware of the unrealistic solution under the ZDZdr, which does not regulate for the urgent procedure of admittance to a secure department of a social care institution.*

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## **b) Cancellation of consent for admittance to a secure department**

During our visits to retirement homes, we have repeatedly emphasised the need for retirement homes to prepare appropriate forms for residents who are still able to express their will to be admitted to a secure department and to always add legal instructions to the form, i.e. the possibility of cancelling such consent either verbally or in writing or with conclusive actions, e.g. knocking on the door, trying to open the door, or similar as stipulated by the ZDZdr. In addition to the recommendations provided below, the NPM also made such recommendations when visiting the Sv. Martin Retirement Home in Srednja vas v Bohinju, Fužine Retirement Home, and Dr Janko Benedik Retirement Home in Radovljica.

- **In the light of the design of the secure department of Gornja Radgona Retirement Home (dementia unit – DU) making it impossible for residents to leave the department independently, we believe that, in accordance with the ZDZdr, the consent of people living in this department should be obtained. This consent should include a legal instruction on how to cancel such consent. For people who are unable to provide such consent, or who disagree with admittance to this department, appropriate court proceedings should be started to assess the need for staying in such a department, which, in accordance with the ZDZdr, the NPM believes can be defined as a secure department of a social care institution.**

*In its response to the preliminary report, the retirement home stated that the employees try to give meaning to life for its residents in the home within the limits of realistic possibilities and sometimes even "beyond". It was for this reason that they immediately reacted to the findings and recommendations made by the NPM and found appropriate solutions for the majority of them. Unfortunately, they are unable to completely agree with the NPM's opinion that the retirement home and its unit for people with dementia (DU) meet all the conditions for it to be renamed as a secure department. Residents' movements in this unit are not restricted in the sense that they are unable to leave the room. The doors are also not locked although it is true that they open with more difficulty due to the closing mechanism. This deficiency has been eliminated. Residents who leave the unit are not directed back into the unit, the garden or the fenced-in yard. The retirement home stated that they wished to avoid unpleasant events which could consequently be caused by being defined a secure department of a social care institution (for example, Lukavci Retirement Home). The DU will only admit residents who are still able to express their will and decide on their accommodation, and in their work they will follow the model of personal monitoring – a concept which does not restrict the freedom of movement of people with dementia.*

*The NPM additionally explained that it offers its opinion on whether the DU is a secure department on the basis of Item 17 of Article 2 of the ZDZdr, which provides the definition of a secure department, and on the basis of the findings that were made during its visit as evident from the report. The NPM understands the concern of the retirement home that, if it met the conditions for a secure department and its verification, it could accommodate the elderly (also) by decision of the court even if the retirement home disagreed. However, this cannot be a reason not to ensure the required safety of elderly residents who can be disoriented in time and space due to advanced dementia.*

*The NPM encourages methods of caring for and providing safety to the elderly which restrict them as little as possible. Nevertheless, it is also aware that sometimes certain restrictions to personal freedom might be necessary in order to ensure appropriate safety. It is irrelevant whether this limitation is enforced with technical measures or staff, while it also needs to be emphasised that the ZDZdr stipulates the restriction should apply to the whole area of the institution and not necessarily only to the unit for people with dementia.*

*The NPM believes that the concept of personal monitoring is an appropriate form of protection for people with dementia who are confused due to their medical condition. It nevertheless points out that personal monitoring means that a person is followed, and that the follower can intervene only to prevent an action which would be dangerous (e.g. if the person would want to step in front of a car, wade into a river, etc.). Such a concept does not allow deterring the elderly from their path, and we cannot speak of this concept if an employee takes the elderly person or several of them for a walk on a planned route. It needs to be pointed out that in the light of previous experience of the NPM, this concept is undoubtedly exceptionally difficult, if not even impossible, to implement with the given staffing standards.*

*The NPM (again) warned the retirement home that it was the institution's duty to (also) see to the safety of its residents, and if no other way is possible then also by restricting their freedom of movement as a means of last resort, which must be done in consideration of the conditions and the legal basis stipulated by the ZDZdr. Acting in contravention of this obligation can result in an unsafe situation for the resident due to their mental illness. There have been search parties for people with dementia (organised elsewhere in Slovenia) that have ended tragically. The question of responsibility of the person who should have been taking care of the elderly and ensuring their safety and who has failed to do so is therefore not insignificant.*

*In its response to the final report on the visit, the Ministry stated that it had paid special attention to the findings of the NPM regarding restriction of movement. The Ministry warned the management of the retirement home that if they were unable to ensure the concept of personal monitoring without restriction of movement, they would have to consider the ZDZdr. The Ministry also advised them to visit a retirement home which was organised so as to ensure personal monitoring as stipulated by the Guidelines on working with people with dementia. It further stated that individual findings of the NPM, which the latter had established in its visits to other retirement homes, would be discussed at training programmes for retirement homes, e.g. the procedure of admitting residents to a dementia unit, either with or without consent; consent which must also include the possibility of cancelling such consent; the importance of a personal plan including a risk assessment; prescribing drugs, etc.*

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- **We pointed out to Horjul Retirement Home that sometimes a resident will show their desire to leave with obvious (conclusive) actions, e.g. banging on the door, trying to open the door and similar actions, and we again recommended at this visit that the retirement home correspondingly supplement the form and the possibility of cancelling their consent.**

*In its response to the preliminary report, the retirement home stated that the Statement on Consent for Admittance to a Secure Department had been prepared in accordance with the guidelines of the Ministry of Labour, Family, Social Affairs and Equal Opportunities, issued on 27 March 2014 as a supplement to the Guidelines on working with people with dementia in institutional care at the consultation on dementia, which had also been harmonised with representatives of the Inspection for Social Affairs and the Human Rights Ombudsman, who had actively participated in this consultation. The retirement home had discussed our recommendations with its legal department and expert staff and decided that the Statement on Consent for Admittance to a Secure Department should remain unchanged.*

*In the light of the statements made by the retirement home, we additionally explained that when preparing the Statement, the provisions of the ZDZdr must be considered. The third paragraph of Article 74 stipulates that a person who consented to admittance to a secure department may cancel this consent at any time, either explicitly or by actions which lead to such a conclusion, and request to be released from the secure department. We have therefore again recommended that the*

*retirement home re-evaluate its decision and harmonise the instruction to the resident with a clear legal definition.*

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### **c) Prescribing and delivering drugs**

When visiting retirement homes, it was often established that the prescribing and delivering of drugs was more or less the task of the doctor and medical personnel in the institution. This can, however, be in contravention of ZPacP, which clearly defines both the doctor's duty to disclose information and the obligation to obtain consent for treatment which must be provided by the resident or another legally stipulated person. A similar recommendation, as stated below, was also made during the visit to Idrija Retirement Home.

- **We (again) recommended to Dom Viharnik Kranjska Gora to point out to the doctor that if a new drug therapy was required or the therapy had to be changed, the resident's consent, if they are able to give it or express their wishes, must be obtained following an appropriate explanation. If the resident is unable to give their consent, Article 37 of the Patient Rights Act must be considered and consent provided by the legal representative if one has been appointed, or another person as stipulated by this Act.**

*In its response to the preliminary report, the retirement home stated that it agreed with the views expressed by the NPM and that it would consider them. During its visits, the NPM often pointed out the need for determining what "when necessary" means in terms of drug therapy. We mainly established that documents usually state when to give residents the drugs (if agitated, restless, suffering from insomnia and so on), and sometimes also when to administer them (in the evening, after lunch). However, only rarely have we found notes determining the highest daily amount of a drug or how many individual drugs a resident can receive in 24 hours. In addition to the recommendations provided below, the same recommendations were made to Gornja Radgona Retirement Home, Dr Jože Potrč Retirement Home in Poljčane, and Dr Janko Benedik Retirement Home in Radovljica.*

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- **It was recommended that the Kidričevo Unit of Ptuj Retirement Home point out the urgency of limiting drugs to be administered when necessary to both the general practitioner and the psychiatrist. This, for example, means that it must be stated how many units of a drug can be administered in case of pain and the maximum number of units in 24 hours. Such prescriptions would reduce the possibility of exceeding the maximum prescribed dose, i.e. a special treatment method which can be only used in psychiatric hospitals following a procedure stipulated by the law.**

*In its response to the preliminary report, the retirement home stated that this had been resolved, and that the general practitioner and psychiatrist had been informed of the necessity to limit drug therapy.*

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- **In light of the expert's findings during the visit to Ljutomer Retirement Home, the NPM recommended that when prescribing additional drugs ("when necessary"), the maximum allowed daily dose should be additionally stated (once or several times a day). With simultaneous use of drugs which might prolong the QT interval, ECG monitoring should be performed. The instructions for administering drugs "when necessary" should also be provided in electronic format in a manner understandable to healthcare personnel.**

*In its response to the preliminary report, the retirement home stated that the drugs prescribed by the doctor to be used "when necessary" are, when administered, recorded in the computer programme in the prepared form (drug administration). The retirement home agrees that doctors should be warned about consistently recording drugs (whereby they should state how often or every how many hours the drug should be administered when necessary) and has informed the doctor of our recommendation.*

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- **During its visit to Idrija Retirement Home, the NPM recommended that doctors prescribing drugs to be used when necessary be warned of the fact that the drug therapy must be defined in terms of time.**

*In its response to the preliminary report, the retirement home stated that written instructions on the takeover, preparation, administration, and application of drugs had been adopted, and detailed the mandatory definitions which are required when prescribing drug therapy. General practitioners and psychiatrists had been briefed on these instructions. In light of the deviations established during the NPM's visit, competent providers will again be warned about the necessity of determining the time frame when prescribing drugs to be administered if needed.*

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#### **d) Activities**

In 2016, the NPM made thematic visits to selected psychiatric hospitals and social care institutions and established that the number of activities which were available to patients or residents at the weekend had decreased. It was further established that the weekend was often not even mentioned in the list of activities. During our visits in 2017, we found similar individual cases and accordingly made appropriate recommendations. In addition to the examples below, we made similar recommendations during our visits to Ljutomer Retirement Home, Sv. Martin Retirement Home in Srednja vas v Bohinju, and Horjul Retirement Home.

- **During our visit to Dom Viharnik Kranjska Gora, it was recommended that the schedule of activities for residents with dementia be updated with activities which are implemented at the weekend.**

*In its response to the preliminary report, the retirement home stated that the schedule of activities had been updated with such activities.*

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- **The NPM recommended that Idrija Retirement Home place even greater emphasis on active leisure time of residents, especially in the afternoon and during the weekend. The residents should not be left to their own devices during this time or left waiting for (possible) visits, even though these are not lacking, according to the staff. The task of the staff should not only be to provide appropriate aids for activities or to organise such activities, but also to motivate the residents to partake in the activities.**

*In its response to the preliminary report, the retirement home stated that it agreed that all residents, and especially residents of secure departments, should be given the opportunity for active leisure time with a broad range of activities and motivated to engage in such activities. The retirement home emphasised that a special work programme and work content in the secure department focused on this matter.*

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#### **e) Use of (special) precautionary measures**

Even though the NPM has established that retirement homes rarely use special precautionary measures (SPM) as defined by the ZDZdr, our visits in 2017 showed that a number of retirement homes use a special belt for residents who are in their wheelchair during the day. The belt prevents the resident from slipping out of or getting up from the wheelchair and consequently falling. As the NPM believes that, if the wheelchair and the resident are restricted and the resident cannot remove the restriction independently this constitutes SPM, a corresponding recommendation was made to a number of retirement homes. A similar recommendation to that provided below was also made during the visit to the Kidričevo Unit of Ptuj Retirement Home, Ljutomer Retirement Home, Idrija Retirement Home, Fužine Retirement Home, Dr Jože Potrč Retirement Home in Poljčane, Dr Janko Benedik Retirement Home in Radovljica, and the Juršinci Unit of Ptuj Retirement Home.

- **In light of the expert's findings, the NPM recommended to Gornja Radgona Retirement Home that if a resident was unable to give their consent for the use of the belt preventing them from slipping from the wheelchair and that such a danger exists, it would be sensible to include a general practitioner and the family members or guardian in deciding on the use of this belt. If the risk exists for the resident to fall from the wheelchair due to their behaviour resulting from a mental disorder, and the risk of falling cannot be prevented with any other form of help, such restraints must be administered to by observing the rules that apply to SPM.**

*In its response to the preliminary report, the retirement home stated that for residents who are unable to provide their consent for the use of the belt preventing them from slipping from the wheelchair, family members or general practitioners had always been included in deciding on the use of this belt; however, this had not been recorded with their signature. The retirement home has eliminated this deficiency.*

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## **f) Complaint boxes**

Even though the NPM has been pointing out the need to set up complaint boxes in secure departments since it started its visits to social care institutions, we again established that a number of retirement homes do not have such a box or that it was not appropriately marked. It was therefore again recommended that such a box be set up and clearly marked, and that aids for writing a complaint be provided. We are aware that residents with any of the forms of advanced dementia are often unable to write a complaint on their own; it is, nevertheless, only right to offer them this possibility. A similar recommendation to that provided below was therefore also made to Gornja Radgona Retirement Home, the Kidričevo Unit of Ptuj Retirement Home, Ljutomer Retirement Home, Sv. Martin Retirement Home in Srednja vas v Bohinju, Horjul Retirement Home, Fužine Retirement Home, Dr. Jože Potrč Retirement Home in Poljčane, and Dr Janko Benedik Retirement Home in Radovljica.

- **We recommended to Dom Viharnik Kranjska Gora that complaints and compliments boxes in both communities be set up in a visible location, and that they be easily accessible to anyone wishing to submit a complaint or compliment. We also recommended that a pen and paper be (safely) put next to the boxes (including the box in the hallway before entering the premises to the two groups).**

*In its response to the preliminary report, the retirement home stated that complaint boxes had been set up and pen and paper were available at the reception desk (as stated on the box).*

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## **g) Information on a representative of people with mental health problems**

In accordance with the ZDZdr, one of the rights of people with mental health problems is the right to a representative. Unfortunately, secure departments of retirement homes often do not have information on representatives; these representatives do not even come to the retirement homes; and they do not introduce themselves to the staff or the residents or their family members. A similar recommendation to that provided below was therefore also made to the Kidričevo Unit of Ptuj Retirement Home, Ljutomer Retirement Home, Sv. Martin Retirement Home in Srednja vas v Bohinju, Horjul Retirement Home, Fužine Retirement Home, and Dr. Jože Potrč Retirement Home in Poljčane.

- **The NPM recommended that Gornja Radgona Retirement Home publish the list of representatives of human rights in the field of mental health and their contact details in a visible location. We proposed that the retirement home contact the representative or the Ministry and obtain informative material (posters, brochures, etc.) for the residents.**

*In its response to the preliminary report, the retirement home stated that the list of representatives of human rights in the field of mental health and their contact details had already been published in a visible location. The retirement home asked the Ministry to provide information material for residents.*

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- **During its visit to Idrija Retirement Home, the NPM recommended to the Ministry that it ensure that representatives of people with mental health problems introduce themselves to residents with mental health problems in retirement homes, and if necessary also to their family members or guardians. We believe that while brochures and posters are useful, even though residents with dementia might rarely choose to read them or be able to understand them, a personal introduction from the representative, who knows how to approach a person with such a mental health problem, is undoubtedly much more useful and informative and increases the possibility that the elderly will know who to turn to when in distress. This will consequently contribute to achieving the purpose of the representatives.**

*The Ministry did not respond to the recommendation. In its response to the preliminary report, the retirement home explained that residents of secure departments and their family members receive all information regarding the representative of human rights in the field of mental health, both verbally at the time of admittance and in the form of brochures and posters in the department. The employees inform the residents of their rights, of how the representative works, their contact details and how to contact them. The retirement home has not yet organised a personal introduction by the representative, but will consider this possibility, because of the reasons provided by the NPM in its report.*

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## 4.2 Visits to special social care institutions and units of combined institutions

In 2017, the NPM conducted **review visits to three special social care institutions (SCI), i.e. Hrastovec SCI, Dom Lukavci, and Dom Nine Pokorn Grmovje.** It also conducted two review visits to units of combined social care institutions for adults with mental health problems or mental disabilities – the **Petrovo Brdo Unit of Podbrdo Retirement Home and Impoljca Retirement Home.** This means that a total of five such institutions were visited<sup>2</sup>. The reports on the visit to Hrastovec SCI and Impoljca Retirement Home were sent to the Ministry of Labour, Family Social Affairs and Equal Opportunities; however, despite two urgent matters, no response had been received by the time of preparing this report (31 January 2018). We are also awaiting the Ministry's answer for Lukavci Retirement Home and Dom Nine Pokorn Grmovje. **During these review visits, the NPM made 24 new recommendations and repeated the (not implemented) recommendations<sup>3</sup> which were made during its previous visits<sup>4</sup>. The response to our preliminary reports on the visits allows us to establish that a large number of these recommendations have already been accepted (10) and one third have already been implemented (8).**

Total number of all (new or repeated) recommendations	Accepted	Rejected	Implemented	No data	No response yet
24	10	0	8	6	0

A review visit to the **Petrovo Brdo Unit** was made on 19 January 2017. It was established that **of the 12 recommendations which were made during the 2015 visit, six have been accepted and five already implemented. One recommendation remained unaccepted<sup>5</sup> and was specifically emphasised during this visit, together with the recommendation that the unit try to implement it as soon as possible.** The general impression after the visit was positive and we found the living situation to be rather good, which was also confirmed by residents during our talks.



Room in Petrovo Brdo special social care institution



Decoration in common area

A review visit to **Hrastovec SCI** was made on 11 April 2017. **During the visit, it was established that of the 24 recommendations which were made during the 2015 visit, ten recommendations have already been implemented, and twelve have been accepted but not yet (fully) implemented.** This indicates that the institution took the recommendations seriously and made an effort to implement or at least start to implement most of them. **It was unfortunately established that the institution has not**

<sup>2</sup> There were a total of 10 visits, including thematic visits.

<sup>3</sup> These recommendations do not include the recommendations from the special report on the violation of human rights of people with mental disorders with regard to involuntary placement and involuntary treatment in secure departments of social care institutions.

<sup>4</sup> Individual recommendations which were made during the visits to these social care institutions in 2017 are provided below as an example. The others are or will be available on the Ombudsman's website after receiving the response of the visited institutions or the competent ministries: <http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/>.

<sup>5</sup> During our visit in 2015, we (again) recommended that the unit act in accordance with the ZDZdr and notify the court of people who are unable to leave the unit of their free will, and of people for whom such a regime will be set up in the future, if these are people defined by Article 2 of the ZDZdr who have not given their consent or who are unable to do so (independently or through their legal representative, if these are people who have lost their legal capacity) in accordance with Article 74 of the ZDZdr. In this way, the unit would leave the final judgement on whether it meets the conditions under Article 2 of the ZDZdr to the court.

**accepted two of the recommendations, and that the situation with these remains unchanged.** We find this even more unacceptable as these are recommendations associated with the use of special precautionary measures (SPM), which are (due to concerns for the safety of the resident and their surroundings) the most severe encroachment upon the individual's right to freedom of movement. **In the light of the above, we established that the situation in the institution is (still) improving; however, there is still room for further improvement. We therefore recommended that the institution continue to pay attention to good living conditions for its residents and to consistently consider Article 29 of the ZDZdr, which determines SPM.** It was recommended that the institution try to implement the new recommendations made by the NPM, thus additionally improving the situation. **Six new recommendations** were made during the visit. Hrastovec SCI accepted these recommendations, but had not yet implemented them at the time of receiving their response to the preliminary report. In addition to the recommendations which are explicitly stated below, we also pointed out that the institution should consider the fact that **locking the residents in their rooms at night constitutes SPM** and special attention must be paid to all the legal requirements being met. We pointed out that **placing a resident in the calm down area at night when no reasons for the implementation of SPM have been given was in contradiction of the ZDZdr** and such a resident should be provided with at least basic sleeping conditions (mattress, bed linen), while a different solution for residents who are restless at night should be found as soon as possible (e.g. placing them in a single room). We specifically emphasised that **individual measures, which the institution marks as precautionary measures, can be understood as SPM.** Such measures include the **placing of lap belts, limb restraints when starting an IV, and restraining residents when in armchairs.** We also pointed out that SPM as defined by the ZDZdr may be implemented only in the institution's secure departments. In its response to the preliminary report, the institution stated that while providing explanations, they cannot but **thank us for our report, which gives the institution hope that it is on the right path to realising its objectives, and that they will continue working with the same amount of zeal as before, pursuing a single goal: the well-being of its residents and everything being done correctly and in accordance with the law.**



Hrastovec SCI, courtyard in secure departments



Restraint bed

**A review visit to Impoljca Retirement Home** was made on 9 May 2017. During the visit, it was established that of the **12 recommendations made in 2015, the institution had accepted 6 recommendations but had not yet (fully) implemented them.** In light of the institution's answers provided in 2015 and our findings during this year's visit, we established that **5 recommendations have not been accepted and only one has been implemented. We believe this to be very alarming. This is even more unacceptable as these are recommendations associated with the use of SPM, which are (due to concerns for the safety of the resident and their surroundings) the most severe encroachment upon the individual's right to the freedom of movement.** During the visit, **10 new recommendations were made,** of which the institution has accepted but not yet implemented two recommendations (relating to the placing of the house rules and complaint procedures in a location accessible to the residents; adapting the font size so that the residents can read the documents; and daily changing of the date on notice boards, as the correct date is important for residents to more easily locate themselves in place and time) while two recommendations have already been implemented (positioning the complaints and compliments box with appropriate aids in a visible location accessible to the residents, and appropriate daily cleaning of the residents' dentures). The retirement home did not provide explicit answers about six of the



recommendations. The majority of these recommendations refer to the implementation of SPM. In its response to the recommendations provided during the 2015 visit, the institution said that it was not implementing SPM, a fact disagreed with by the NPM, as the use of lap belts is undoubtedly a SPM as defined by the ZDZdr (physical restraint using belts). The institution did explicitly respond to the recommendations regarding the placing of a sufficient number of brochures in the special drawer in Department C, and providing residents with toiletries. We are convinced that they will observe these in their future work. **In the light of the above, we have established that the situation is improving; however, the large number of non-accepted and new recommendations shows that the institution still has a lot of work to do. We have therefore recommended that they keep paying attention to the good living conditions of its residents and to carefully consider Article 29 of the ZDZdr, which defines SPM. We specifically pointed out our concern that despite the NPM findings that individual residents were obviously unable to independently leave the institution, Impoljca Retirement Home does not have (a documented) legal basis, which can constitute an offence under the penal provisions of the ZDZdr. It was recommended that the institution try to implement the recommendations made by the NPM, thus improving the situation.**



Impoljca Retirement Home



Toilets

A review visit to **Lukavci Retirement Home** was made on 12 September 2017. **During its 2014 visit, the NPM made 12 recommendations, of which 10 have been implemented and two have been accepted but not yet (fully) implemented.** It needs to be pointed out that the implementation of individual recommendations predominantly depends on the doctors who come to the institution, and not on the institution directly. The latter can mostly alert the doctors to the NPM recommendations, which, in the light of the explanations that we received during our visit, it is doing. **During this visit, we have of course again highlighted the unacceptable situation for the residents due to overcrowding in the secure departments.** Even though the institution is striving to make the situation as appropriate for the residents as possible, it is alarming that the competent Ministry, despite being repeatedly (including by the Ombudsman or the NPM) informed of the unbearable situation in individual social care institutions, has still not found an appropriate solution. **The main finding of the review visit was that the visited institution has seriously begun to implement the recommendations; however, there is still room for improvement.** During this visit, a new recommendation was made, about the setting of the light sensor. It was recommended that the light remains turned on for long enough for residents to go to the toilet and back at night. The institution's response shows that the recommendation has already been implemented, **which is commendable.**



Lukavci Retirement Home



Additional bed in the common area

On 6 December 2017, we made a **review visit to Dom Nine Pokorn Grmovje**. At its 2015 visit, the NPM made 16 recommendations. During the visit, it was established that 10 of these recommendations have been accepted but not yet (fully) implemented, while six recommendations have already been implemented. This indicates that the institution took the recommendations seriously and made an effort to implement or at least start to implement most of them. During its review visit, the NPM made 6 new recommendations, which, in the light of its response to the preliminary report, the institution has predominantly already implemented, which is commendable. It was recommended that the institution update its website, as it was established that residents, and especially their family members, can receive the majority of explanations with regard to activities and planned events online. It was recommended that the residents be informed about the operation and importance of call buttons (distress calls). As the institution emphasised problems with admittance of residents to the nearby psychiatric hospital, we recommended a meeting with the hospital's management in order to search for possible solutions. One recommendation is awaiting implementation; however this depends on objective factors (the start of construction of a new secure department).



Dom Nine Pokorn Grmovje



Refurbished calm down area

## Joint findings with recommendations

### a) Furnishing and decoration of room

During our visits to special social care institutions in 2017, we again pointed out that appropriate furnishing and decoration of rooms (including) in secure departments were important for creating a pleasant living environment. We need to consider that residents often spend the majority of their lives in such institutions, which means that the department is their home. It is therefore only right for staff to try and make the residents' stay pleasant, including by appropriately decorating the common areas, and in accordance with the wishes and desires of the residents, also their rooms. During our visit in 2017, we therefore recommended to **Hrastovec SCI**:

- **We recommend that the institution specifically sees to the pleasant living environment of residents in departments V1 and V2. Even if the residents stay only a short amount of time in these rooms, it needs to be considered that when placed in a secure department, they are in distress and their freedom of movement has been restricted, so their living environment should therefore be made as pleasant as possible.**

*In its response to the preliminary report, the institution stated that the NPM's recommendation will be considered, and that a project is being prepared about it.*

A similar recommendation was made during the visit to **Dom Nine Pokorn Grmovje**:

- **As we noticed that the residents' rooms still look rather impersonal, the NPM repeated its recommendation that the employees encourage residents to furnish the rooms with their personal items, craftwork, and photos created in the context of organised activities at the institution.**

*In its response to the preliminary report, the institution stated that the employees do their best; however the residents' wishes are very different – some wish to keep their personal items in drawers and cupboards, and not on shelves or on the wall.*

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## **b) Ensuring privacy**

Living in SCI in departments with ten or more residents, often also in multi-bed rooms or with additional beds being added to small rooms or common areas due to overcrowding, residents undoubtedly **miss the privacy** that they are used to at home. It is therefore that much more important for special social care institutions to try and provide as much privacy as possible to its residents, if this is of course possible in the context of a secure department. In this respect, two recommendations were made to Dom Nine Pokorn Grmovje:

- **The NPM recommended that the management try to find an appropriate solution for the privacy of residents in the bathroom or toilet, perhaps by purchasing locks which can be unlocked from either side despite a key being in the lock. The NPM further recommended that "engaged/vacant" signs be placed on the doors temporarily, which would let the residents know whether a bathroom is free or occupied.**

*In its response to the preliminary report, the institution explained that they immediately organised plasticised boards which can be placed on the hook when a toilet or bathroom is occupied.*

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- **The NPM recommended that the institution try to include a room in the plan of the new facility where residents would be able to meet with visitors in the department. Such a room could also be used for other purposes, e.g. court hearings and similar, i.e. always where a meeting needs to be held with the resident without the presence of other residents or staff, where leaving the secure department is not be possible for safety reasons.**

*In its response to the preliminary report, the institution stated that in the light of the excessive shortage of space and continual overcrowding of the secure department (too many residents with a capacity of 12 beds), this was impossible to ensure. In the verification process for a secure department in 2013, in line with the given possibilities, they met the technical conditions, which however – due to the interests of users classified at care level IV, who were placed in the unit by a court decision without consent – had to be adapted (the calm down area has been rearranged into a living area, double room). The institution further stated that they were looking into the possibility of ensuring privacy during visits by socialising in the common area (which is rarely completely empty) and in the dining room outside the secure department. A common area is foreseen in the construction of the extension; however, the question remains whether discretion can be provided if two or more visits take place at the same time. The institution emphasised that the staff were doing their best under the given circumstances. The majority of the visits take place in the secure department (in the resident's room) or, in warmer weather, in the wooden summerhouse on the lawn of the secure department.*

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## **c) Use of special precautionary measures**

**During its visits to special social care institutions, the NPM pays a lot of attention to the implementation of SPM.** The ZDZdr stipulates when to speak of SPM, which conditions have to be met for these measures to be implemented, and which procedure must be followed for them to be implemented. If deficiencies in the implementation of SPM are established during our visits, we provide a corresponding recommendation, as was the case with Hrastovec SCI, described above. During our visit to Impoljca Retirement Home, we established the **use of lap belts**, which the NPM believes meet all the signs of SPM of physical restraint using belts. Regardless of the institution's further claims that they do not implement SPM, several recommendations were made:

- **We recommend that in the event of any kind of physical restraint corresponding to the legal definition of SPM, the institution observes the conditions and limitations stipulated by the ZDZdr,**

that it manages the required records on the measures and notifies all people who must be notified of their use under the law.

- We recommend that SPM are always implemented separately from other residents, i.e. in a separate room, and always supervised by staff as stipulated by the ZDZdr. If it is not possible to implement the measure in a separate room, we recommend that it is implemented when this is not observed by other residents or visitors, and in a manner preventing harassment or even violence against the resident.
- We recommend that the institution pay attention to implementing such a measure only as a last resort when all other options for calming down the resident have been exhausted, or in the event of a risk of falling or to prevent falls or injuries if a fall has already happened. We recommend that the staff carefully record all previously tried options and define why these were successful.
- We recommend that during the implementation of SPM, the institution consider all the requirements of the ZDZdr, especially ensuring continuous monitoring of the resident who is subject to the SPM of physical restraint.

*In its response, Impoljca Retirement Home did not provide an explicit answer to these two recommendations. Their observance will be checked during our next visit.*

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Special report on the violation of human rights of people with mental disorders with regard to involuntary placement and involuntary treatment in secure departments of social care institutions

In the context of a thematic visit, the NPM visited all five special social care institutions in Slovenia in 2017, i.e. Lukavci Retirement Home, Hrastovec SCI, Dom Nine Pokorn Grmovje (30 January 2017), Prizma Ponikve SCI (31 January 2017) and Dutovlje SCI (now called Dom na Krasu, 1 February 2017) and checked the situation of people with mental health disorders who have been involuntarily placed in a secure department of a social care institution under the ZDZdr.

The main finding of the thematic visit was that the situation with regard to the placement and consequent treatment in secure departments of SCI, especially in secure departments of special SCI, is unbearable. Secure departments of SCI are overcrowded, and it happens increasingly often that they exceed their (space and staffing) capacities. At the same time, the courts report that the number of proposals for admittance and relocation to secure departments of SCI on the basis of a court decision is on the rise. The unbearable situation is mostly felt by the residents of secure departments, but also by the staff of SCIs, while the judges deciding on admittance to overcrowded departments are often faced with distress about the matter.

On the basis of the NPM's visits, the Ombudsman prepared a special report in which it, on the basis of the findings, recommended to the National Assembly of the Republic of Slovenia to:

- discuss the Ombudsman's Special Report at a National Assembly session and
- adopt recommendations for the work of the Government of the Republic of Slovenia to adopt the required measures ensuring a more appropriate regulation of involuntary admittance and treatment of people with mental health disorders in SCI under the ZDZdr, including amendments and annexations to the legal framework (the ZSV and the ZDZdr), and in terms of a short-term solution to ensure appropriate facilities in SCI and sufficient staff who are able to provide appropriate social care services (fourth paragraph of Article 272 in conjunction with Article 111 of the Rules of Procedure of the National Assembly, Official Gazette of the Republic of Slovenia, No. 92/07 – official consolidated text, 105/10 and 80/13 – PoDZ-1).

On the basis of the Special Report, the National Assembly prepared the following recommendation for the Government of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, No. 60/2017):

***The National Assembly recommends to the Government to prepare amendments to the Social Assistance Act and the Mental Health Act as soon as possible, and to adopt measures which will ensure more appropriate involuntary placement and treatment of people with mental health***

***problems in social care institutions in accordance with the provisions of the Mental Health Act (Official Gazette of the Republic of Slovenia, No. 77/08 and 45/15 – Constitutional Court Decision).***

***Until a new regulation in this field is adopted or enforced, the National Assembly recommends to the Government to ensure appropriate facilities in social care institutions and sufficient staff who are able to provide appropriate social care services.***

We are monitoring the implementation of the recommendation provided by the National Assembly and will intervene if necessary. In its letter of 9 January 2018, the Commission for Petitions, Human Rights and Equal Opportunities of the National Assembly of the Republic of Slovenia asked the Government of the Republic of Slovenia to send its answer to the accepted recommendation and the measures for addressing this issue as soon as possible, due to the directly endangered safety of the admitted individuals and staff in social care institutions.

## 4.3 Visits to psychiatric hospitals

In 2017, the NPM visited **two psychiatric hospitals, i.e. Maribor University Medical Centre, Department of Psychiatry (Department), and the Unit for Forensic Psychiatry within this department (Unit)**. We are still waiting for the appropriate response to our preliminary report. Both visits were **review visits during which the NPM checked whether the recommendations which were provided during previous (regular) visits had been observed. During its visit to the Unit, the NPM specifically checked** the observance of recommendations which were provided by the CPT during its visit to Slovenia in 2017, and in this context also of the Unit.

During these visits, the NPM made **20 new recommendations and repeated the (not implemented) recommendations which had been made during its previous visit<sup>6</sup>. The response to our preliminary reports allows us to establish that the majority of these recommendations have been accepted (12), and a large proportion (almost one third) have already been implemented (6)**. As we are still waiting for the response of the Unit for Forensic Psychiatry to the preliminary report, it is unclear whether two (new) recommendations have been accepted or perhaps even implemented.

Total number of all (new or repeated) recommendations	Accepted	Rejected	Implemented	No data	No response yet
20	12	0	6	0	2

We visited the **Psychiatric Department of Maribor University Hospital (Department)** on 21 March 2017. It was established that of the 12 controlled recommendations from the previous visit (5 February 2014), the Department had implemented four recommendations and accepted eight, but **had not yet implemented them by the time of the review visit**. This was specifically emphasised at this year's visit, as the recommendations included examples where, despite the acceptance of a recommendation, no serious progress was evident with regard to its implementation. We therefore recommended that the Department try and implement these recommendations as soon as possible, especially since some of them do not require any additional financial resources, but only the willingness of the Department and its staff to implement them. During the visit, we made **18 recommendations**, some of which were repeated, i.e. recommendations still not implemented since the previous visit, and some were new ones. During this visit, in addition to the recommendations which are explicitly emphasised below, we pointed out the need to appropriately decorate hospital rooms and common areas; to install patient-friendly window protection; to install and appropriately mark the complaints and compliments box and to provide aids for writing a complaint; to expand the number of programmes that can be watched on the television; to prolong television time in the evening on occasion; and to prolong the time when female patients can take a bath (if a limitation is even necessary). It was further recommended that a clearly visible current date be put on the notice boards of individual units of the department. **The general impression after the visit to the department was positive and we find the living situation to be good, which was also confirmed by patients during our talks**. We are of course aware that the situation changes in the event of overcrowding, when the living conditions deteriorate and the staff's workload increases.



Maribor University Hospital, Psychiatric Department



Ordinary bed with Segufix restraints

<sup>6</sup> Individual recommendations which were made during the visits to the psychiatric hospitals in 2017 are provided below as an example. The others are or will be available on the Ombudsman's website after receiving the response of the visited institutions or the competent ministries: <http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/>.

On 2 October 2017, we again visited **Maribor University Hospital**; this time the **Unit for Forensic Psychiatry (Unit)**. This was a review visit to see how the recommendations provided by the CPT during its 2017 visit are being observed. In its report on the visit, the CPT made **14 recommendations**. The NPM established that the Unit has accepted but not yet (fully) implemented nine recommendations, while the remaining five recommendations, including some of a more systemic nature, have also not been implemented. **It was recommended that the Unit seriously starts to implement the recommendations, and that it makes every effort to implement the CPT's recommendations in the shortest possible time.** During the visit, **two new recommendations** were made regarding the provision of systemic or legal conditions for the Unit's operation. We are still waiting for the response to these recommendations. **The general finding after the visit was that the situation in the Unit is improving, both in terms of shortage of space and patient satisfaction. There is of course still room for improvement, as indicated by the CPT's recommendations.**



Room in the Unit for Forensic Psychiatry



Restraint bed

## Joint findings with recommendations

### a) Overcrowding

Especially with regard to the visit to the Department, it was established that occasionally **capacities in individual departments under special supervision are exceeded**. Overcrowding not only has a major effect on the quality of the patients' living conditions, but also results in increased workload for the staff. All this can affect safety in the department and consequently also the frequency of using special precautionary measures (SPM). Overcrowding has an especially negative effect when it comes to the use of such measures, as due to the shortage of space, additional beds are being placed in rooms which are intended exclusively for the implementation of SPM. This means that physically restrained patients are exposed to other patients or even their visitors, which is not only unpleasant but also degrading to the restrained patient. The unacceptability of such implementation of SPM was also pointed out by the CPT during its previous visits. As a result of this overcrowding, we made the following recommendation during this year's visit to the Department:

- **We recommend that, together with the Ministry of Health, the Department finds an appropriate solution which will prevent the exceeding of capacities in individual departments under special supervision, and finds an appropriate solution for physically restraining patients in a way that separates the patient from other patients (unless they explicitly agree otherwise).**

*In its response to the preliminary report, the Department explained that every year capacities in individual departments under special supervision are exceeded at specific times of the year, and that they depend on the increase in the number of urgent admittances at the time, which is beyond the influence of the Department. In recent years, the length of stay in departments under special supervision has been getting longer, mainly due to patients who are hospitalised in the context of the ZDZdr – emergency treatment without consent or under a court decision → for whom the duration of hospitalisation is stipulated by a decision, and whose medical condition implies further admittance to social care institutions (SCI), whereby the department is bound to the court proceedings and free beds in institutions. This is a fact beyond its influence, and part of the solution could be to shorten the duration of court proceedings and to regulate the situation of available beds in these institutions.*

With regard to the Department's response, the NPM emphasised that it was familiar with the problems regarding the admittance to secure departments of SCI, especially due to the lack of beds in these departments. The Ombudsman has been pointing out this problem for a long time, and striving for the issue to be resolved as soon as possible. We did however point out that court decisions are merely a legal basis for detaining a patient in a department of a psychiatric hospital under special supervision. If the hospital determines that detention is no longer necessary, it may at any time decide to move the patient to an open department or discharge them from the hospital. For compliance with the ZDZdr it just needs to notify the court of this fact.

*The Ministry of Health stated that it sees several obstacles to the implementation of recommendations which require investments. These recommendations will be implemented in accordance with financial capabilities.*

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## b) Use of daytime clothes

For several years, the NPM has been reiterating its recommendation that patients who are not being treated for an acute problem or whose reason for treatment is somatic be allowed to wear ordinary daytime clothes during the day (more on this can be read in the general report of the Ombudsman for the year 2017). With such recommendations, which follow international standards and the recommendations of international supervisory bodies, it is not an irrelevant fact that NPM recommendations are also supported by professional standards, as the Extended Expert Council for Psychiatry with the Ministry of Health emphasised already in 2009 that it agrees that the clothes worn by people who are hospitalised in secure departments of psychiatric hospitals are exceptionally important for their self-image and personal dignity. We therefore made the following recommendation during this year's visit to the Department:

- **The NPM recommends that the Department enables patients in Unit D1 who are not being treated for an acute problem to wear daytime clothes (e.g. tracksuits and similar).**

*In its response to the preliminary report, the Department stated that, together with occupational therapy and the department's social services, they set up a storage space for donated clothes in early June 2017, and have arranged for the washing of the clothes within the available capacities, so that more possibilities will exist for wearing these clothes even if the patients do not themselves have them. In some units, the patients can wash their clothes by themselves, under supervision and as part of occupational therapy, and information on this matter will be provided regularly at weekly groups with the staff and in the group with social workers, especially with regard to the donated clothes from the store. The washing of clothes will shortly be scheduled as a daily activity and the schedule will be posted on the units' notice boards.*

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## c) Use of special precautionary measures

During its visits, the NPM pays special attention to the implementation of SPM, as such measures (the ZDZdr defines two such measures, i.e. physical restraint using belts, and restricting movement to a single room) are an especially strong encroachment on the freedom of movement of an individual patient. It therefore always checks how the measures are implemented, how records are kept, how the people stipulated by the law are notified, and checks the duration of the measure. When checking the reasons for the implementation, the NPM usually asks for the help of the external expert, i.e. a psychiatrist. **During this year's visit to the Department, we made several recommendations regarding SPM, including the obligation of providing information on the implemented, and considering any special characteristics when installing the (protective) belt on a wheelchair.** We emphasise two recommendations, which refer to the content of the forms that the staff must complete at the time of implementing SPM and update for the duration of the measure, and a recommendation regarding the removal of belts after the duration of the measure (a similar recommendation was also made by the CPT during its visit to the Unit):

- **The NPM believes that waiting for amendments to the ZDZdr cannot be the reason for the Department not adapting (as recommended by the NPM) the forms which are currently used during**



**the implementation of SPM, at least until the act has been amended and a unified form is used. We therefore repeat the recommendation which we made during our visit in 2014.**

*In its response to the preliminary report, the Department explained that, on 23 May 2017, the Department began monitoring and recording aggressive behaviour and the de-escalation techniques used in Unit A1 for Intensive Psychiatric Treatment – Men (forms LOA and BVC were attached). The use of the forms is expected to be implemented in other intensive treatment units as well by the end of the year. If used, the forms are attached to the patient's medical documents. The Department explained that it was not changing form SPM, as its content was stipulated by the ZDZdr. In the autumn, the Department will commence a research study on the effect of using de-escalation techniques during agitation and aggressive behaviour in the context of the doctoral studies of one of its employees. An article by the department's staff on managing agitation and aggression is also being prepared (they expect its publication in the Slovenian Medical Journal in the autumn of 2017). According to the Department, the article could provide a partial basis for the updating of Slovenian guidelines on the use of SPM, with the EEC on psychiatry already convening a working group on this topic.*

*In its response, the Ministry of Health stated that it agreed with the position of the NPM that, with regard to changes to the form, there was no need to wait for amendments to the ZDZdr. The Ministry of Health wanted to actively encourage the unification of these forms and, on the basis of the form from the Ljubljana Psychiatric Clinic, they prepared a proposal which included de-escalation techniques to be used prior to using SPM. The form was sent to the Expanded Expert Council for Psychiatry (EEC) on 29 September 2015, and the Council was asked to approve the form at its next session or amend and update it if necessary. At its session held on 15 October 2015, the EEC adopted the position that the prepared form was not fully appropriate and that it should be amended. It therefore proposed that the Ministry of Health called a Targeted Development Programme to obtain appropriate information and to record the situation in Slovenia.*

*The Ministry further stated that the protection of human rights should be improved and the manner of implementing SPM should be unified. The Ministry is therefore awaiting new recommendations and guidelines for the use of SPM in psychiatry, which are being prepared by the EEC, with interest. According to the EEC, the new guidelines were expected in 2016. As is evident from the EEC report of 29 September 2017, the working group has completed their preparation and they expect them to be confirmed at the next EEC session.*

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- **As the D1 form did not always include the reason why physical restraint was reintroduced, we recommended that the Department pay attention to the correct and complete filling in of forms, both at the time of implementation and during re-implementation (prolongation) of SPM, and to point this out to the staff who are responsible for the completion of these forms.**

*With regard to the completion of the forms, in its response to the preliminary report the Department said that all staff had been repeatedly warned of this fact and the Department's management would warn the Inspectorate of the Ministry of Health of any irregularities at the time of the regular annual inspections, as fines were anticipated for irregularities. The staff have already been warned of the fines. The completion of forms is monitored through the Department's health administration.*

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- **The NPM recommends that once the use of SPM is no longer justified, the staff remove the belts from the bed.**

*In its response to the preliminary report, the Department explained that the employees would remove the belts, except on one bed where the restraint belts are fixed and cannot be removed. The Ministry of Health believes that the NPM recommendation is one that the department could implement without any major problems.*

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## 4.4 Visits to police stations

In 2017, we visited **27 police stations (PS)** across Slovenia (Gornja Radgona PS, Lenart PS, Ruše PS, Cerknica PS, Postojna PS, Ilirska Bistrica PS, Ljutomer PS, Murska Sobota PS, Lendava PS, Sežana PS, Ajdovščina PS, Nova Gorica PS, Velenje PS, Šmarje pri Jelšah PS, Rogaška Slatina PS, Piran PS, Grosuplje PS, Metlika PS, Črnomelj PS, Ljubljana Centre PS, Ribnica PS, Kočevje PS, Kozina PS, Koper PS, Izola PS, and Gorišnica PS and Ptuj PS, where review visits were made) **All visits, with the exception of the visit to Piran PS, where two foreign nationals, i.e. representatives of the Antigone organisation from Rome were present, were unannounced and made in the context of a regular, previously scheduled supervision.** We established that police officers were familiar with the tasks and duties of the NPM and our work during the visits always ran smoothly. After each visit, the group which implemented the visit prepared the **report with the findings and recommendations**, which was sent to the Ministry of the Interior (MI) and the PS concerned to discuss it and to provide a response, which was done for all visits to the PS.

Total number of all (new or repeated) recommendations	Accepted	Rejected	Implemented	No data	No response yet
172	49	28	94	1	0

**The recommendations were made on the basis of an inspection of the detention room or rooms, talks with the management of the PS, and the review of documents of randomly chosen detentions.** The MI regularly responded to our recommendations and in the main agreed with our findings and recommendations, assuring us that individual deficiencies have been eliminated or were expected to improve. **Of the 172 recommendations (including 11 new recommendations made during review visits to two PS), 94 recommendations have been implemented, 49 have been accepted but not yet implemented (mostly due to the lack of financial resources or because more time is required for implementation), 28 recommendations have not been accepted, and the MI has not provided a comment on one of the recommendations.**

The unaccepted recommendations refer to some of the following. We recommended that the possibility of reintroducing permanent on-call services at **Gornja Radgona PS, Lenart PS, and Kozina PS be studied. In this respect, the MI responded that the reintroduction of permanent on-call services was not anticipated for these PS.**

It was recommended that **Nova Gorica PS, Šmarje pri Jelšah PS, Gorišnica PS, and Ptuj PS** place a mailbox outside the station for the anonymous submission of comments and compliments. **The MI responded that the placing of mailboxes is a choice made by the individual police stations, and that placing a mailbox in front of the PS would not ensure anonymity.**

It was recommended that **Ribnica PS** study the possibility of setting up a special interrogation room. **The MI responded that there was no possibility of setting up a special interrogation room.**

Following the model of Velenje PS, it was recommended that the possibility of introducing an SOS mobile phone in all police stations be studied. **The MI responded that this was not possible, and that this was an agreement arranged between Velenje PS and Velenje Municipality.**

It was recommended that **Ajdovščina PS** set up a more appropriate room for detention or interviews with detainees. **With regard to both recommendations, the MI responded that there was no need to do so, as persons deprived of their liberty are only exceptionally taken to Ajdovščina PS, as they are usually immediately taken to Nova Gorica PS.**

We recommended that **Postojna PS** and **Velenje PS** equip interview rooms with video surveillance. **With regard to both recommendations, the MI responded that there were insufficient funds.**

We pointed out to **Ljutomer PS** that an injured person deprived of their liberty needed to be taken to see a doctor. **The MI responded that the person who had been deprived of their liberty did not request to see a doctor, nor did the police officer believe that they needed to see a doctor.**

**Four recommendations were made to Sežana PS and Nova Gorica PS to hang a new poster produced by the MI on the rights of persons deprived of their liberty. The MI responded that during the visit valid posters on the rights of persons deprived of their liberty were hanging in the PS.**

We recommended that **Sežana PS** place a brochure produced by the MI on the rights of persons deprived of their liberty in the interrogation room. **The MI responded that they saw no need to do so, as people are informed of their rights in the written document that they receive when deprived of their liberty.**

We pointed out to **Sežana PS** that a person deprived of their liberty had had their personal items returned 45 minutes prior to the end of detention or to the person being taken to the investigating judge. We warned **Lendava PS** that a person deprived of their liberty had had their personal items returned only after the proceedings with the investigating judge had been concluded or at the time of the person being delivered to staff for detention. **The MI explained that, in the first example, the personal items had been returned before transport to the investigating judge so that the individual in question was able to smoke a cigarette during transport. In the second example, the items were returned only once the individual in question was placed in detention for security reasons.**

We recommended to **Piran PS** that, in the light of the number of detention rooms, the possibility of setting up a detention centre following the model of Ljubljana Detention Centre be studied. We further recommended that the possibility of enabling detainees to take a shower be studied. **The MI responded that this was not anticipated.**

We recommended to **Koper PS** that lockers intended for the safekeeping of items seized from detainees be marked with regard to the number of units in an individual detention room (e.g. 1A and 1B) so that they would not be switched if two people were in the same room at once. **The MI responded that the lockers would not be marked as recommended, as it was impossible for the seized items be switched.**

**Below are the individual most frequently noted deficiencies or mistakes (at several PS) for which recommendations were made that they be eliminated or pointed out to police officers.<sup>7</sup>**

## Joint findings with recommendations

### a) Furnishing of detention rooms

During visits to PS, detention rooms are inspected (for shorter detention – up to 12 hours, and for longer detention – up to 48 hours) for their compliance (including equipment) with the Rules on Standards for the Construction and Equipment of Police Premises Used for Detention (Official Gazette of the Republic of Slovenia, No. 62/16, hereinafter the Rules). **The equipment in the rooms for the implementation of detention and other procedures involving a detainee was predominantly assessed as appropriate.<sup>8</sup>** If an irregularity is established (e.g. marking of the detention room; hanging of the notice on the implementation of video surveillance; repair of water pipes due to leaking water; repair of the communication device; restoration of the wall plaster by painting the walls; storing seized items, etc.) this is pointed out during the visit and in the report.

A larger deficiency of the detention rooms **at Postojna PS, Murska Sobota PS, Sežana PS, Ljubljana Centre PS, and Ribnica PS** was the fact that detention rooms (especially those for shorter detention of up to 12 hours) are still not fully equipped in accordance with the Rules, as detainees **do not have access to running water. The MI accepted the recommendations to equip detention rooms with running water; however it linked the implementation of these recommendations to major renovations, technical capabilities, and available financial resources.**

**During its 2017 visit, the CPT emphasised that it trusts that the authorities will ensure that police cells without access to natural light are not used for periods of custody lasting more than a few hours. The Committee further recommended that all police cells constructed in the future be provided with access to natural light.**

<sup>7</sup> All recommendations made during the visit to individual police stations in 2017 are available on the Ombudsman's website at: <http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/>.

<sup>8</sup> During 2017, the CPT also assessed the conditions of detention in the police stations visited to be generally very good or even excellent. The cells were big enough, well lit, clean, and in a good state of repair.

## b) Outdoor exercise yard

In accordance with the Rules, PS which implement longer detention should have an appropriate outdoor exercise yard (with a surface of 12 m<sup>2</sup> according to the Rules, and a concrete ashtray).<sup>9</sup> During our visits, we established that not all PS which have detention rooms for longer detention (up to 48 hours) have an outdoor exercise yard. Furthermore, PS which do have an outdoor exercise yard have not equipped the latter with an appropriate, i.e. as stipulated, ashtray.

It was established that **Sežana PS, Velenje PS, and Šmarje pri Jelšah PS**, even though they have and use detention rooms for longer detention (up to 48 hours), are not equipped with an appropriate exercise yard. It was therefore proposed that a possibility of setting up such a yard be studied. **The MI responded that the possibility of setting up an appropriate outdoor exercise yard to enable outdoor exercise for persons deprived of their liberty would be studied.**

We recommended that **Gornja Radgona PS, Murska Sobota PS, Gorišnica PS, and Ptuj PS** put an appropriate ashtray in the outdoor exercise yard. **The MI answered that ensuring an appropriate immovable ashtray depends on the technical possibilities and available financial resources.**

It needs to be said that the CPT already recommended that measures be adopted which would provide all people who are in police detention for 24 hours or more with the possibility of outdoor exercise during its 2012 visit to Slovenia. **The CPT again pointed out this right during its 2017 visit. The CPT trusts that all newly built police stations will be equipped with an outdoor exercise yard.**

## c) Permanent on-call services

During the visits, we established that individual PS, e.g. **Gornja Radgona PS, Lenart PS, and Kozina PS**, have detention rooms but do not have a permanent (24-hour) on-call service. Consequently, detentions are not carried out at these PS and police officers must take persons deprived of their liberty to other (including more remote) PS. For these cases, it was recommended that the possibility of (again) setting up permanent on-call services be studied. **The MI responded that the reintroduction of permanent on-call services was not anticipated for these PS.**

## d) Video surveillance

During the visits to **Gornja Radgona PS, Lenart PS, Postojna PS, Ilirska Bistrica PS, Sežana PS, Nova Gorica PS, Velenje PS, Rogaška Slatina PS, Ribnica PS, and Kozina PS**, it was established that individual rooms which are used for implementing procedures involving persons deprived of their liberty (mostly rooms for the admittance of persons deprived of their liberty, access halls to detention rooms, rooms for discussions with lawyers, interrogation rooms, and rooms for interviewing and processing foreign nationals), have still not been equipped with video surveillance. When preparing recommendations for the elimination of these deficiencies, we also referred to the CPT, which pointed out during its previous visits to Slovenia that electronic (audio and/or video) recording of police interviews (procedures) was an important safeguard against the ill-treatment of detainees, by ensuring a complete and authentic recording of the interview and consequently strongly facilitating the investigation of any claims of ill-treatment. This was therefore in the interest of both the people who are supposedly ill-treated by the police, and police officers if they are faced with false claims of ill-treatment. Electronic recording of police interviews furthermore reduces the possibility of detainees later falsely denying giving a statement. During its 2017 visit, the CPT again **encouraged the authorities to further promote the use of electronic equipment for recording police interviews as standard practice.**

**With regard to our recommendations that facilities in PS which are intended for the admittance of detainees be equipped with a video surveillance system, the MI responded that the possibilities of setting up video surveillance would be studied.**

<sup>9</sup> The Police Tasks and Powers Act stipulates (in the second paragraph of Article 71) that a person who spends more than 12 hours in a detention room must be allowed outdoor exercise, unless this is not permitted for security reasons.

## e) List of lawyers

PS must have an updated list of lawyers in the room intended for the admittance of persons deprived of their liberty. As we had pointed out in the past the fact that an updated list of lawyers was not available in these rooms at PS, the MI, on 3 August 2009, in response to report No. 010-1202009/1 (2151-07), said that all PS had been notified that a list of lawyers, which must be updated every three months, must be available in rooms for the admittance of persons deprived of their liberty.

In accordance with the above response, the NPM checks whether rooms for the admittance of persons deprived of their liberty at PS are equipped in accordance with the notification provided by the MI. During our visits to **Ilirska Bistrica PS, Nova Gorica PS, Grosuplje PS, Ribnica PS, Kozina PS, and Gorišnica PS**, we established that the rooms for the admittance of persons deprived of their liberty were not equipped with an appropriately updated list of lawyers. This deficiency was pointed out in the reports and it was recommended that appropriate updating of the list of lawyers be pointed out to the management. **The MI responded that the management has been alerted to immediately remove the old lists of lawyers and replace them with new updated lists of lawyers.**

The importance of access to legal aid was also pointed out by the CPT during its 2017 visit. The Committee emphasised that the possibility for people taken into police custody to have access to a lawyer during this period is a fundamental safeguard against ill-treatment. This safeguard should be available to all detained people, irrespective of their financial situation. It recommended that the Slovenian authorities take the necessary steps to ensure that, in practice, all detained people effectively benefit from the right of access to a lawyer from the very outset of their deprivation of liberty, if necessary free of charge. **A list of ex officio lawyers that detained people can consult and use should be compiled for each police station, in consultation with the Bar Association. Furthermore, all ex officio lawyers should be reminded, through appropriate channels, of the importance of their role in preventing and, if necessary, reporting ill-treatment or intimidation by the police.**

## f) Familiarity of detainees with their rights

As in the Constitution of the Republic of Slovenia (Article 19), the ZKP also stipulates that every person deprived of their liberty shall be advised immediately, in their mother tongue or in a language they understand, of the reasons for the deprivation of liberty. They shall be immediately instructed that they are not bound to make any statements, are entitled to the legal assistance of a lawyer of their own choice, and that the competent body is bound to inform their immediate family of their detention, if they so request. A suspect deprived of their liberty must also be informed of their rights under Article 8 and the fourth paragraph of Article 4 of the ZKP.

The police officer must ensure the enforcement of these rights as soon as possible. If the detainee requests that their immediate family be told of the detention, they are informed by a police officer, except if the immediate family is located outside the territory of the Republic of Slovenia. The police officer can inform the family members by phone or in person (Article 33 of the Rules on Police Powers). **During its 2017 visit, the CPT emphasised that the Slovenian authorities must remain vigilant to ensure that all people taken into police custody are fully informed, from the very outset of their deprivation of liberty, of all their rights.**

The rooms for admitting persons deprived of their liberty should be equipped with brochures and a poster produced by the MI on the rights of persons deprived of their liberty, in several languages. In this respect, **Cerknica PS, Ilirska Bistrica PS, Nova Gorica PS, and Kočevje PS** were alerted during the visit that old MI posters being used (with incorrect translation of rights into English). **With regard to all the cases, the MI responded that the old MI posters, in several languages, with the rights of persons deprived of their liberty have been immediately replaced with a new poster.**

**During its 2017 visit, the CPT delegation was pleased to note that information materials explaining the rights of detained people were available in 24 languages in all the police establishments visited, and that additional language versions could be produced when necessary. In addition, a specific information sheet for detained juveniles was available in several languages.**

**The delegation also gained the positive impression that people detained by the police were in the large majority of cases verbally informed of their rights upon apprehension, and shortly afterwards**

given a copy of the respective information sheet in a language that they understood. However, some people interviewed by the delegation alleged that they had not been informed of their rights (or at least not of all of their rights). The CPT trusts that the Slovenian authorities remain vigilant to ensure that all people taken into police custody are fully informed, from the very outset of their deprivation of liberty, of all their rights.

### g) Keeping documents

For every detention, police officers must complete official forms which are required for the implementation of detention, i.e. the Decision on Arrest and Detention, Decision on Detention, Implementation of Activities during Detention – official note, and Receipt for Seized Items for the detainee. The forms must correctly and in detail record all activities which were implemented with the detained person (familiarisation with the rights of the person deprived of their liberty, notification of family members, lawyer, medical condition, etc.).

During its visits to PS, the NPM also reviews individual randomly selected detentions. During our reviews of the documents, we established faults or deficiencies associated with these documents at the majority of the police stations visited. These were established in the completion of the forms, entering eventual corrections and data on an individual case in the FIO computer records (e.g. the time provided in the form and in FIO records differ). At some PS, it was even established that during the detention procedure police officers used old and thus invalid forms. Below are individual identified faults or deficiencies that were established at the individual police stations visited, and the response of the MI to our recommendations.

Incomplete filling in of all columns was established and pointed out to **Gornja Radgona PS, Lenart PS, Ruše PS, Cerknica PS, Ilirska Bistrica PS, Ljutomer PS, Sežana PS, Ajdovščina PS, Nova Gorica PS, Velenje PS, Rogaška Slatina PS, Piran PS, Grosuplje PS, Ribnica PS, Kočevje PS, Kozina PS, Koper PS, Izola PS, Gorišnica PS, and Ptuj PS.**

Incorrect entering of data in official forms was established at **Gornja Radgona PS, Ruše PS, Postojna PS, Ilirska Bistrica PS, Murska Sobota PS, Sežana PS, Nova Gorica PS, Šmarje pri Jelšah PS, Piran PS, Grosuplje PS, Črnomelj PS, Ribnica PS, Kočevje PS, and Izola PS.**

Different times for individual activities or the start of the procedure, order of detention, and end of detention in various completed forms and the FIO computer records were established at **Gornja Radgona PS, Postojna PS, Ilirska Bistrica PS, Ljutomer PS, Kočevje PS, Izola PS, and Ptuj PS.**

The use of old and invalid forms for the implementation of detention was established at **Postojna PS, Ljutomer PS, Ajdovščina PS, and Nova Gorica PS.**

With regard to the established faults or deficiencies, the **MI responded that for all cases the police officers (and especially those who made the mistake and later at working meetings of PS) were alerted to pay greater attention to the completion of forms (listing all activities that were implemented in the concrete case with regard to persons deprived of their liberty) and to properly enter corrections in the official forms which are required for the implementation of detention. With regard to the use of old and invalid forms, the MI responded that all police officers had been informed of the urgency of following the updating or replacement of forms which are required for the implementation of detention.**

In the general report of the Ombudsman for the year 2017, we emphasise a case where police documents showed that foreign nationals were informed of the rights of a detained person, including the right to notify family members; however while they did not request family members or other persons to be notified, they did not confirm this with their signature. The MI explained that this was not specifically foreseen in the existing forms. Obviously, the CPT also perceived problems in this area during its 2017 visit. At the end of the visit, the delegation suggested that the Slovenian authorities include the information as to whether the detainee has availed themselves of their rights or has waived them, in a document which is signed by the detainee. **The communication by the Government of the Republic of Slovenia that the form in which police officers record information on the (non) enforcement of rights of detainees will be updated with the possibility of adding the detainee's signature is encouraging.**

## h) Emergency vehicles

The majority of PS have an emergency vehicle which is equipped with special space for transporting people deprived of their liberty. During its visits, the NPM regularly checks if this space has been appropriately cleaned and ventilated. During the visits to **Ruše PS, Ljutomer PS, and Kozina PS**, it was established that the space for transporting people deprived of their liberty had not been cleaned and that there were individual items in it. **The MI responded that all police officers were notified that the space for transporting people deprived of their liberty must be checked regularly to ensure that it is clean and free of objects which could pose a danger to the safety of the police officers or the person involved in the proceedings.**

## i) Accessibility of the complaints and compliments book and the responsibility of the competent senior officer for reviewing the entries

All police stations have a complaints and compliments book into which visitors or clients at the PS (e.g. being processed by the police or the complainants) can write their opinions (comments, complaints or compliments). The complaints and compliments books must be placed in a visible and specifically marked location, and the responsible senior officer must regularly check them and confirm this with their signature and the date of the inspection.

During its visits, the NPM regularly checks the accessibility of the complaints and compliments book and the checking of entries. It established that **Gornja Radgona PS, Postojna PS, and Murska Sobota PS** did not keep the book in a visible location, and in **Ljutomer PS and Koper PS** there was no record that the responsible senior officer had reviewed the entries. It was therefore recommended that the complaints and compliments books be placed in a visible location and that the responsible senior officers be reminded to pay attention to regularly reviewing the entries. **The MI responded that the complaints and compliments books were placed in a visible location and that the management has been advised to regularly review the entries.**

## Review visits to Gorišnica PS and Ptuj PS

During these review visits, we mainly focused on checking the implementation of the recommendations made at our regular visit in 2016. At that time, 19 recommendations were made to Gorišnica PS and Ptuj PS. It was established that of the **nine recommendations made to Gorišnica PS**, **two** have been accepted, **none** remained unaccepted, and **seven** have been implemented. From the **ten recommendations** made to **Ptuj PS**, **one** has been accepted, **one** has not been accepted, and **eight** have been implemented.

As during the regular visit to both PS the **majority of the faults or deficiencies were established while reviewing randomly chosen cases of detention and the keeping of related documents which are needed for the implementation of detention**, the review visits mainly focused on these aspects. During the review visits, minor irregularities or deficiencies were again established with regard to the keeping of official documents which are required for the implementation of detention, a fact **again pointed out to the MI. In its response to our repeated recommendations that police officers and senior officers who are responsible for the implementation of detention be alerted to the established faults and deficiencies, the Ministry responded that police officers and senior officers have been alerted to the faults and deficiencies.**

During the review visit to Ptuj PS, the review of randomly chosen cases of detention also included the case of a detention of two foreign nationals. The foreign nationals were detained at Ptuj PS pursuant to the fourth indent of the first paragraph of Article 64 of the Police Tasks and Powers Act (ZNPPol) from 18/03/2017 at 10.25 to 20/03/2017 at 8.57. It was also established that the foreign nationals remained in the same detention room where they had been detained before, even after the detention ended on 20/03/2017 at 8.57, and until their placement in the Aliens Centre to which they were transported from Ptuj PS at 13.37. **We therefore recommended to the Ministry of the Interior (MI) to review this case of detention and notify us of its findings and eventual measures. We specifically asked for an explanation of the legal basis under which the foreign nationals had been placed in the detention room after the expiry of detention, i.e. on 20/03/2017 from 8.57 to 13.37.**

The MI explained that the Croatian security authorities informed the police unit that they would not accept the foreign nationals only two hours prior to the expiry of the legally permissible detention time. The detention therefore ended at 8.57. From 8.57 until 13.37, the procedure was followed for the placement of the foreign nationals in the Aliens Centre for reasons of removal from the country, of which the foreign nationals were informed. After the expiry of detention, both foreign nationals remained in the detention room, as Ptuj PS does not have a more appropriate room where they would be able to ensure their safety and privacy. It was further established that food was provided at 9.15, but that police officers did not record this fact.

The MI commented that the management of Ptuj PS has been alerted to the fact that they must record all activities concerning a detained or remanded person, and that the time from the end of detention until placement in the Aliens Centre must be as short as possible.

As the explanation received from the MI did not address all of the NPM findings during its review visit, we additionally asked the MI to explain why the procedure lasted more than four hours after the expiry of detention and why the foreign nationals were not moved to a more appropriate room, e.g. the booth in the hall opposite the police officer on call, or to rooms intended for the placement of foreign nationals, which are available in individual police stations (e.g. there is such a room in nearby Gorišnica PS). We also asked for an explanation of how other PS across Slovenia manage these procedures in similar cases of detaining foreign nationals (detentions over the weekend and announcements made to the Croatian security authorities and their non-acceptance of foreign nationals). We inquired as to the time frames and whether PS are given any instructions on what to do if foreign security authorities do not accept a foreign national by the time of the expiry of the legal deadline for detention.

**We emphasised that each police detention is limited to last only as long as strictly necessary, while detention under the fourth indent of Article 64 of the ZNPPol may last no more than 48 hours (the second paragraph of this Article). Overstepping this time means a violation of the law.** If a person who needs to be handed over to foreign security authorities cannot be handed over within this time limit, the police must act especially fast. The police must be ready for that, as it is clear that foreign security authorities can refuse the acceptance of a foreign national. In the case at hand, the Croatian security authorities informed the police unit more than two hours prior to the expiry of the deadline for detention that they would not accept the foreign nationals, and it is incomprehensible that the procedure for placing the foreign nationals in the Aliens Centre lasted so long (more than four hours). **We also found it questionable that the foreign nationals, from the end of detention on 20/03/2017 from 8.57 until 13.37 (more than four hours), when they were taken to the Aliens Centre, remained in unchanged conditions, i.e. in the detention room where they had been kept since the beginning of the procedure. Saying the Ptuj PS does not have a more appropriate room hardly justifies that.**

In its additional response, the MI said that the reason for the procedure (where the foreign nationals were restricted movement pursuant to Article 76 of the Aliens Act) taking so long after the expiry of detention was that in this case the senior officer had to write a dispatch note and four decisions, i.e. two for the removal of the foreign national from the country and two for the placement of the foreign national in the Aliens Centre. When being served the decisions, their content was explained to the foreign nationals in English, which again took time. Regardless of this, the MI also believes that Ptuj PS should have made sure that the time from the expiry of detention until the placement of the foreign nationals in the Aliens Centre should have been as short as possible, and the PS has been alerted of the fact. With regard to the reasons why the foreign nationals were not moved to a different room after the expiry of detention, the MI said that in this case it would have been impossible to watch the foreign nationals had they been placed in the booths, as police officers were involved in other activities. The foreign nationals received food at 9.15, which they consumed in the detention room. The MI further believes that had they been given the food in the booths, in plain sight of arriving clients, they would not have had any privacy. The MI agreed with our finding that the foreign nationals could have been placed in Gorišnica PS, which has an appropriate room; however, this would have additionally prolonged the duration of the proceedings. Procedures in cases where foreign security authorities refuse to accept foreign nationals last different lengths of time, as they depend on a number of factors (number of processed foreign nationals, distance from the police station to the Aliens Centre and so on). **With regard to this particular case, the Police prepared a dispatch note for police units explaining the actions of police officers in such cases.** We therefore do not expect to come across a case like this one in the future, and that foreign nationals, once detention expires, will be placed in the Aliens Centre in the shortest possible time and that they will not be placed (or only in exceptional cases) in detention rooms after the end of their detention.



## 4.5 Visit to the Aliens Centre

We visited the Aliens Centre on 20 December 2017. So as to provide expert assistance in monitoring the position of vulnerable groups of children and foreign nationals, and encouraging and advocating the implementation of children's rights, the visit was also attended by Alja Skele (UNICEF National Committee) and Romana Zidar (UNICEF Refugee and Migrant Response Slovenia). **During the visit, we mainly focused on the conditions for placing minors and unaccompanied minors.** We also checked the implementation of the recommendations made during our previous visit (20 October 2016).

It was established that, compared to 250 beds in 2016, the total number of beds in the AC had dropped to 216 (a total of 86 beds in two men's units, 88 beds in the unit for vulnerable categories, 38 beds in the minors' unit, and 4 beds in special confinement rooms). The head of the AC explained that the number of beds will continue to be reduced in 2018, i.e. in the unit for vulnerable groups and in the minors' unit. After finally reducing the number of beds in 2018, the capacity of the AC is planned to return to 180 beds or, as explained by the head of the AC, even fewer, once the men's unit has been remodelled into a cell system.

In our report on the visit, we emphasised that, in accordance with the Convention on the Rights of the Child and the United Nations Guidelines for the Alternative Care of Children, the **placement of children in the AC was not the most appropriate solution.** The placement of and care for children in institutions, especially closed institutions such as the AC, should be used only as a last resort under exceptional circumstances. This is also the viewpoint of UNICEF, which strongly opposes the placement of children in institutions. When making the decision to place accompanied or unaccompanied minors in closed institutions, the principle of the best interests of the child should prevail, which is the responsibility of qualified experts.

Determining the best interests of the child requires clear and thorough judgement on the child's identity, including their nationality, upbringing, ethnic, cultural and linguistic background, exposure to various types of vulnerability, and the need for safety and protection of children. This procedure of determining the best interests of the child should take place in an atmosphere and in an environment which is pleasant, friendly, and safe for the child, and implemented by experts who are qualified to conduct interviews in consideration of the child's age and gender. In order to realise the best interests of the child, the presence of parents, legal representatives, guardians, or lawyers is necessary, as they monitor whether the best interests of the child are being realised during the procedure.

During its 2017 visit to Slovenia, the CPT also pointed out the need for safeguards for unaccompanied minors. Item 96 of the Report thus states that **owing to the special vulnerability of unaccompanied minors, steps should be taken to ensure that, whenever they are deprived of their liberty, they are always assigned an appropriately trained and/or sufficiently experienced guardian (or legal representative) who effectively protects their rights and keeps them regularly informed about their legal situation. Review mechanisms should be introduced to monitor the ongoing quality of the guardianship.**

**The placement of minors in closed institutions can never be to the best interests of the child** and it is therefore important for competent institutions to continue their efforts to shape solutions which observe international legal documents and commitments made by the Republic of Slovenia. The Ombudsman already drew attention to this matter in its letter of 27/08/2015 number 2.6-1/2015 and **recommended that measures be taken to ensure the observance of the best interests of a minor foreign national by ensuring better placement options in appropriate institutions for the placement of minors, instead of in the AC.**

The CPT also pointed out the issue of placing unaccompanied minors in the AC during its visit to Slovenia in 2017, and recommended (Recommendation 89) that, **given their particular vulnerability, necessary measures be taken to ensure that unaccompanied/separated minors are always provided with special care and accommodated in an open (or semi-open) establishment specialised for juveniles (e.g. a social welfare/educational institution for juveniles); the relevant legal provisions should be amended accordingly.**

**At the time of the visit, three unaccompanied minors were being held at the centre.** From 1/1/2017 to 30/11/2017, 39 minors were accommodated in the AC (4 of which were girls), aged 11 to 17, and the average time of their stay was 11 days. The prolongation of the average stay of minors is mostly due to the case

of two unaccompanied minors (one stayed for 46 days and one for 24 days) due to obtaining documents in cooperation with the family in one case, and changing their statements and lack of cooperation with the guardian in the second case.

In 2016, the temporary placement of minors, foreign nationals, and unaccompanied minors was regulated by the **Decision of the Government of the Republic of Slovenia as of 28/07/2016, which states that regardless of their status, unaccompanied minors must be accommodated in Nova Gorica and Postojna student homes**. Pursuant to this Decision, minors, who are the most sensitive of all vulnerable people, were ensured placement in the two student homes from 01/08/2016 to 31/07/2017. The Government of the Republic of Slovenia also issued Implementing Instructions on the stay of unaccompanied minors in student homes, no. 21400-6/2016/8 as of 28/07/2016, which govern all procedures involving unaccompanied minors (from the acceptance in the student home, the role of the legal representative, the conclusion and content of the accommodation contract, procedures for correctional measures if obligations and prohibitions are violated, documentation, termination of the stay in the student home, and special characteristics of caring for unaccompanied minors).

After the Government of the Republic of Slovenia had been briefed on the evaluation of the pilot project on placing unaccompanied minors and recognised it as a best practice example, it **adopted a new decision (number 21400-5/2017/4) on 26/07/2017, with which it prolonged the placing of unaccompanied minors in student homes until the end of 2018**, which is stipulated by Items 2 and 3 of the new Decision:

*“2. For the period lasting until 31 December 2018, the Government Office for the Support and Integration of Migrants, in cooperation with the Ministry of the Interior, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of Education, Science and Sport, and the Ministry of Health, sets up systemic placement and processing of unaccompanied minors as a separate unit for comprehensive processing regardless of their age.*

*3. Until an appropriate systemic solution is set up, the pilot project of placing unaccompanied minors in Postojna student home shall continue in the context of the financial construction stipulated in the Attachment hereto. The costs of accommodation, material care, and staff shall be covered by the Government Office for the Support and Integration of Migrants.”*

Hereunder, all unaccompanied minors who do not make an application for international protection should be immediately accommodated in the Postojna student home (but no longer in Nova Gorica student home), which has 28 beds for these purposes and 13 employees. **During our visit to the AC, however, we established that Postojna student home, despite attempts by the AC to immediately place unaccompanied minors there, refuses such placement or does not (yet) enable it.** The reason supposedly lies in Postojna student home not having appropriate health services, especially medical triage, at the time of arrival of the child. **The NPM therefore recommended that the Government Office for the Support and Integration of Migrants sees that the decision of the Government of the Republic of Slovenia no. 21400-5/2017/4 as of 26/07/2017, which stipulates that unaccompanied minors are accommodated in Postojna student home, begins to be fully implemented.** The inability to provide triage care, which would eliminate the presence of any infectious diseases or serious mental health problems which could endanger the health or safety of other children accommodated in the student home, must be regulated in the context of the existing possibilities for healthcare. **Furthermore, the NPM asked for an explanation on the progress with the implementation of the second item of the Decision, relating to the setting up of systemic accommodation and processing of unaccompanied minors as a separate unit for comprehensive processing, regardless of their age.**

UNICEF again pointed out the unacceptability of the placement of children in closed institutions, even if accompanied by adults. More appropriate solutions should be found for children who are accommodated at the AC together with their families, especially because of the negative effects that the stay in a closed institution has on the child's psychological and physical health and development. UNICEF therefore asked that practical and child-friendly alternatives be shaped. The CPT also believes that the accommodation of children accompanying their parent(s) in a detention centre can have a negative psychological effect on the child's development and well-being, particularly when the child is young. The placement of minors with their parents in a detention centre should only occur as a last resort, and if, in exceptional circumstances, such placement cannot be avoided, its duration should be as short as possible. Every possible effort should be made to avoid the separation of children from their parent(s). **The NPM recommended that other alternative possibilities for accommodation be**

sought with regard to the placement of accompanied minors, possibilities which will consider the well-being of the child and the care of their psychological and physical health and development.

Other recommendations were also made in the report on the visit:

- The NPM recommends that the possibility of installing appropriate darkening blinds in bedrooms intended for the accommodation of unaccompanied minors, foreign nationals, and vulnerable groups be studied;
- The NPM recommends that at the time of acceptance (even though foreign nationals are given a form to sign at the time of acceptance in the AC stating that they have been briefed on the rules of staying there) vulnerable groups, especially unaccompanied minors, are clearly presented with the possibility of (un)limited access to and use of the outdoor playground (yard) and sports equipment;
- The NPM recommends that the possibility of enabling unaccompanied minors to choose their own clothes and change them at will (if they have them) be studied. We further recommend that required help and assistance be appropriately provided in this respect.
- The NPM recommends that the possibility of all rooms which are intended for the accommodation of unaccompanied minors being adapted to the needs of people with impaired mobility or other impairments (e.g. with labels and adapted material for the blind and visually impaired, access to an interpreter for the deaf and hearing impaired, etc.);
- The NPM recommends that women and girls be provided with unlimited and free access to hygiene products such as sanitary towels, tampons or wet wipes;
- The NPM again recommends that the possibility of installing a toilet seat on at least a few toilets be studied, as this is especially important for pregnant women;
- The NPM recommends that the possibility of installing an appropriately marked (multilingual) complaint box in all units be studied;
- The NPM recommends that social workers are encouraged to also use other work methods such as risk analysis and assessment, preparation of individual work plans, etc.;
- The NPM recommends that appropriate management of the personal files of unaccompanied minors be set up, so that these include all the required documents (e.g. official notes, reports of visits by social work centres and the legal representative, reports on the family situation, reasons for and course of migration, minutes of team meetings, side notes and comments by expert associates, risk and possible threat analyses and assessments, vulnerability, etc.). We further recommend studying the possibility of reasonably (and appropriately) upgrading the case management system to electronic format. This would enable the entry of expert notes and the recording of individual objectives, progress, challenges, and the problems associated with an individual unaccompanied minor, whereby access to these notes (electronic personal files) would be limited:
- The NPM expects that a refurbishment of the men's unit will be planned as soon as possible, improving the situation of accommodated foreign nationals. In the context of this refurbishment, it is recommended that the possibility of setting up wireless internet be studied;
- The NPM welcomes the planned setting up of a gym in the indoor playground and expects it to be set up as soon as possible, and that access to this gym will be given to foreign nationals without limitations;
- The NPM recommends that the possibility of enabling foreign nationals unlimited access, or for more than one hour, to outdoor areas during the day be studied with regard to available human resources (in light of the consistently small number of accommodated foreign nationals);
- The NPM recommends that the possibility of publishing house rules, or at least the time of expected outside visits, online, together with a presentation of the AC, be studied.

- **With regard to the confinement room, the NPM repeated its recommendation from the previous visit, i.e. that a more detailed definition of the confinement room was necessary (at least of its equipment) and its legal arrangement in the case of its use for disciplinary or separate living reasons;**
- **The NPM recommends that possibilities be studied for vacant workplaces in the newly set up organisational unit to be filled as soon as possible.**

A total of 18 recommendations were prepared. At the time of preparing this report (31 January 2018), we are still waiting for the response.

## 4.6 Visits to residential treatment institutions, youth homes, and the work centre

In 2017, the NPM **visited four institutions** accommodating children and adolescents with emotional and behavioural disorders and with special needs, i.e. **Višnja Gora residential treatment institution; Črna na Koroškem Special Education, Work and Care Centre; Kranj residential treatment institution; and Planina residential treatment institution.**

All visits took place in accordance with the NPM's visit plan for 2017. All the visits were a **repeat regular visit**<sup>10</sup>, with the NPM checking the observance of recommendations which had been provided during the last visit and the living conditions of children and adolescents. We also checked the circumstances which are important for the final assessment of cases of possible ill-treatment, punishment or even torture. All four visits were unannounced.

During these visits, the NPM made **48 new recommendations and repeated individual recommendations** which had not been implemented since the last visit<sup>11</sup>. The response to our preliminary reports on the visits allows us to establish that **the institutions visited have accepted the majority of the recommendations (26) and one third have already been implemented (12)**. As at the time of preparing this report (31 January 2018), we are still waiting for the response to the preliminary report on the visit to Planina residential treatment institution; we still do not know whether the institution has accepted or implemented the new recommendations (5) made at this year's visit.

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, which was followed by an inspection of the premises and the surrounding area. The majority of the time was spent in discussion with the children, adolescents and staff, and in monitoring the dynamics in residential groups. We also observed direct educational work, examined the institution's documentation and randomly selected personal files of children and adolescents, and observed the conduct of teachers and other staff. In all cases, **the initial findings** and recommendations were provided to the management of the institution **after the discussion**. The visiting group then prepared a **preliminary report with findings, recommendations, and commendations**. The institutions were asked to study the preliminary report and, once receiving their response<sup>12</sup>, explanations were included in the **final report**, which was sent to both the institution and the competent Ministry. The Ministry of Education, Science and Sport (MIZŠ), the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MDDSZ)<sup>13</sup>, and the Inspection for Social Affairs<sup>14</sup> responded positively to our recommendations and accepted the majority of them.

<b>Total number of all (new or repeated) recommendations</b>	<b>Accepted</b>	<b>Rejected</b>	<b>Implemented</b>	<b>No data</b>	<b>No response yet</b>
48	26	2	12	2	5

<sup>10</sup> The visits are usually implemented every two years.

<sup>11</sup> Individual recommendations which were made during the visit to residential treatment institutions are provided below as an example. The others are or will be available on the Ombudsman's website after receiving the response of the institutions visited or the competent ministries: <http://www.varuh-rs.si>.

<sup>12</sup> We are still waiting for the response of Planina RTI.

<sup>13</sup> Črna na Koroškem Special Education, Work and Care Centre.

<sup>14</sup> Which was sent the report on the visit to the Črna na Koroškem Special Education, Work and Care Centre.

## Višnja Gora residential treatment institution (VG RTI)



The central building of VG RTI



The cloister allowing movement of adolescents

We visited VG RTI on **21 February 2017** and, in addition to the central building, also inspected one of the residential groups and talked to the adolescents and teachers staying there. The NPM established that the living conditions in VG RTI are appropriate, the implementation of activities exemplary, and that the institution has implemented three of the ten recommendations which were provided during the last visit on 16 April 2014, while another four have been accepted and three remained unaccepted. During the visit, the NPM repeated its recommendation<sup>15</sup>, which had already been provided on 16 April 2014, that the prepared individual plan should also be given to the adolescent for inspection and signature<sup>15</sup>, which had already been provided on 16 April 2014, that the prepared individual plan should also be given to the adolescent for inspection and signature<sup>16</sup>.



Chemistry classroom



Dining room



Room in the residential group

<sup>15</sup> This was the first of the three unaccepted recommendations.

<sup>16</sup> In its response, the VG RTI explained that adolescents are present at the team meeting together with the teachers and actively participate in the preparation of the individualised programme. The adolescents do not participate in the preliminary part, where only expert associates of the RTI and the social work centre are present, as this is a professional discussion – delimitation of authorities, agreements on contacts, etc. Under special circumstances, when a security plan is required, the plan is signed by all present, including the adolescent.

Furthermore, the NPM again established that the **valid annual plan was not published on the website**.<sup>17</sup> The management explained this fact by it protecting the exposure of VG RTI employees. This time, VG RTI accepted the NPM's recommendation and published documents relating to the current school year on the institution's website. The NPM welcomes the fast response of the RTI, as the website has been updated with current information for adolescents, family members, and the broader public.

Due to all the special characteristics of living and working in institutions for adolescents with emotional or behavioural problems, the NPM **again recommended to the MIZŠ to consider drafting a special Act, or independent provisions within existing legislation, which would specifically govern the area of organisation and activity of these institutions**.<sup>18</sup> In its response, VG RTI explained that it was the main petitioner for a consultation in the National Council of the Republic of Slovenia on 16 November 2015, entitled Joint Responsibility for the Cooperation of Overlooked Children with Special Needs, and that the MIZŠ has still not prepared a regulation which would more uniformly govern the activity of residential treatment institutions and provide an appropriate legal basis for the implementation of educational activities. The NPM is therefore again recommending to the MIZŠ that activities for the preparation of this regulation be accelerated.

New recommendations were also prepared during the last visit:

- **We recommended to the MIZŠ to again study nutritional guidelines and the needs of adolescents and provide sufficient funds for the food of children and adolescents**<sup>19</sup>.

*In its response, the MIZŠ explained that the funds for the food of children and adolescents are ensured on a per day of care basis, and that residential treatment institutions have previously not reported any lack of funds in this respect.*

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- **We recommended that a plan be prepared for the systematic and continual education of adolescents, and if possible also parents, on the harmful use of drugs and alcohol, the rehabilitation process, establishing and maintaining abstinence, the consequences of risky behaviours (e.g. use of dirty needles, unprotected sexual intercourse, etc.), preventing HIV and hepatitis infections, and quitting smoking.**

*VG RTI explained that the PAS programme was updated in the spring and considers the new guidelines on the prevention of use or abuse of drugs and alcohol at both the preventive and curative levels.*

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- **We asked the MIZŠ if the proposed amendments to the Rules on Norms and Standards for the Implementation of Educational Programmes for Children with Special Needs, which were prepared by an interministerial working group, have already been adopted and if so, to inform us of their content.**

*The MIZŠ explained that the draft amendment to the Rules was in the process of being adopted, i.e. in the phase where SVIZ has already provided its comments.*

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- **We welcome the regular solving of problems and recommend that a complaints and compliments box be set up in one of the rooms of the educational groups, and that information on complaints procedures be displayed.**<sup>20</sup>

*VG RTI said that they were still putting off the setting up of an additional complaints box, but that they do plan to set it up in the room between the educational groups.*

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<sup>17</sup> The second of the three unaccepted recommendations.

<sup>18</sup> The third of the three unaccepted recommendations.

<sup>19</sup> The care and understanding of VG RTI, which is trying to ensure enough food for growing adolescents, is welcome.

<sup>20</sup> Installing a complaints and compliments box would enable adolescents to make anonymous complaints, which is important if they do not wish to be exposed.

## Črna na Koroškem Special Education, Work and Care Centre (SEWCC)



We visited SEWCC on **5 April 2017** and inspected the entire institution, while checking in more detail the group intended for children and adolescents, and the Polži unit, which accommodates residents with the most severe cases of physical and mental illness. **Three enclosure beds<sup>21</sup>** were observed in this unit, and we **re-visited the institution on 10 April 2017<sup>22</sup>** to discuss the use of these beds. The opinion of an **outsourced expert** on the use of these beds was also obtained. During the inspection of the premises and while observing a number of residents, an honest, warm, and emotional relationship was observed. We talked to twelve users and none spoke of any ill-treatment by the staff. It seems that there are a number of special and enriched assistance programmes available, which have been adapted for people with mental health disorders. We also noted that the institution and its surroundings are kept clean and tidy. Based on the information obtained during the visit and after reviewing the available documents, the NPM believes that **SEWCC is carrying out its activities in accordance with its mission.**

The NPM established that the institution has implemented all the recommendations which were made during the last visit on 24 September 2014,<sup>23</sup> while the recommendation which was made to the MDDSZ remains unimplemented and is therefore repeated. The NPM recommended to the MDDSZ to **study the possibility of the planned refurbishment of the institution<sup>24</sup>** making it not only friendlier to the residents and the employees but also in consideration of the significant change in the age structure of its residents, and to try to ensure the financial resources for ongoing investment maintenance. We are of the opinion that it would be a major loss if the still well-kept premises became neglected and poorly maintained, as this would affect the well-being and frame of mind of all. The MDDSZ explained that a meeting was held at the MDDSZ on 1 August 2017 where SEWCC again pointed out the problem of appropriateness of living conditions and proposed an investment plan for future years, which covers the new construction and refurbishment of residential units, an improvement in working conditions for users, and a comprehensive refurbishment of the central building. The MDDSZ tasked the SEWCC with the preparation of a proposal for an investment plan and for obtaining the consent of the MDDSZ for relocating SEWCC users.

During the 2017 visit, **eight new recommendations<sup>25</sup>** were made to SEWCC. In its response to the preliminary report, SEWCC confirmed that six recommendations have been accepted and one has been implemented, while the MDDSZ has started with the refurbishment of the facility.

We recommended that SEWCC ensure all that was necessary to be able to appropriately implement the educational measure of committal to an educational centre<sup>26</sup>. We recommended that adolescents who are able to understand the content and purpose of the individualised programme (IP) should also sign the programme, and that the documents in personal files with IP be managed transparently, allowing traceability of educational work. We commended SEWCC for regularly monitoring and adapting the set objectives, which is evident from the IP, but also recommended regularly recording the existing monitoring of objectives. At the time of our visit, the aforementioned *Polž unit* was locked. The employees

21 SEWCC explained that five beds with high side railings were being used at the time of the NPM visit.

22 This visit was announced.

23 The first visit to SEWCC was made on 17 April 2017.

24 In 2018, the institution will celebrate its 50<sup>th</sup> anniversary of operation, while the building is even older, as it had previously held a hospital.

25 The recommendation made to the MDDSZ was repeated.

26 SEWCC explained that they are intensively working on projects which will improve the quality of life of their users. A plan for the relocation of users from the central building has already been prepared so as to ensure appropriate living standards and accommodation in single or double rooms.



explained that the unit is locked so as to ensure the safety of individual residents wandering, and that the residents can leave the unit only if accompanied by staff,<sup>27</sup> but that otherwise SEWCC does not have a secure department. We therefore recommended:

- that the unit act in accordance with the ZDZdr and notify the court of people who are unable to leave the Polž and other units of their own free will and of people for whom such a regime will be set up in the future, if these are people defined by Article 2 of the ZDZdr and who do not or cannot provide their consent (independently or through their legal representative if these are people who have been deprived of their legal capacity) in accordance with Article 74 of the ZDZdr. In this way, SEWCC would leave the (final) judgement on whether it meets the conditions under Article 2 of the ZDZdr to the court.

*In its response to our preliminary report, the institution explained: "SEWCC will search for different possible solutions of how to ensure users' safe and unrestricted movement in their environment. In the light of the type of our activities (work and care centre), we are aware that, with appropriate approaches and staff structure within individual units accommodating users, we can ensure optimal care and control over people who are unable to independently take care of themselves and who have been deprived of their legal capacity. Problems arise occasionally during the night and on weekend duties and in the event of increased absence of staff due to sick or annual leave. In such cases, the shortage of space within the cramped central building of Črna SEWCC becomes even more evident. We believe that in the light of the above, notifying the court is not an optimal solution for solving such cases. We anticipate that investments in the refurbishment of the entire building and the already presented investments will allow us to humanely reduce or eliminate these problems, which also appear due to ageing, which, in addition to the main disorder, also brings emerging dementia and consequently a fast decline in users' psycho-physical capacities, for which more appropriate work programmes and content will have to be arranged in the future."<sup>28</sup>*

**Enclosure beds** were noticed in this institution but **no (medical) records were being kept** on their use as stipulated by the ZDZdr for the implementation of special precautionary measures. One of these beds is shown in the photo::



One of the five enclosure beds

We asked the opinion of external expert, Associate Professor Dr Peter Pregelj MD, Psychiatry Specialist, on the appropriate use of enclosure beds, who said: *"In light of what was stated, there is no professional justification for using enclosure beds even though the outdated guidelines on the use of special precautionary measures in psychiatry do not prevent the use of enclosure beds (Dernovšek and Novak Grubič, 2001). The use of enclosure beds does not provide sufficient safety (the danger of bringing*

<sup>27</sup> We agree that restricting independent exits can be necessary for individual residents so as to ensure their safety. However, we also believe that the valid restrictions of movement in the Polž unit, especially that of residents who can leave only in the company of staff, can encroach upon the freedom of individual residents, resulting in actually restricting their freedom of movement.

<sup>28</sup> With regard to the use of **enclosure beds**, SEWCC explained that these beds are used exclusively for ensuring the safety of users at rest time, and exceptionally for providing a safe environment if working individually with another user, but they are never used, and nor is it allowed to use them as any kind of educational measure. These beds are used for the rest and sleep of users who are unable to predict the consequences of their movements, which could mean that such a user, if an employee is not present (especially during night or daytime rest), could suffer an injury due to falling out of bed. SEWCC emphasised that they were aware that users must be provided with ample opportunity for movement and other activities; however, they are limited in doing so due to staffing standards, which is especially evident with users who require someone to help them with the majority of the activities. SEWCC believes that these beds still allow users more activity and the possibility of changing positions than sitting strapped in a wheelchair, while they also provide safety to the user and their environment. The ZDZdr does not foresee the use of enclosure beds as a special precautionary measure. The third paragraph of Article 29 of this Act stipulates only two special precautionary measures: "Special precautionary measures are physical restraint using belts and restricting movement to a single room. Enclosure beds cannot be classified into either of these two measures. Restricting movement to a single room foresees the use of a room where an individual's movements are restricted."

dangerous objects into the bed and using them) nor does it enable medical treatment if necessary (measuring vital functions, administering drugs). Furthermore, their use is not foreseen in the Mental Health Act. If there is a need to implement special precautionary measures in an institution, a secure department must first be set up and a special room within this department allocated to the implementation of restricting movement to a single room, or a special room allocated to the implementation of the measure of restraining with belts (in accordance with the ZDZdr, guidelines – Dernovšek et al. 2001 and Journal of Lectures 2012). If these conditions for the implementation of special precautionary measures cannot be fulfilled within an institution, individuals who occasionally require the implementation of a special precautionary measure should be provided with accommodation in an appropriate secure department of a different social care institution which does have a secure department. In the event of acute need for the implementation of special precautionary measures, such an individual should be provided with treatment in a department of a psychiatric hospital under special supervision.”

- **The NPM recommended that SEWCC follow the guidelines provided by the expert with regard to the use of enclosure beds and act in accordance with the ZDZdr, and especially to immediately stop using enclosure beds.**

*SEWCC explained that the mesh has been removed from the beds of all three users and that the mesh had been used exclusively for protection from injury. In cooperation with other institutions, and in accordance with the law, they were searching for appropriate solutions for ensuring protection from injury, including by increasing staff supervision. They assured us that they will organise the use of beds which are adapted to the needs and special characteristics of individual users. They also invited users' parents to participate in the hope that they could find an optimal solution together.*

After the implemented inspection at SEWCC, the **Inspectorate of Social Affairs established that SEWCC does not have a legal basis for using this measure, as it is not a psychiatric hospital and nor does it have a secure department. The inspector recommended that SEWCC, in cooperation with other institutions, proposes to the MDDSZ that they regulate this field.**



The entry to the Polži unit is locked for reasons of residents' safety

## Planina residential treatment institution (PRTI)



The central building with offices and primary school classrooms

We visited **PRTI** on **16 May 2017**. We inspected the facilities and talked to the children and adolescents and the staff. After the visit, we reviewed the documents in the personal files of six adolescents. Based on the information that it obtained during its visit and after reviewing available documents, the NPM believes PRTI is carrying out its activities in accordance with its mission. Of the **11 recommendations** which were made during our last visit on 12 May 2015, the institution has **implemented four and accepted two** of these recommendations. **Two out of the five recommendations have been implemented only by the PRTI** and not also by the competent ministry<sup>29</sup> and the NPM therefore repeated the recommendations during this year's visit.

The NPM established that **social pedagogy, in cooperation with external expert institutions, has still not prepared expert bases for a more appropriate and unified treatment of adolescents with instructions on appropriate educational action**. As explained by the education counsellor, adolescents with exceptionally deviant behaviour are treated in the context of a therapeutic group, whereby a therapeutic measure is chosen which is aimed to strengthen the adolescent's recognition and understanding of more appropriate types of behaviour, emotions, thinking, and consequently communication. The NPM welcomed the endeavours of the management and expert associates of PRTI to resolve the majority of the disputes in the context of therapeutic groups, and not only by disciplinary measures.<sup>30</sup> **The NPM fully supports the endeavours of all three ministries (MIZŠ, MDDSZ and MZ) to expand the health services in PRTI and recommends to the competent national authorities and professional bodies to carefully consider the setting up of an additional unit, perhaps in another institution.**

During our visit, the Director of PRTI explained that, since the last NPM visit, a psychiatrist has been employed in order to be able to provide direct psychiatric care to children and adolescents. She explained that two residential groups have been restructured so that now **three educational groups have pedagogical and medical care**. For this reason, additional staff have been employed, especially from the field of healthcare. PRTI has also increased its spatial capacity, as they are leasing a house in Vrhnika, a house in Semedela, and a flat in Postojna. The NPM alerted the MIZŠ to the fact that **adolescents, who are not yet 18 years old but who have completed secondary education, cannot return home, and can submit their application for accommodation in a residential group only after they have turned 18 years old**. In its report on the 2015 visit, the NPM had already asked the MIZŠ to regulate the system so that it enables the submission of such an application by an adolescent before they turn 18 years old<sup>31</sup>. The NPM again recommended to the MIZŠ to **allocate funds not only to current maintenance but also for the replacement of dilapidated furniture** which PRTI management has been unable to replace through their own funds or donations<sup>32</sup>.

<sup>29</sup> The competent ministry has not.

<sup>30</sup> During the last visit, PRTI explained that rules on mediation have been prepared, which formalise and enable a more unified treatment of adolescents with emotional and behavioural disorders. The PRTI expert team also shaped guidelines for dealing with violent behaviour in PRTI. A publication of the Educational Programme with methods and diagnostics for adolescents with emotional and behavioural disorders is also being prepared. The NPM supports these endeavours and commends PRTI on the preparation of uniform guidelines for the treatment of these adolescents.

<sup>31</sup> During the visit, the Director explained that despite recommendations, the MIZŠ has not provided a solution for the further placement of adolescents who have completed their education but who cannot return to their primary environment, and who are not entitled to accommodation in PRTI. According to the Director, PRTI searches for an appropriate accommodation solution for each individual adolescent. In its response report, the MIZŠ did not provide its opinion on any of the NPM's recommendations.

<sup>32</sup> Donations were used to furnish and refurbish the rooms of individual educational and residential groups. In the context of the Giving Back to Society project, 12 adolescents' rooms were furnished and donations by Vez-je and Microsoft helped 30 rooms receive computers and software.



Rooms and furniture in one of the residential groups of PRTI

## Kranj residential treatment institution (KrRTI)



The house of the Černava residential group



Outdoor multi-purpose area of the Kranj residential group (RG)

We visited **KrRTI** on **1 June 2017**. We inspected the main unit, the residential group in Šempetrska cesta in Kranj, and the Černava residential group in Preddvor. We inspected documents and spoke to several adolescents and staff. During the visit, the representatives of the NPM got the impression that **living conditions were appropriate, the implementation of activities exemplary, and that the institution has accepted and implemented all the recommendations made during the last visit on 29 September 2015.**<sup>33</sup> During the visit, 25 new recommendations were made. Judging from the

<sup>33</sup> During the visit on 29 September 2015, seven recommendations were made.

response to the preliminary report, the institution has already implemented nine and accepted 16 recommendations.

It was recommended that KrRTI see to the regular updating of the website and the compliance of the submitted and presented information on programmes and individual activities. We recommended that the basement of Črnava RG be tidied up, appropriately furnished, and used as originally intended. The surroundings should be maintained and the possibility of actively using the new outdoor gym should be studied.



Unkempt recreation and calm down area

We recommended that when the institution comes across a **lack of response from an individual social work centre**, it should notify the director of the competent social work centre, as we need to be aware that **priority treatment must be ensured**, especially if the expert group handling the case establishes that **delay might result in irreparable consequences for the child/adolescent**<sup>34</sup>. We recommended that they establish closer connections with university lecturers and researchers in psychology, pedagogy, sociology, social work, and other similar fields, so as to be able to introduce new work methods and see to the professional growth of employees. In this respect, it would also be sensible to prepare institutional and non-institutional methods of caring for and treating children and adolescents who are unable to stay with their primary family. The work methods must be continuously checked and adapted to the arising needs and the deprivations of children and adolescents. We further recommended that KrRTI **set up a system of recording effective measures with a description of the situation** which calmed down the child or adolescent, as this can represent an important database of knowledge for future action and might help other expert associates<sup>35</sup>. We recommended that **employees sign the records of daily observations** and that they consider **adding positive observations** and achievements or positive examples of cooperation, as reviewing the documents on an individual child, a positive note was missing.

Furthermore:

- **We expressed our concern over cases where a child who is still in primary education is dismissed from class early due to behavioural problems, and upon returning to the residential group (RG) their teacher is not present. We welcomed the immediate responsiveness of KrRTI and supported the intensive cooperation between the two institutions. We also recommended to KrRTI to hold detailed discussions with the management and expert associates in primary and secondary schools.**

*KrRTI explained that this only happens from 8 to 10 a.m. when no working hours of expert associates are anticipated, as the children are mostly away at school. This also happens if the morning teacher is in a*

<sup>34</sup> KrRTI explained and pointed out the lack of programmes for individual, and especially more complex, forms of emotional and behavioural disorders. They emphasised that despite good cooperation with the majority of directors of social work centres, they cannot effectively solve all cases.

<sup>35</sup> KrRTI explained that two documents were in the phase of preparation or in the last phase of adoption, i.e. the House Rules of residential groups and the Educational Programme in KrRTI, which detail the measures to be implemented with individual situations occurring in the RG.

*PTA or another meeting or has other obligations outside the main group. In such a case, the teacher is called to return to the group as soon as possible;*<sup>36</sup>

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- **We asked the MIZŠ to state its opinion on the problems concerning early dismissal of children from class, which teachers choose in cases of disruptive behaviour.**

*The MIZŠ explained that they believe that early dismissal is unacceptable and that a multidisciplinary team must be set up in such cases so as to find the most appropriate solution for an individual child or adolescent;*

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- **We recommended to the MIZŠ<sup>37</sup> that they quickly find the most appropriate solutions and measures addressing the situation in residential treatment institutions and youth homes in Slovenia, which has occurred due to individual children or adolescents with severe mental health problems and associated violent and hetero-aggressive behaviour. It is often these children or adolescents who completely paralyse the normal dynamics of institutional life. It needs to be emphasised that the safety and conditions for the optimum development of all children and adolescents must be ensured, as they already come to the institutions deprived of a number of things and are especially vulnerable.**

*The MIZŠ explained that they have prepared the basis for the systemic regulation and preparation of projects in residential treatment institutions and that with the help of the European Social Fund, EUR 2.8 million has been ringfenced for the setting up of three expert centres for the comprehensive treatment of children with emotional and behavioural disorders. The centres have been operational since September 2017. Based on evaluations which will be conducted in each of the centres by one national and one international expert, systemic solutions will be prepared. It was further explained that a refurbishment of the Educational Programme and rules is being planned. Residential treatment institutions have been offered ten flats which they can use for intensive treatment of the most severe cases of adolescents who cannot cope with institutional accommodation. With regard to the work in these residential groups (RG), the MIZŠ is also helping residential treatment institutions with additional staff. They explained that an inter-ministerial working group has been appointed by the minister, as they are trying to encourage other ministries to assume responsibility in accordance with their authorities, and to help search for the most appropriate solutions in accordance with their tasks and duties.*

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<sup>36</sup> KrRTI further explained: "Another problem in this respect is that expert associates insist that the child, regardless of the previous situation, stays and participates in class as long as possible and that they are not dismissed from school before end of classes due to behavioural problems, as this only reinforces such behaviour, which is consequently being repeated. In such cases, they meet with the school staff as soon as possible to plan how to address such behaviour in the future and help solve it, especially in the context of the school, as they want the children to remain a part of the school environment and not be excluded from it.

<sup>37</sup> Taken from the KrRTI report.



Rooms of children and adolescents in Črna RG

## 4.7 Visits to prisons, their remote units, and Radeče Juvenile Correctional Facility

In 2017, the NPM visited seven **prisons and their remote units**, i.e. Ljubljana Prison – the **Ig Open Unit**, **Dob Prison – the Slovenska vas Semi-Open Unit**, **Ig Prison**, **Ljubljana Prison – the Novo mesto Unit**, **Dob Prison – the Puščava Open Unit**, **Koper Prison**, **Dob Prison** and **Radeče Juvenile Correctional Facility (CF)**. On two visits, i.e. to **Ig Prison** and **Koper Prison**, the group conducting the visit included the NPM's medical expert.

**In the context of a thematic visit on conditions for the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons, the NPM separately visited 13 locations of prisons or their remote units, i.e. Dob Prison, Dob Prison – the Slovenska vas Semi-Open Unit, Dob Prison – the Puščava Open Unit, Ljubljana Prison, Ljubljana Prison – the Novo mesto Unit, Ljubljana Prison – the Ig Open Unit, Ig Prison, Maribor Prison, Maribor Prison – the Murska Sobota Unit, Maribor Prison – the Rogoza Open Unit, Koper Prison, Koper Prison – the Nova Gorica Unit and Celje Prison and Juvenile Prison.**

After each visit, the group implementing the visit prepared a report on their findings and recommendations, which was sent for discussion to the Prison Administration of the Republic of Slovenia, and for information to the prison visited or its remote unit in order to provide a response to the findings. At the time of preparing this report (31 January 2018), the Prison Administration had already provided a response to all the **regular visits** to prisons or their remote units and Radeče CF. The only exception was the report on the visit to Dob Prison (the report was sent to the Prison Administration on 4 January 2018). With regard to the **thematic visit**, a (joint) thematic report was prepared for all the locations visited, and sent for discussion to the Prison Administration (and for information to the visited prisons, their remote units, the Ministry of Justice, and the presidents of district courts, who inspect the prisons and their remote units) on 11 January 2018. At the time of preparing this text, we were therefore still waiting for the response of the Prison Administration to this report and the 26 recommendations we provided.

Total number of all (new or repeated) recommendations	Accepted	Rejected	Implemented	No data	No response yet
163	67	20	49	1	26

The recommendations were made after inspecting facilities for the accommodation of prisoners, conducting interviews with prisoners who wanted to be interviewed, and discussions with the management of the visited prison or remote unit and Radeče CF. The Prison Administration regularly responded to our recommendations, predominantly agreeing with our findings and recommendations and assuring us that individual deficiencies have already been eliminated. Of the **163** recommendations (**not including the recommendations made during the thematic visit**), **49** recommendations have been implemented, **67** have been accepted but not yet implemented (mostly due to the lack of financial resources or because more time is required for implementation), **20** recommendations have not been accepted, and the Prison Administration has not provided any comment on **one** of the recommendations.

**All the visits, with the exception of the visit to Koper Prison, where two foreign nationals, i.e. representatives of the Antigone organisation from Rome were present, and the visit to Dob Prison, were unannounced and made in the context of a regular, previously scheduled supervision.**

The visit to **Dob Prison** was conducted as a regular visit, but was slightly thematic in nature. An anonymous questionnaire was used to obtain information about specific topics, i.e. the familiarity of prisoners with the sentence enforcement regime, the participation of prisoners in the preparation of the personal plan, the work of the educational services, the cooperation of prisoners in small groups and house communities, and the inclusion of prisoners in leisure activities and special treatment programmes. **The report on the visit included the following recommendations and proposals for improvement:**

- **We recommend that a plan for each newly admitted person serving a prison sentence to confirm with their signature (e.g. on the admission papers) that they have been informed of their rights and obligations be considered.**



- The NPM recommends that the possibility be examined for every prisoner to confirm with the date and their signature that they have been briefed on the sentence enforcement regime at the time of their admittance.
- The NPM recommends that prisoners be alerted to the fact that they can participate in the preparation of their personal plan by providing their recommendations, when presented with their personal plan for signature.
- The NPM recommends that educators clearly and understandably explain to the prisoners that benefits are bestowed by the prison director, and inform them that they can receive such benefits only if they actively try to succeed in fulfilling their personal plan and observe the house rules, and that a transfer is possible only for justified reasons or on the basis of an assessment that they will not abuse a less strict regime (Articles 77 through 81 of the ZIKS-1).
- The NPM supports the prisoners' recommendation for more individual treatment, as this is one of the main tasks of the educator.
- The NPM again recommends that the possibility of reducing the administrative workload of educators and employing new staff be studied, which will result in more time for direct work with prisoners.
- The NPM supports the psychologists' recommendation that additional staff from the fields of psychology and psychotherapy be employed, as this would reduce the workload and contribute to more effective treatment for prisoners.
- The NPM recommends that the possibility of employing a psychologist in Department I be studied, who would work exclusively with the prisoners from this department.
- The NPM believes that since every educator currently works with a small number of prisoners, it should not happen that an educator fails to react promptly should a prisoner want to talk to them.
- The NPM would like to know whether the prison has an internal deadline as to how soon educators must react to a prisoner's request to talk, and if so, how can the observance of this deadline be determined.
- The NPM would like to know about the procedure involving the prisoner's request for a change of educator, who decides on this change, and what are the justified reasons for changing the assigned educator. We further propose that prisoners are informed of this fact, as more than 15 prisoners emphasised this problem in their answers.
- The NPM recommends that the prison tries to additionally motivate prisoners to work in small groups and home communities, e.g. by enabling prisoners to offer their proposals and opinions on the living conditions and daily activities in an individual department.
- The NPM requests for an explanation of why 56% of prisoners who will (shortly) have served their sentence are not familiar with the procedures for providing assistance, management, and organisation of a plan for social inclusion after discharge.
- The NPM recommends that the prison again enables outdoor exercise in the afternoon for prisoners in Departments I and III.
- The NPM expects that the construction of additional or new outdoor yards will be completed in the shortest possible time, which will allow prisoners to stay longer outdoors.
- The NPM would like to know why the refurbishment of the roof took so long.
- The NPM recommends that the prison tries to implement the proposals made by the prisoners with regard to the refurbishment of gym equipment, the purchase of a football goal, a ball, books, and power distributors. The NPM further recommends that the prison studies the possibility of expanding the number of TV programmes and the introduction of playing volleyball or tennis, as well as the possibility of introducing chess and other tournaments between departments.

- The NPM recommends that the prison studies the possibility that prisoners who have justified reasons to do so (e.g. calls outside the EU) use the videoconferencing room for accessing call applications, which the institution already uses and which already has devices to enable maintenance and security (including recording and storage of all types of electronic communication).
- The NPM recommends that the prison studies the possibility of offering prisoners the opportunity to complete the course for a driving licence (at least the theoretical part), as proposed by individual prisoners.
- The NPM again recommends that the prison and the general office of the Prison Administration take all necessary measures for providing work to as many prisoners as possible. Perhaps it would be sensible to consider a self-sufficiency project or, as the prison has a woodworking workshop, that individual prisoners be included in this line of work and make the furniture and equipment required by the prison or for other purposes.
- The NPM recommends that damaged or obsolete equipment be repaired or replaced as soon as possible, in accordance with the prison's financial capacities.
- The NPM recommends that the walls in Department I be painted on a regular basis as a priority.
- The NPM again recommends that the possibilities for installing wooden phone booths in Department III (and in other departments where so required or requested) be studied.
- The NPM recommends that the prison again informs Trebnje Health Centre that it should implement the recommendation made by the medical expert during the previous visit, i.e. that a general practitioner should be available in the prison every working day, and in any case on the day of admittance.
- The NPM recommends that the prison makes sure that the meals served to prisoners in Department I are kept appropriately warm.
- The NPM recommends that the Prison Administration studies the possibilities of employing additional judicial police officers.
- The NPM would like to know how judicial police officers are provided with the opportunity to clean their equipment and asks for information on the use of these allocated funds.

Below are the individual most frequently noted deficiencies or mistakes for which recommendations have been provided so that they can be eliminated.<sup>38</sup>

## Joint findings with recommendations

### a) Furnishing and maintenance of facilities

We recommended that **Ljubljana Prison – the Ig Open Unit and Ig Prison** study the possibility of replacing old windows or at least seeing to additional sealing, not least to improve heating efficiency. **The Prison Administration said that it agreed with the findings; however, window sealing had previously been checked, and additional sealing arranged where required and window frames replaced as far as possible.**

<sup>38</sup> All recommendations made during the visits to prisons or their remote units and Radeče CF in 2017 are available on the Ombudsman's website: <http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/>.

The Prison Administration further said that the possibility of replacing the windows would be studied, while the institution would continue checking the seals and implementing appropriate measures in accordance with its capabilities.



One of the windows in Ig Prison which cannot be closed.

We pointed out the need to eliminate minor deficiencies or damage to equipment and inventory (e.g. damaged electrical sockets, non-functional light bulbs, etc.) to **Ljubljana Prison – the Ig Open Unit, Dob Prison – the Slovenska vas Semi-Open Unit, Ig Prison, Radeče CF, and Koper Prison**. We recommended that employees be alerted to show more self-initiative when establishing such deficiencies. **With regard to these recommendations, the Prison Administration said that the deficiencies and damage had been fixed. It further said that employees had been alerted to establish any damage or deficiencies themselves and to take immediate action.**



Damaged socket at Ig Prison

## b) Employees (judicial police officers and employees in educational services)

We recommended to **Ljubljana Prison – the Ig Open Unit, Dob Prison – the Slovenska vas Semi-Open Unit, Ig Prison, Radeče CF, and Ljubljana Prison – the Novo mesto Unit** that they increase the number of employees (including due to the increase in the institution's capacity) or fill the vacant positions in the educational services (including by studying the possibilities for the reorganisation of employees). We recommended to **Ig Prison, Ljubljana Prison – the Novo mesto Unit, and Koper Prison** that they study the possibility of increasing the number of judicial police officers (also due to the increase in the institution's capacity), filling the vacant positions, or substitute employment of judicial police officers. **With regard to our recommendations, the Prison Administration said that procedures with regard to new employment in the educational services and the security division (judicial police officers) are already in progress and would soon be implemented. The Prison Administration explained that additional consent for filling several positions of judicial police officers had been obtained in August 2017.**

## c) Food

Meals for **Ljubljana Prison – the Ig Open Unit and Ig Prison (newly opened Open Unit and Remand Unit)** are delivered from the Ig Prison kitchen. During our visits, prisoners complained about the delivery of meals, saying that due to poor sealing, foods are mixed together (overflowing) during delivery. We therefore recommended that transport containers are properly sealed so as to prevent mixing (e.g. of liquid meals with other food). **The Prison Administration explained that all complaints regarding food and other deficiencies are immediately communicated to the kitchen and the email address of the instructors. Furthermore, new containers for the delivery of food were purchased in 2016 and they are not damaged. The Prison Administration assured us that the institution would see to the delivery of food in a way that ensures that it is not spilt or in any way inappropriate for consumption due to poor transport.**

## d) Providing work

The prisons and remote units must provide prisoners (including remand prisoners) with the opportunity to work. During our visit to **Ig Prison, Ljubljana Prison – the Novo mesto Unit, and Koper Prison**, we recommended (again) that the institution put more effort into providing all prisoners (including remand prisoners) with the opportunity to work. We emphasised that work contributes to social rehabilitation and positively affects an individual's psychological condition and satisfaction, while also altering the experience of time and providing a sense of usefulness. **In the majority of cases, the Prison Administration explained that the prisons and remote units were trying to provide work to as many prisoners as possible (including remand prisoners, where possible) Work is provided also in public service agencies, i.e. in housekeeping, where a specific number of positions is determined for each prison and unit. With regard to the employment of remand prisoners, there are problems associated with the indefinite duration of detention on remand, as a number of available positions require a specific period of time in order to acquire experience and meet the required work standard.**

## e) Ensuring inclusion in education

The prisons and their remote units must ensure that prisoners are given the possibility to be included in education (formal and non-formal). We therefore recommended to **Ljubljana Prison – the Novo mesto Unit and Koper Prison** that more effort be invested in ensuring the possibility of being included in education. **With regard to Ljubljana Prison – the Novo mesto Unit, the Prison Administration said that an elementary school for adults had been introduced in October 2015 and was implemented twice a week until 27 June 2016, when the programme had temporarily ended due to problems with the provider. Financial resources for the education of prisoners have been provided by Novo Mesto Development and Education Centre, which obtained the funds from public tenders. A Lifelong Learning programme is being regularly implemented by the same centre. Every Friday, two school hours are allocated, alternating between prisoners and remand prisoners, to workshops on different subjects (creative workshops, discussions, travelogues, workshops associated with holidays, learning about a healthy lifestyle, etc.).**

**Education provided outside the unit takes place in the Centre. Computer literacy programmes are offered throughout the year and workshops are held twice a week for two hours. In 2016, 22 prisoners joined computer literacy classes. The prisoners also attend travelogue lectures at Miran Jarc Library in Novo mesto.**

**With regard to Koper Prison, the Prison Administration explained that they would continue to ensure the opportunity to join various programmes of formal and non-formal education as far as possible to as many prisoners as possible, and would continue establishing connections with outsourced institutions and other organisations. They would also try to ensure the latter to remand prisoners; however, the problem with providing education is that courses last for several weeks and regular attendance is required, which remand prisoners may not be able to complete as the court decides on the cancellation of remand, start of serving a sentence, etc. Now that a position for a psychologist has been formulated, in the future they would study the possibility of organising a weekly or fortnightly group (a small group, the same as that for prisoners) for remand prisoners for various creative workshops or themed meetings. They will continue trying to organise as many leisure and sports activities as possible, as they are aware of the positive effect of such activities on prisoners. In this respect, they would continue to establish connections with various sports associations and other organisations. In September 2017, they were expecting the arrival of the Kings of the Street football team. They still try to organise competitions between prisoners and remand prisoners at least once a month, as such events have been well accepted.**

## f) Healthcare

The visits to **Ig Prison and Koper Prison** were also attended by the NPM's medical expert, who checked the provision of healthcare to prisoners. **The NPM's medical expert established that the provision of healthcare to prisoners in the prisons visited was satisfactory.** The doctor established one significant deficiency: medication is distributed by judicial police officers. **During the visits to Ig Prison and Koper Prison, it was recommended that the recommendation by the NPM's medical expert to ensure permanent on-call medical staff in the institution's clinics, as is typical in healthcare services, be considered. The**

NPM established that in almost **all institutions and remote units medication** (which is prepared by medical staff in the institution's clinic) is still **distributed by judicial police officers**.

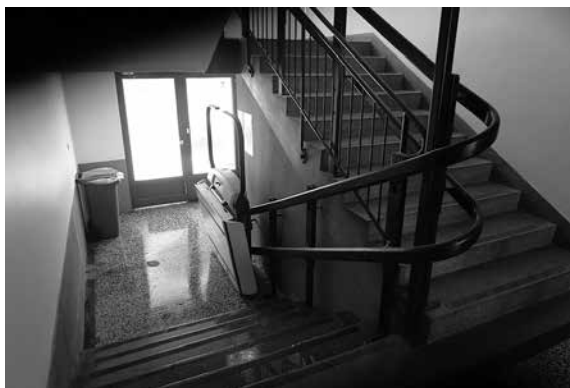
**The Prison Administration did not provide any specific comments for Ig Prison with regard to this. Concerning the recommendation for Koper Prison, the Prison Administration said that (as explained in the 2015 report) the institution believes that medication should be distributed by the institution's healthcare staff due to professional qualifications, control, and additional explanations provided to patients. This was impossible to implement at the time with the available staff, and the nurse prepared the medications which were distributed by judicial police officers. Now, nurses distribute medication in the morning and at lunchtime during the week, while in the evening and over the weekend, or on non-working days, the prepared medication is distributed by judicial police officers. The distribution of medication as recommended by the NPM's medical expert is also in the interest of the institution. Despite staffing limitations, they are therefore trying to organise it so that medication is distributed predominantly by health professionals.**

During the visit to **Radeče CF**, the admitted minors did not voice any major concerns regarding the provision of healthcare services. They did however complain about dental healthcare services, as the latter had not been available for a while prior to the NPM's visit. We therefore recommended that Radeče CF sees to a consistent implementation of services under the Agreement on mutual relations in the implementation of primary healthcare services at Radeče CF as of 21 November 2016. Radeče CF consequently contacted the Ministry of Health. **Following our intervention to receive the answer from this Ministry, the Ministry said that an agreement had been reached with the Association of Health Institutions that a joint proposal be prepared for the General Agreement for 2017 on expanding the programmes in prisons with providers which require an expansion of the programme in order to ensure an extension to office hours.** The prepared recommendation was accepted and applies as of 1 January 2018. As of 26 July 2017, dental healthcare services are now being provided in Radeče CF.

**Thematic visit on conditions for the elderly, people with disabilities, people with impaired mobility, the deaf and hearing impaired, the blind and visually impaired, and mute people in prisons (vulnerable people in custody)**

**As the majority of the prisons and their remote units are located in older buildings, whose premises were mostly not foreseen for the accommodation of vulnerable people in custody, the Ombudsman, in the role of the NPM, decided to study the conditions for these people in 2017, and to prepare a special thematic report on its findings, including recommendations for improving the conditions of accommodation and treatment of vulnerable people in custody.**

The answers in the questionnaires and the thematic visits showed that the **accommodation of vulnerable people in custody is mostly not appropriately arranged in prisons and their remote units, or that this field is not appropriately regulated.** We believe that partially appropriate accommodation of vulnerable people in custody is provided only by Dob Prison (the specially adapted premises on the second floor of Department I) and conditionally also by Celje Prison and Juvenile Prison, which has two rooms for people with impaired mobility (one on the ground floor and one on the first floor). However, even in these two prisons the rooms which are used for the accommodation of vulnerable people in custody are not equipped with appropriate hospital beds (e.g. a hospital bed trapeze, of adjustable height and position).



Stairlift for accessing the second floor of Department I of Dob Prison



Appropriately arranged toilets

The majority of the prisons and remote units have a room which is designated as the hospital room (Dob Prison, Ljubljana Prison, Ig Prison, Koper Prison, Koper Prison –the Nova Gorica Unit, Maribor Prison – the Rogoza Unit, Celje Prison and Juvenile Prison); however, these **rooms are also not equipped with appropriate hospital beds** (usually only with old and worn out beds). The beds in these rooms cannot be adjusted (in height and position) and not all (during the thematic visits) had a hospital bed trapeze to assist patients when getting up.



Hospital room in Dob Prison in the new Department V    Hospital room in Ig Prison

The ZIKS-1 stipulates that every prison must have a hospital room for the accommodation and treatment of prisoners. With regard to the equipment in hospital rooms, the ZIKS-1 only stipulates that a **hospital room must be equipped in accordance with the general rules and regulations** (the first paragraph of Article 60 of the ZIKS-1). Appropriate equipment in hospital rooms is also stipulated by the second paragraph of Article 47 of the PIKZ; however, it does not specifically determine it.

In the past, we have already asked the Prison Administration to inform us of the criteria that a room in a prison must meet in order to be classified as a hospital room. The Prison Administration answered that hospital rooms were equipped similarly to hospital rooms in healthcare institutions outside the prison. Dob Prison also recommended to Trebnje Health Centre that they prepare criteria for a hospital room in the prison and its equipment in accordance with general rules and regulations. The latter established that legislation was lacking in this area and asked the Ministry of Justice to issue a regulation which would govern hospital rooms in prisons, and also temporary instructions until such a regulation is adopted. It emphasised that there was no stipulation that a healthcare provider needed to prepare criteria for equipment used in hospital rooms. **The general regulations do not consider the specific situation in prisons.** Questions regarding different security regimes, the right to smoke, and numerous others therefore remain unanswered. The Health Centre further believed that it was not appropriate to set up hospital rooms and prison cells with the most problematic prisoners in the same wing of Dob Prison.

At the time, the Ministry of Justice answered our questions on the standard equipment in hospital rooms under the ZIKS-1 and other subordinate regulations, also from the viewpoint of the recommendation emphasised by Trebnje Health Centre. The Ministry said that these regulations do not include an authorisation for issuing a corresponding implementing regulation, which would, as recommended by Trebnje Health Centre, govern the specific nature of hospital rooms in prisons, especially with regard to assuring different security regimes and similar matters. **The required equipment for hospital rooms in prisons is determined by the Standards for the Construction and Equipment of Prisons**, which were issued by the Prison Administration on 24 November 2005 pursuant to the criteria for the regulation of business facilities for the needs of state administration (Government of the Republic of Slovenia, No. 361-00/2001-8 as of 4 November 2004) With regard to prison cells for patients, Article 3 stipulates that these be furnished with:

- a hospital bed with a trapeze;
- a high bedside table for patients;
- a mobile table on wheels for patients;
- a chair without a backrest;
- a metal wastebasket with lid;
- a TV shelf;
- a double door wardrobe;
- a small refrigerator of up to 40 l in volume (only for new constructions with partially or fully individual food preparation).

With regard to ensuring individual regimes in hospital rooms, the right to smoking, and other similar issues, the Ministry of Justice assured us that it would study the possibilities for the most appropriate regulation. It optimistically concluded that the majority of problems associated with hospital rooms in Dob Prison would be finally resolved once the refurbishment of this institution has been completed and new hospital rooms in the new facility constructed. As evident from our findings, these predictions have not been fully realised. **In the light of the different furnishings and not completely appropriate equipment in these rooms, we believe that it is necessary to furnish and equip these rooms in accordance with their purpose and uniformly at all locations, and that they be correctly located (if possible on the ground floor).**

A major problem in the accommodation of vulnerable people in custody are also **architectural barriers** which hinder movement in the prison or its remote unit or make it very difficult. With the exception of Dob Prison and Koper Prison, none of the prisons have a lift which could facilitate the movements of vulnerable people in custody (e.g. people who use various mobility aids) and their ability to go outdoors, or to the yard, the library, the institution's store, and so on. Architectural barriers can also cause problems to other people in custody (who are not otherwise vulnerable) who have sustained an injury during the serving of their sentence (e.g. at work or during other activities) and who need to use mobility aids (e.g. crutches). As stated by the people in custody, this can result in vulnerable people not going for walks or attending other activities in the prisons or their remote units (e.g. work therapies). **In consideration of the individual standards in this field, the facilities used by vulnerable people in custody should be equipped so that they allow wheelchair access, the doors should be wide enough, the halls should be wide and equipped with grab bars, and the stairs should be of an appropriate dimension (where present) and equipped with grab bars at an appropriate height and with ramps with a slope of no more than 8%. The floors of the stairs and other rooms should be non-slippery and safe to walk on when wet. The bathroom should be of an appropriate size and furnished for the use of people in wheelchairs, with grab bars and a shower at floor level** (as stipulated for example by the Rules on the Requirements for Free Access to, Entry to and Use of Public Buildings and Facilities and Multi-Apartment Buildings<sup>39</sup> and the Rules on Minimum Technical Requirements for Social Services Providers<sup>40</sup>).



Bathroom and toilet in the hospital room in Department V of Dob Prison with a narrow entrance, high doorstep and no grab bars.

39 Official Gazette of the Republic of Slovenia, No. 97/03 and subsequent.

40 Rules on Minimum Technical Requirements for Social Services Providers, Official Gazette of the Republic of Slovenia, No. 67/06.



Too steep ramp in Department III of Dob Prison



Narrow entry to the Maribor Prison living area, the Murska Sobota Unit



Staircase in Ljubljana Prison



Staircase in Ig Prison

**None** of the prisons or their remote units (yet) **employ staff or caregivers who could provide vulnerable people in custody with the required assistance with personal care and hygiene or other similar activities.** Our findings show that such assistance is regulated differently in different prisons and their remote units. It is offered by health staff or an outsourced provider/caregiver, so it is not uniformly regulated who pays for these services (in some cases, the services are paid for by the person in custody; in some cases by the prison on the basis of a work order; or in others by the Health Insurance Institute of Slovenia on the basis of a work order by the prison clinic).

The majority of vulnerable people in custody also take a number of different drugs to alleviate pain and maintain their health. It was established that in the majority of the prisons and their remote units the medication of vulnerable people in custody (and other people in custody) is prepared in the prison clinic and distributed by judicial police officers. In its reports, the Ombudsman or the NPM has repeatedly emphasised the problems regarding such arrangements (e.g. during the visit to Koper Prison, 21 June 2017).

On the basis of these final findings, the NPM issued the following **recommendations for improvement:**

- **In order to ensure their equal treatment, we recommend that the Prison Administration prepares a special strategy with detailed instructions and guidelines for the treatment of vulnerable people in custody. These should include the provision and training of staff who will see to the needs of this vulnerable group, determine the special characteristics of the classification and accommodation of vulnerable people in custody, and their healthcare, access to programmes and services, safety, and preparation for release or early (conditional) release.<sup>41</sup>**

<sup>41</sup> In accordance with Chapter 5.4: Older prisoners and prisoners with physical disabilities, pages 55-56, A Handbook for Prison Staff with Focus on the Prevention of Ill-Treatment In Prison, Council of Europe, Slovenian translation: Ministry of Justice, Prison Administration 2017.



- **Adapted facilities or departments in one or more prisons must be set up, making them appropriate for the accommodation of prisoners whose age, illness or disability means that they require additional assistance in the meeting of their basic needs. These facilities must be equipped with adapted equipment which will enable the safe implementation of the activities of vulnerable people in custody in all areas of life, as well as unhindered movement, i.e. without any architectural barriers (staircases and other uneven surfaces).**
- **All rooms which have been designated to be used as hospital rooms in prisons and remote units should be large enough and not contain any architectural barriers. They should be uniformly equipped with appropriate hospital beds and other necessary equipment.**
- **Activities for the employment of appropriate care and nursing staff for vulnerable people in custody (e.g. in order to help them maintain personal hygiene and other activities) who need additional assistance but who cannot be moved to appropriate social care or other institutions for security reasons, should start to be implemented. If employing appropriate nursing staff is not reasonable, uniform methods and conditions for all prisons and their remote units should be arranged to ensure such assistance (e.g. in providing care pursuant to a work order, etc.).**

# 5

## RULES

### on the reimbursement of costs and remuneration

of people from organisations carrying out duties and powers under the provisions of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

#### I. GENERAL PROVISIONS

##### Article 1

1. These Rules govern the reimbursement of costs and remuneration to people from selected non-governmental and humanitarian organisations for cooperation in implementing monitoring, i.e. visits to places of detention, under the provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which these organisations implement under the instructions of the Human Rights Ombudsman (hereinafter the Ombudsman).
2. The reimbursement of costs hereunder covers the reimbursement of travelling expenses and costs of food and accommodation and the right to salary compensation or compensation for the loss of income during the time of monitoring. The remunerations hereunder comprise the payment for preparing a full or partial report on monitoring and a symbolic payment.

#### II. REIMBURSEMENT OF COSTS

##### Article 2

1. Travelling expenses include the costs of return travel of people from the selected non-governmental and humanitarian organisations (hereinafter the Monitors) from their place of residence to the place where the monitoring is carried out.
2. Travelling expenses will be recognised at the level of actual expenditure for travel by public transport. If travel by public transport is not possible, costs in the form of a kilometre rate or possible parking fee will be awarded to the Monitors.

##### Article 3

1. Costs for food will be granted to Monitors in the form of a daily rate or meal allowance during work, as applicable for public servants.
2. The right to the daily rate will be available to Monitors with permanent or temporary residence outside the place where the monitoring is carried out.
3. Accommodation costs will be awarded to Monitors through the reimbursement of actual paid costs of overnight accommodation.

4. The right to the reimbursement of accommodation costs will be available to Monitors with permanent or temporary residence outside the place where the monitoring is carried out, and who had to spend the night in the place where the monitoring was being carried out due to cooperation in monitoring lasting more than one day.

#### **Article 4**

Unless specified differently herein, the costs hereunder will be granted in the manner and at the level stipulated for public servants.

### **III. SALARY COMPENSATION OR COMPENSATION FOR THE LOSS OF INCOME**

#### **Article 5**

1. A Monitor who is employed by a selected non-governmental or humanitarian organisation and who is absent from work due to carrying out the monitoring will be entitled to salary compensation for the day of absence from work or the days when the monitoring was carried out, based on a certificate issued by the Ombudsman. The Ombudsman will issue this certificate of cooperation in the performance of the monitoring after the monitoring has been carried out.

2. The selected non-governmental or humanitarian organisation will pay the salary compensation to the Monitor and the Ombudsman will refund it for the amount corresponding to the salary compensation on the basis of a written invoice, with evidence enclosed of the amount of the Monitor's salary and on the payment of the compensation.

#### **Article 6**

A Monitor who cooperates with a selected non-governmental or humanitarian organisation as a sole proprietor, or as an entity that independently carries out an activity as their main profession, or on the basis of any other contract, will be reimbursed for the loss of income in the amount of an hourly rate determined for this purpose by the non-governmental or humanitarian organisation; however, not more than EUR 15 gross per hour of actual cooperation in monitoring (i.e. for the time from arriving at the site of the visit to leaving the site of the visit).

#### **Article 7**

1. Monitors who cooperate with a selected non-governmental or humanitarian organisation during the time of monitoring on a voluntary basis are also entitled to compensation for loss of income.

2. The amount of compensation referred to in the preceding paragraph will be granted depending on the time of carrying out the monitoring, i.e. EUR 5 for each commenced hour of actual cooperation in monitoring (i.e. for the time from arriving at the site of the visit to leaving the site of the visit).

### **IV. REMUNERATION FOR PREPARING A REPORT ON THE MONITORING**

#### **Article 8**

If it is previously agreed that a Monitor will prepare a full report on the monitoring, they shall receive EUR 100 of remuneration or the agreed proportional amount if it has been previously agreed with an Ombudsman representative, who is responsible for the implementation of monitoring, that the Monitor will prepare only a part of the report on the monitoring.

Remuneration in the amount of EUR 100 will also be paid to the person from the selected non-governmental or humanitarian organisation who, following prior agreement with the Ombudsman, prepares an individual content segment for the Annual Report of the Ombudsman on the Implementation of the Duties and Powers of the National Preventive Mechanism.

## V. SYMBOLIC PAYMENT

### Article 9

In addition to the corresponding symbolic payment of EUR 5 for each commenced hour of actual cooperation in monitoring (i.e. for the time from arriving at the site of the visit to leaving the site of the visit), this amount will be increased for Monitors by two hours for the time of preparation of their own report on the monitoring which every Monitor is obliged to prepare. The Monitor will not be entitled to the increased amount for the time it takes to prepare their own report if, following prior agreement, they are tasked with preparing the full or part of the report on the monitoring.

## VI. JOINT PROVISIONS

### Article 10

The selected non-governmental or humanitarian organisation, if the Monitor is employed by this organisation or is in a contractual relationship with the organisation, or the Monitor themselves, if they cooperate with the selected non-governmental or humanitarian organisation on a voluntary basis, must submit a claim for the reimbursement of costs and remuneration on Form 1, which is an integral part of these Rules, together with proof of costs at the time of submitting the (full or partial or own) report on the monitoring, which must be prepared and sent to the Ombudsman not later than within eight days after the monitoring had been performed.

### Article 11

1. After receiving a claim for the reimbursement of costs and remuneration, the competent employee will issue a decision on the reimbursement of costs on Form 2, which is an integral part of these Rules.
2. The payment of costs and remunerations will be made on the basis of the decision referred to in the preceding paragraph. If the claim is not submitted and/or the report is not prepared (full or partial or own), the costs are not reimbursed and remuneration is not paid.

### Article 12

1. The remuneration and reimbursement of costs for Monitors who are employed by the selected non-governmental or humanitarian organisation, or who cooperate with it on the basis of any other contract, are paid from the budget of the Human Rights Ombudsman of the Republic of Slovenia – Optional Protocol sub-programme, item 6485, cooperation with non-governmental organisations, to the bank account of the selected non-governmental or humanitarian organisation.
2. The remuneration and reimbursement of costs for Monitors who cooperate with the selected non-governmental or humanitarian organisation on a voluntary basis during the performance of monitoring are paid from the budget of the Human Rights Ombudsman of the Republic of Slovenia – Optional Protocol sub-programme, item 6485, cooperation with non-governmental organisations, to the bank account of the Monitor.

### Article 13

These Rules apply mutatis mutandis for the reimbursement of costs and payment of remuneration to people from selected non-governmental or humanitarian organisations for their participation in other organised events of the Ombudsman for the purposes of performing the duties and powers under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (e.g. active participation at conferences, round table discussions, consultations, press conferences, coordination and working meetings).

## VII. FINAL PROVISIONS

### Article 14

Expressions used in these Rules written in the masculine grammatical form shall be deemed to apply equally to men and women.

### Article 15

These Rules shall enter into force on the fifteenth day following their publication in the Official Gazette of the Republic of Slovenia.

On the day of entry into force of these Rules, the following will cease to apply: Rules on the reimbursement of costs and remuneration of people from organisations performing the duties and powers under the provisions of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of the Republic of Slovenia, No. 17/08) and the Rules amending these Rules (Official Gazette of the Republic of Slovenia, No. 20/11).

No. 12.1-3/2014-8-SE

Ljubljana, on 22 February 2017

**Vlasta Nussdorfer** m.p.  
Human Rights Ombudsman

No. 12.1-3/2014-10

Ljubljana, on 6 March 2017

Agreed by  
**mag. Mateja Vraničar Erman** m.p.  
Minister of Finance

## 5.1 Claim for the reimbursement of costs and remuneration

### Claim for the reimbursement of costs and remuneration

The undersigned \_\_\_\_\_,  
by occupation \_\_\_\_\_,  
residing at \_\_\_\_\_,  
tax identification number \_\_\_\_\_,  
bank account number \_\_\_\_\_,  
opened with \_\_\_\_\_,  
have cooperated in the performing of monitoring at \_\_\_\_\_,  
on \_\_\_\_\_, from \_\_\_\_\_ to \_\_\_\_\_ (time from arriving at the site of the  
visit to leaving the site of the visit), leaving the place of residence at \_\_\_\_\_ (state place of residence) at \_\_\_\_\_ and returning to place of residence at \_\_\_\_\_.

Please acknowledge and pay:

#### 1. SYMBOLIC PAYMENT

Number of hours of actual monitoring, increased by two hours	Amount of remuneration for each commenced hour	Total EUR

#### 2. PAYMENT FOR PREPARING THE FULL OR PARTIAL REPORT ON MONITORING OR THE ANNUAL REPORT

Full	Partial/Annual Report	Total EUR

## 3. REIMBURSEMENT OF EXPENSES

## a) Travel costs

Public transport

For the journey from / to	Total EUR

Kilometre rate

For the journey from / to	Total km	Price per 1 km	Total EUR

Parking fee

Amount of the parking fee	Total EUR

## b) Costs for food and accommodation (daily rate or allowance)

Amount of daily rate allowance	Total EUR

## c) Accommodation costs

Amount of costs	Total EUR

## d) Salary compensation or compensation for the loss of income

Total EUR

In \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature

Attachments:

- Statement on the performed monitoring and preparation of the report
- Invoices

## 5.2 Decision on the reimbursement of costs and remuneration

### Decision on the reimbursement of costs and remuneration

For the cooperation of \_\_\_\_\_  
in the performance of monitoring, in \_\_\_\_\_,  
on \_\_\_\_\_ under the provisions of Article 11 of the Rules on the  
reimbursement of costs and remuneration of people from organisations carrying out duties  
and powers under the provisions of the Optional Protocol to the Convention against Torture  
and other Cruel, Inhuman or Degrading Treatment or Punishment

I hereby calculate

A symbolic payment of	EUR
Payment for the preparation of the Full or Partial Report/Annual Report	EUR
Public transport or kilometre rate, parking fees	EUR
Costs for food	EUR
Accommodation costs	EUR
Salary compensation or compensation for the loss of income	EUR
<b>Total</b>	<b>EUR</b>

and order payment of taxes and other public levies.

I further order payment to the relevant bank accounts and the bank account of the recipient, all to be paid from the budget of user 1214 Human Rights Ombudsman of the Republic of Slovenia – Optional Protocol sub-programme, sub-account of funds earmarked for the work of non-governmental and humanitarian organisations

\_\_\_\_\_

In \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature

The amounts of which taxes and other public levies are paid are calculated as gross amounts.





# 6

## 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., I.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 2017,  
Abridged version**

**Published by:**

The Human Rights Ombudsman of the Republic of Slovenia

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Ljubljana, April 2018

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