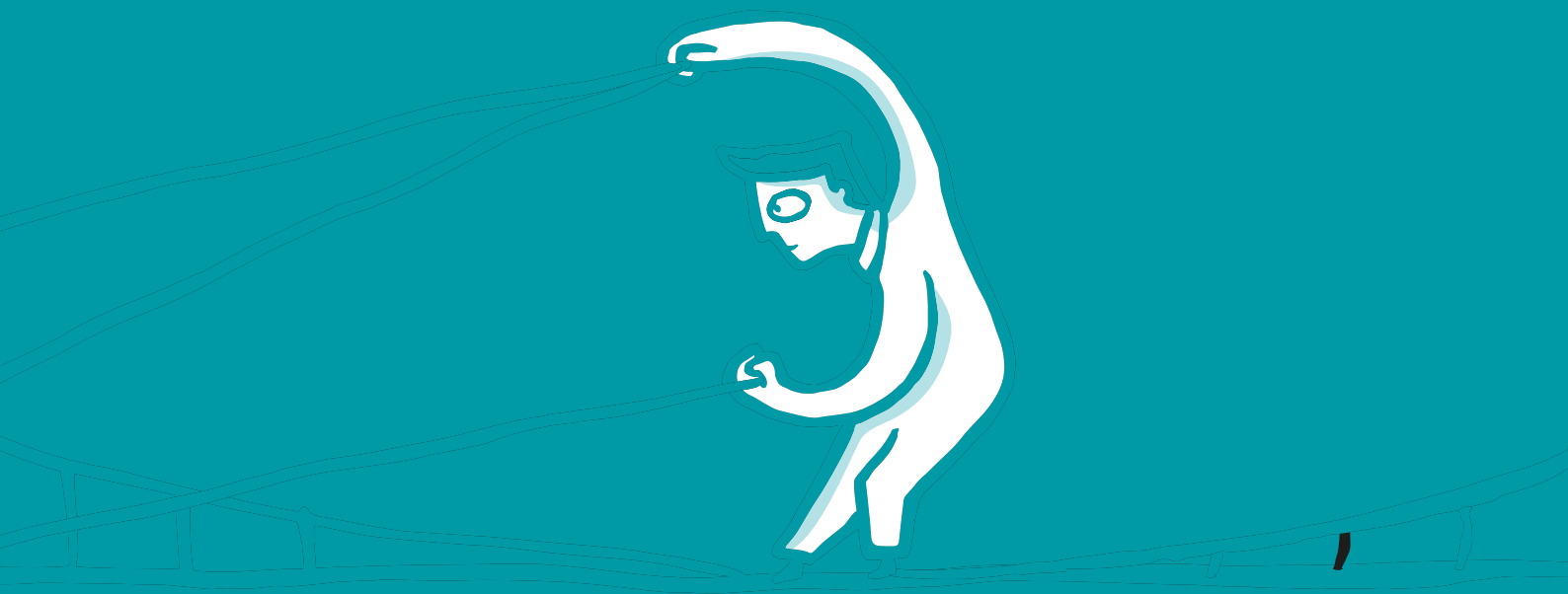
THE REPORT

OF THE HUMAN RIGHTS OMBUDSMAN OF THE REPUBLIC OF SLOVENIA

ON IMPLEMENTING THE 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 2018



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Ljubljana, June 2019

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IMPLEMENTATION OF THE DUTIES AND POWERS OF THE NATIONAL PREVENTIVE MECHANISM IN 2018

1.1 INTRODUCTION

1.1.1 General

In this report, the Human Rights Ombudsman of the Republic of Slovenia (Ombudsman) presents the implementation of duties and powers of the **National Preventive Mechanism** (NPM) in 2018 under the **Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment** (Optional Protocol) adopted by the UN General Assembly at is 57th session on 18 December 2002 and opened for signature on 4 February 2003[1]. The Optional Protocol introduces a system of **regular (preventive) visits by independent international and national authorities to places where people are deprived of their liberty**[2] **in order to prevent torture and other forms of cruel, inhuman or degrading treatment or punishment.**[3]

At the international level, **the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment** (SPT) was established as per the Optional Protocol. Every signatory state to the Protocol undertakes to establish, appoint or maintain an authority or several authorities at the national level to implement visits in order to prevent torture and other cruel, inhuman or degrading treatment or punishment (NPM).[4]

In the course of implementing its tasks and powers, the NPM visits all locations in the country where persons are deprived of their liberty and inspects how such persons are treated in order to strengthen their protection against torture and other cruel, inhuman or humiliating treatment or punishment. **While observing suitable legal norms, the NPM makes recommendations to the relevant authorities to improve the conditions and treatment of people and prevent torture and other forms of cruel, inhuman or degrading treatment or punishment.** In this regard, the NPM may also submit proposals and comments to the applicable or drafted acts.[5]

The Ombudsman was entrusted with important additional duties and powers of the NPM in 2006 with the **Act ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman**

1 The Optional Protocol entered into force for Slovenia on 22 February 2007; see the Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 17/07.

2 The place of deprivation of liberty is determined in Article 4 of the Optional Protocol.

3 See Article 1 of the Optional Protocol.

4 Article 17 of the Optional Protocol stipulates: "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 decentralised units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions."

5 See Article 19 of the Optional Protocol.

or Degrading Treatment or Punishment[6]**.** We are certain that one of the reasons the Ombudsman has been entrusted with the additional duties and powers of the NPM was the care the Ombudsman has constantly dedicated to discussing complaints received from imprisoned persons and also its preventive role in this area, i.e. by the formed and established manner of operating when visiting facilities where persons deprived of their liberty are accommodated. Its independence (functional, personal and financial) is also important in this regard, which is ensured with the Constitution of the Republic of Slovenia and the Human Rights Ombudsman Act.

By being entrusted with the tasks and powers of the NPM, the Ombudsman became an integral part of a generally applicable system under the auspices of the United Nations (UN), which enforces (additional) mechanisms for the prevention of torture and other forms of ill-treatment of people deprived of liberty at the international and national levels. This system is particularly based on regular visits to places of deprivation of liberty. The purpose of these preventive visits is to prevent torture or other ill-treatment before it occurs.

A special NPM unit has been operating under the auspices of the Ombudsman since 2015, which does not examine individual complaints, but visits institutions and conducts other tasks. We have thus divided both activities of the Ombudsman, i.e. the preventive activity composed of the NPM's tasks, and the reactive one, which includes the examination of complaints received. The need for this separation is explicitly stipulated in Item 32 of the Guidelines on National Preventive Mechanisms (SPT)[7] adopted at the 12th session in Geneva on 15–19 November 2010, which stipulates 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 implementation of tasks and powers of the NPM is thus much more organised and effective, The improved organisation of work contributes to better preparation for individual visits, their execution and drafting of reports on visits.

The operations of the Ombudsman's special internal organisational unit, which implements only the tasks and powers of the NPM, were also determined in 2017 by the Act Amending the Human Rights Ombudsman Act (ZVarCP-B; Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 54/17) in Article 50c, stipulating that the work of the National Preventive Mechanism is managed by a Deputy Ombudsman authorised by the Ombudsman for a certain period.

In addition to the Deputy Ombudsman, Ivan Šelih, who is the head of the NPM, in 2018 the unit also included Robert Gačnik, BA in Criminal Justice and Security, specialist in criminal investigation, the Ombudsman's adviser and councillor (responsible particularly for visiting prisons, police stations, aliens and asylum centres), mag. Jure Markič, the Ombudsman's adviser and senior councillor, BA in Law (responsible for visiting social care institutions and psychiatric hospitals) and Lili Jazbec, the Ombudsman's adviser and councillor, professor of defectology for behavioural and personality disorders and institutional education science (responsible for visiting residential treatment institutions). In 2017, Ana Polutnik, BA in Law, joined the unit, who is responsible for visiting social care institutions (within the framework of her work obligations).

1.1.2 Cooperation with non-governmental organisations

The Act ratifying the Optional Protocol (Article 5) determines that the duties and powers of the NPM are to be implemented by the Ombudsman. **It also stipulates that non-governmental organisations (NGOs) registered in the Republic of Slovenia and organisations which hold the status of humanitarian organisations in the Republic of Slovenia and which deal with the protection of human rights or fundamental freedoms, particularly in the field of preventing torture and other cruel, inhuman or degrading treatment or punishment, may participate with the Ombudsman in the supervision of places of detention and in the examination of the treatment of persons deprived of their liberty.** The organisations implementing supervision together with the Ombudsman's office are selected by the Ombudsman on the basis of a public call. Mutual cooperation with the selected NGOs is laid down in more detail in agreements.

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

7 Available at: http://www.ohchr.org/EN/HRBodies/OPCAT/Pages/NationalPreventiveMechanisms.aspx.

The Act ratifying the Optional Protocol also stipulates that the persons from selected organisations which will be participating in the implementation of duties and powers of the NPM have to provide a preliminary written statement that when implementing these duties and powers they will observe the Ombudsman's instructions and regulations on the protection of personal and confidential data, which are also applicable to the Ombudsman, deputies and staff.

The Act on Ratification also determines that the costs and remuneration of persons from organisations conducting tasks or implementing powers of the NPM are covered by the Ombudsman from its budget headings according to the rules issued on the basis of the prior consent of the minister responsible for finance.[8]

In 2018, we continued our cooperation with the representatives of organisations which applied to the 2014 call for participation in implementing duties and powers of the NPM in the 2015–2017 period with the possibility of a one-year extension. We cooperated with **Novi paradoks (NP), the Pravo Za VSE Humanitarian Society (Pravo za VSE), Caritas Slovenia (Caritas), SKUP – Community of Private Institutes (SKUP), the Legal-Informational Centre for NGOs (PIC), the Peace Institute (MI) and the Slovenian Federation of Pensioners' Associations (ZDUS).**

The selected NGOs conduct visits and implement the tasks and powers of the NPM with their staff trained in individual fields of supervision as members of the group appointed by the Ombudsman for each individual visit separately. Every group implementing supervision is thus composed of representatives of the Ombudsman and the selected organisations who observe the programme of visits adopted by the Ombudsman in cooperation with the selected organisations. If necessary, other circumstances demanding an immediate visit are also taken into account.

1.1.3 Visits to places of deprivation of liberty

In the role of the NPM, the Ombudsman visits (while observing its annual programme of visits) **all locations in the Republic of Slovenia where persons are deprived of their liberty,** and inspects how such persons are treated, in order to strengthen their protection against torture and other forms of cruel, inhuman or humiliating treatment or punishment.

While observing suitable legal norms, the NPM makes **recommendations to the relevant authorities to improve the conditions and treatment of people and prevent torture and other forms of cruel, inhuman or degrading treatment or punishment.** In this regard, it may also submit proposals and comments on applicable or drafted acts.

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

The first visit to an institution (i.e. Radeče Juvenile Correctional Facility) was conducted by the Slovenian NPM on 19 March 2008. In that year, we visited 35 different institutions (police stations, prisons, psychiatric hospitals, retirement homes and others); in the following years, we have undertaken some 40 visits annually. **In recent years, the number of visits has increased significantly; in all ten years, we have undertaken a total of 526 visits**.

In 2018, we visited 81 places of deprivation of liberty (certain locations several times), i.e.**32 police stations and Ljubljana Police Detention Centre, six prisons, the Asylum Centre (reception premises), three psychiatric hospitals, four special social care institutions, 24 social care institutions (retirement homes) and 11 residential treatment institutions (including a special education institution).**

8 The new Rules were published in the Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 13/17.

Detailed information on these visits is provided in the table.

Data on visits in 2018

	Police stations and Police Detention Centre	Prisons and Radeče Juvenile Correctional Facility	Asylum Centre	Psychiatric hospitals (including the forensic unit)	Special social care institutions	Social care institutions (retirement homes)	Residential treatment institutions	TOTAL
Number of visits	32	6	1	3	4	24	11	**81**
Number of one-day visits	31	5	1	3	4	24	9	**77**
Number of two-day visits		1				/	2	**3**
Announced visits	1 (Ljubljana Police Detention Centre – foreign visitors were present)	2 (Celje Prison and Juvenile Prison foreign visitors were present, the Murska Sobota Unit of Maribor Prison foreign visitors were present)				/	/	**3**
Unannounced visits	31	4	1	3	4	24	11	**78**
Regular visit	28	4	1[9]	2		8	4	**47**
Control visit		2		1		10	3	**16**
Thematic visit	3				4	6	4	**17**
In the morning	28	6	1	3	3	20	4	**65**
In the afternoon					1	4	7	**12**
At night	3						/	**3**
Attended by an expert	/[10]			2		8		**10**

As the NPM, the Ombudsman engages experts with the widest range of recommended specialist knowledge. Since selected NGOs cannot provide certain other suitable experts and because the Ombudsman does not dispose of an expert in the field of medical care, certain external experts had to be engaged. On the basis of a public call for proposals for the purpose of recruiting **doctors/expert specialists** to help the Ombudsman to establish, clarify or evaluate evidence of torture or other forms of cruel, inhuman or degrading treatment or punishment, or to support the Ombudsman during visits to places of deprivation of liberty with suitable expert knowledge which the Ombudsman lacks, the Ombudsman selected doctors/expert specialists. In 2018, we cooperated with Dr Peter Pregelj, specialist/psychiatrist, and Dr Milan Popovič, specialist in general surgery. An individual expert selected from the list by the Ombudsman as per the type and place of an individual visit performs their tasks according to the orders and instructions of the Ombudsman and in cooperation with the Ombudsman's expert colleagues by participating in planned visits and providing written replies to the Ombudsman's questions in the role of the NPM and providing their own findings, particularly on the suitability of medical care and the treatment of people deprived of liberty. Thematic visits to Črnomelj, Ilirska Bistrica and Metlika police stations were attended by two interpreters, i.e. for Farsi and Arabic on the basis of a contract.

The NPM drafts a comprehensive (final) report on the findings established at the visited institution after each visit. The report also covers proposals and recommendations to eliminate established irregularities and to improve the situation, including measures to reduce the possibilities of improper treatment in the future. **The Ombudsman's representatives and the representatives of the selected NGOs participate in drafting the report on the visit.** All participants, including NGO representatives, must prepare a brief report on their findings, together with proposals, which form part of the report on the implemented supervision. The report is submitted to the competent authority, i.e. the superior body of the visited institution, with a proposal that the authority take a position on the statements

9 We visited the reception premises of the Asylum Centre.

10 Thematic visits to Črnomelj, Ilirska Bistrica and Metlika police stations were attended by two interpreters (for Farsi and Arabic) on the basis of a contract.

or recommendations in the report and submit it to the Ombudsman by a determined deadline. The institution concerned also receives the report, and a preliminary report is drafted in certain cases (when visiting social care institutions, psychiatric hospitals and residential treatment institutions).

A representative of the Ombudsman is usually responsible for drafting the final report on the visit, although a person from a selected NGO may also be appointed for this purpose. The participation of representatives from the selected NGOs at visits and when drafting final reports in 2018 is displayed in the table below.

	Police stations	Prisons + Radeče Juvenile Correctional Facility	Asylum Centre	Psychiatric hospitals	Special social care institutions	Social care institutions (retirement homes)	Residential treatment institutions
Pravo za VSE	3	2		2		6	4
Final report	3	1				2	/
PIC	4	1			4		
Final report	4	1					
Mirovni inštitut	3	2	1			2	5
Final report	3	1	1				1
Novi paradoks				1			
Final report							
Karitas						1	
Final report							
ZDUS						15	1
Final report							/
SKUP	4	1		1		2	3
Final report	1					2	3
Total of reports drafted						**4**	**4**

On the basis of the final report, the response of the competent authority and possible additional observations of the NPM, a **brief report is published online** after each visit.[11]

1.1.4 Realisation of NPM recommendations

The implementation of NPM recommendations is a commitment of the State Party to the Optional Protocol. According to Article 22 of the Optional Protocol, the competent authorities of the State Party must address recommendations of the NPM and establish a dialogue with it on possible measures to realise the recommendations.

All of the recommendations and responses of those who are competent for them are published in report summaries on the Ombudsman's website.[12] On the basis of the responses to our recommendations, we take into consideration that a visited institution and/or its line ministry has accepted an NPM recommendation, carried it out, or has not accepted it. The realisation of our recommendations is regularly verified during our subsequent visits to the institutions in question and, if necessary, by way of control visits.

In addition to the most important preventive effect of these visits, the purpose of which is to prevent torture or other ill-treatment before it occurs, we also discovered that the living conditions and treatment of persons deprived of liberty has improved in many institutions specifically due to our recommendations.

11 See http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/.

12 See http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/.

After ten years of our work, we have found that a better overview of the recommendations given is required. Therefore, following the example and good experience of some of the national preventive mechanisms, especially the Austrian one, we decided in 2018 **to establish a special recommendation overview table**. When preparing the table, we mainly took into account our own experience and needs. First, **key words** were determined, which would be used to label a particular recommendation. The following 12 categories were determined: (1) general, (2) living conditions, (3) treatment, forms of work, (4) health care, (5) activities, (6) staff, (7) contact with the outside world, (8) food, (9) treatment of unwanted behaviour, violation of the rules for living, (10) records, documentation, (10) legal protection, complaint channels, (11) relocation, discharge, (12) other. **Different categories in the table itself** were then formed, so that it is immediately clear for each recommendation during which visit it was given, related to which location of deprivation of liberty, at which location, which type of visit it was, which non-governmental organisation cooperated, and whether an expert also attended the visit. The **full recommendation** is listed in the table, followed by a **brief explanation of the recommendation** if necessary; the aforementioned key word is used for a clarification of the **type of a recommendation** (systemic, general, or targeted); **response to the recommendation and the comment on the response** if necessary; **findings from the control visit, and the response to these findings.** Good practice and commendations provided during our work are also entered into the table.

Recommendations made by the NPM after visits in 2018 are displayed in the Slovenian version of this report in the form of tables below by individual types of places of deprivation of liberty. Whereby, it needs to be taken into account that this is the situation as of the beginning of 2019 (when drafting this report, certain reports about visits were still being prepared, and we have not yet received response reports to some of them, which is why the number of the recommendations made is not final, including the data on the implementation of individual recommendations (for some of them, only the response from the visited institution has been observed, and not from the competent ministry whose response we are still waiting)).

Since this is the first year of presenting our work in this manner, certain improvements or corrections of the presentation will likely be needed.

Statistial overview

Visits by institutions	
AC	1
RH	24
PH	3
SSCI	4
RTI	11
P	5
PJP	1
PS	32
Total	**81**

Recommendations by institutions (from 65 visits for which NPM recommendations have already been drafted)	
AC	8
RH	163
PH	54
SSCI	10
RTI	23
P	67
PJP	1
PS	158
Total	**484**

AC – Asylum Centre
RH – Retirement home
PH – Psychiatric hospital
SSCI – Special social care institution
RTI – Residential treatment institution
P – Prison
PJP – Prison and juvenile prison
PS – Police station

Recommendations by key words	
Activities	19
Living conditions	103
Other	56
Records, documentation	85
Treatment of unwanted behaviour	22
Treatment, forms of work	51
Staff	20
Legal protection, complaint channels	94
Food	7
General	7
Contacts with the outside world	7
Health care	13
Total	**484**

Recommendations by type	
Targeted	182
Systemic	40
General	262
Total	**484**

Recommendations by response	
Waiting for reply	54
Rejected	31
No response	55
Accepted – unrealised	148
Accepted – realised	196
Total	**484**

Recommendations by type in institutions				
	Targeted	Systemic	General	**Total**
AC	2	2	4	**8**
RH		7	156	**163**
PH			54	**54**
SSCI		8	2	**10**
RTI	1	7	15	**23**
P	41	2	24	**67**
PJP	1			**1**
PS	137	14	7	**158**

Recommendations by key words									
	AC	RH	PH	SSCI	RTI	P	PJP	PS	**TOTAL**
Activities	2	3	2		2	7		3	**19**
Living conditions	3	26	8	4	5	25	1	31	**103**
Other		45	1			2		8	**56**
Records, documentation		11	8		1	1		64	**85**
Treatment of unwanted behaviour		14	6		1	1			**22**
Treatment, forms of work	2	13	4	5	8	13		6	**51**
Staff		2		1	1	10		6	**20**
Legal protection, complaint channels		41	18		2			33	**94**
Food		1	2		2	2			**7**
Relocation, discharge									
General						1		6	**7**
Contacts with the outside world		1	3		1	2			**7**
Health care	1	6	2			3		1	**13**
Total	**8**	**163**	**54**	**10**	**23**	**67**	**1**	**158**	**484**

Recommendations by response						
	Rejected	No response	Accepted – unrealised	Accepted – realised	Waiting for reply	**Total**
AC					8	**8**
RH	8	19	59	56	21	**163**
PH	2	21	13	18		**54**
SSCI	1	4	4	1		**10**
RTI	1	8	9	1	4	**23**
P	2	2	23	24	16	**67**
PJP			1			**1**
PS	17	1	39	96	5	**158**

1.1.5 International and other activities of the NPM

In addition to visiting places of deprivation of liberty, the NPM also conducts numerous other activities, such as **drafting proposals and comments to applicable or proposed acts** (in 2018, e.g. the amended ZIKS-1, the amended Criminal Procedure Act, the amended Police Tasks And Powers Act, the Rules on the Exercise of the Powers and Duties of Prison Guards and other regulations), **preparing and implementing presentations for foreign delegations or visitors** (in 2018, we hosted NPM representatives from Kazakhstan, Hungary and Armenia), **preparing replies to questions from various networks or other NPMs and authorities, organising and attending meetings, seminars and sessions** (at home and abroad) and others (certain activities are evident in the review of other activities of the NPM in 2018, which is attached to this report).

In May and November 2018, we **participated in the training programme for newly accepted prison officers** where Deputy Ombudsman, Ivan Šelih, presented the work of the Ombudsman to prison officers in Gotenica, and the Ombudsman's adviser, Robert Gačnik, presented the work of the NPM.

Within the scope of preparing to implement guidelines and obligatory instructions for preparing the police work plan and planning of supervision of the Police, we met with the representatives of the Police and Security Directorate at the Ministry of the Interior in the relevant year (as was done in the past).

Our comments were also included in the preparation of the **draft of the fourth periodic report of the Republic of Slovenia as per the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment**. Its drafting was delayed since it should have already been completed by 3 June 2015.

The tenth anniversary of the NPM's operations was celebrated with an international conference in Ljubljana entitled the NPM Impact Assessment in cooperation with the Council of Europe. The report about this event is in the attachment.

We remained active in the **South-East Europe NPM Network**,[13] the purpose of which is to establish better cooperation, exchange experience and implement numerous joint activities to improve the efficiency of performing duties and powers of the NPM in South East Europe which derive from the Optional Protocol.

Between 29 and 30 May 2018, Deputy Ombudsman Ivan Šelih and the Ombudsman's adviser, Robert Gačnik, attended a meeting of the Network in Podgorica in Montenegro whose purpose was **to exchange experience in the prevention of suicides and overdosing in detention rooms** and to discuss the position of NPM staff. The representatives of the Slovenian NPM presented to other attendees the suicide prevention strategy established by the Prison Administration of the Republic of Slovenia (UIRSKS) in 2003.

The event in Podgorica ended with the findings that the state is obliged to protect the lives of everyone under its jurisdiction by means of suitable measures; however, this obligation must be interpreted in way which does not impose on the authorities an impossible and disproportionate burden (as is also derived

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

from the case-law of the European Court of Human Rights). For effective implementation of its work, the NPM should be informed about all cases of suicides and their attempts or self-inflicted injuries, while the authorities are obliged to draft a suitable strategy to prevent suicide if it has not been established yet. The task of the NPM is to monitor its implementation and propose additional measures to prevent suicide if this is necessary.

On 12 December 2018, Deputy Ombudsman Ivan Šelih and the Ombudsman's adviser, Robert Gačnik, attended a meeting of the network organised by the Protector of Human Rights and Freedoms of Montenegro in their role of conducting duties and powers of the NPM during their presidency and with the support of the Council of Europe (within the project of Effective Alternatives to Detention in the Context of Migration) in Podgorica in Montenegro. The purpose of the meeting was to exchange **experience when detaining migrants and the issue of its alternatives**. The meeting also served as an opportunity for an interactive discussion on legal and practical aspects of detaining migrants and effective alternatives, while observing regional and national practices and standards of the Council of Europe and decisions of the European Court of Human Rights.

The event in Podgorica ended with **recommendations**:

1. Detention of migrants must be the ultimate measure determined in a case-to-case basis and under the condition that all other options have been exhausted. The NPMs thus propose several different alternatives to detention.

2. The alternatives may include restriction of the freedom of movement. In such cases, the task of the NPMs is to supervise conditions and the treatment of persons deprived of their liberty in order to prevent further restrictions. The NPMs also observe whether such persons have full access to health care and that they are informed of their rights in a language they understand.

3. The best interest of children must be in the forefront when considering their situation. The NPMs must see to it that children are not detained prior to deportation, and that the highest level of protection is ensured for them and other vulnerable groups and individuals.

At the end of the meeting where the members of the SEE NPM Network agreed on their future work, they also selected a new chair of the Network, i.e. the Macedonian NPM. The Legal Working Group will be further led by the Austrian NPM and the Medical Working Group by the Serbian NPM in 2019.

1.1.6 Conclusion

For the most part, we are pleased with the response of the competent authorities (particularly of institutions visited) to our findings and recommendations for improving conditions since they regularly respond to them and express readiness for cooperation. We find that the institutions visited try in particular to adopt all the measures needed for improvements which are in their domain. We furthermore strive to further enhance and deepen cooperation with the relevant ministries, particularly regarding issues which demand systemic changes.

It is encouraging that the NPM did not establish any cases of torture or other cruel punishment or treatment during the visits in 2018. With recommendations for improving the situation, the NPM points to examples which could denote inhuman or degrading (ill-)treatment of persons deprived of their liberty. On that note, we must again mention overcrowded special social care institutions, the result of which are unsuitable living conditions and inappropriate treatment of persons accommodated there, and excessive workload of the staff taking care of those persons. Irrespective of a special report and the Government's conclusions, the situation in this field did not improve in 2018 and remains a cause for concern. On the basis of findings determined when visiting these institutions, we encourage the arrangement of secure wards intended particularly for residents with dementia which would ensure their improved treatment. In the field of social care institutions linked with the application of the ZDZdr, we still detect problems relating to the observance of defining a secure ward, admission of persons to these wards, provision of sufficient staff, application of special protection measures and others. When dealing with the issue of fire safety, retirement homes should pay more attention to persons with dementia, particularly regarding their evacuation since residents due to their health condition will not know alone how to act accordingly or they will not be able to ascertain where the fire escape routes are.

It is alarming that majority of the recommendations referring to psychiatric hospitals are being repeated. In 2018, we again pointed out that patients should be provided with daytime clothes, and that they should particularly be reminded of the possibility to not stay in pyjamas throughout the day. We also repeated that activities for patients should be carried out at weekends as well. When observing the ZDZdr, we still noted irregularities upon the admission of patients and in the application of special protection measures.

We again commend the cooperation of the Ministry of Justice or the Prison Administration of the Republic of Slovenia. There are still problems with overcrowding of individual prisons, when ensuring suitable living premises and possibilities for work or inclusion of prisoners in activities, and when ensuring a sufficient number of staff. Again, we highlight the need to observe the CPT's recommendation stating that remand prisoners be outside their cells at least eight hours a day and take part in various beneficial activities, such as work, education, sports and similar. When visiting Slovenia in 2017, the CPT recommended that the Slovenian authorities further strive to ensure a satisfactory activity programme for all prisoners, i.e. remand prisoners and convicted persons. The objective should be for all prisoners (including remand prisoners) to spend a significant portion of the day (i.e. eight or more hours) outside of their rooms, participating in useful activities: work, which is possibly professionally useful, education, sports, recreation or socialisation.

The cooperation with the Ministry of the Interior or the Police was still exemplary when discussing findings determined after visiting police stations. For the most part, these refer to the equipment of detention rooms, recording of detention, the enforcement of rights of persons detained, and the possibilities of going outdoors. The NPM expects that its findings and well-intentioned proposals or recommendations will help the Police in otherwise very responsible and challenging work when discussing migrants or refugees. We also expect that our proposals will contribute to the elimination of detected deficiencies and irregularities, and the preparation of suitable guidelines for its work. We also believe that more attention must be dedicated in the future to monitoring these procedures, particularly to independent, impartial and professional discussion of complaints against police officers, also when processing migrants or refugees.

Relating to applicants with the intention to file for international protection who are accommodated at reception premises in the Asylum Centre and are waiting to file the application, we highlight that their actual treatment points to the restriction of liberty, which requires suitable legal basis necessary for any restriction of liberty or encroachment upon an individual's personal freedom or a different organisation of work.

We further encourage the Ministry of Education, Science and Sport to prepare expert bases for comprehensive and uniform treatment of adolescents with instructions for suitable action, particularly of adolescents with mental disorders and associated violent and hetero-aggressive behaviour. We recommend that the Ministry re-examine technical standards and spatial conditions for residential, intensive and educational groups, and draft regulations applicable directly in residential treatment institutions and youth homes.

2

REVIEW OF VISITS TO INSTITUTIONS AND CERTAIN OTHER ACTIVITIES OF THE NPM IN 2018

2.1 VISITS TO INSTITUTIONS

1.	22 January 2018	The NPM members, the Ombudsman's adviser, mag. Jure Markič, and Stanka Radojičič, representative of the Slovenian Federation of Pensioners' Associations (ZDUS), conducted a control visit to **Pristan Retirement Home in Vipava**.
2.	31 January 2018	The NPM members, the Ombudsman's adviser, Robert Gačnik, and Katarina Vučko, representative of the Peace Institute, made an unannounced visit to **Brežice Police Station**.
3.	31 January 2018	The NPM members, the Ombudsman's adviser, Robert Gačnik, and Katarina Vučko, representative of the Peace Institute, made an unannounced visit to **Krško Police Station**.
4.	31 January 2018	The NPM members, the Ombudsman's adviser, Robert Gačnik, and Katarina Vučko, representative of the Peace Institute, made an unannounced visit to **Sevnica Police Station**.
5.	1 February 2018	The NPM members, the Ombudsman's adviser, mag. Jure Markič, and representative of the ZDUS, Slavica Frelih, conducted a regular visit to **Koper Retirement Home**.
6.	13 February 2018	The NPM members, the Ombudsman's adviser, mag. Jure Markič, and Marija Krušić, representative of the ZDUS, made a control visit to **Metlika Retirement Home**.
7.	15 February 2018	The NPM members, the Ombudsman's adviser, Robert Gačnik, and mag. Mojca Frelih, representative of the Peace Institute, made an unannounced visit to **Škofja Loka Police Station**.
8.	15 February 2018	The NPM members, the Ombudsman's adviser, Robert Gačnik, and mag. Mojca Frelih, representative of the Peace Institute, made an unannounced visit to **Kranj Police Station**.
9.	15 February 2018	The NPM members, the Ombudsman's adviser, Robert Gačnik, and mag. Mojca Frelih, representative of the Peace Institute, made an unannounced visit to **Bled Police Station**.
10.	21–22 February 2018	The Head of the NPM and Deputy Ombudsman Ivan Šelih, Ombudsman's adviser Robert Gačnik and representatives of the Pravo Za VSE Humanitarian Society, Ana Černec and David Borlinič Gačnik, made an unannounced visit to **Maribor Prison**.
11.	27 February 2018	The NPM members, the Ombudsman's adviser, Ana Polutnik, Stanka Radojičič, representative of the ZDUS, and mag. Mojca Frelih, representative of the Peace Institute, visited **Ljubljana Šiška Retirement Home**.
12.	28 February and 1 March 2018	The NPM members, the Ombudsman's adviser, Lili Jazbec, Katarina Vučko of the Peace Institute, and Marija Krušić of the ZDUS, made a control visit to **Malči Belič Youth Care Centre**.

13.	**5 March 2018**	The members of the NPM, the Ombudsman's adviser, mag. Jure Markič, and Marko Štante, representative of the Pravo Za VSE Humanitarian Society, made their first regular visit to the private social care institution, **CSO ORMOŽ center za starejše občane d.o.o.**
14.	**12 March 2018**	The members of the NPM, Ombudsman's adviser Lili Jazbec and representatives of the Peace Institute and Pravo za VSE, mag. Mojca Frelih and David Borlinič Gačnik, visited residential groups Črnuška gmajna, Kokos and Zeleni tir, which are part of **Jarše Youth Home**.
15.	**14 March 2018**	The NPM members, the Ombudsman's adviser, Robert Gačnik, and Marko Ribać of the Peace Institute, made an unannounced visit to **the Nova Gorica Unit of Koper Prison**.
16.	**15 March 2018**	The members of the NPM, Ombudsman's adviser mag. Jure Markič and Urška Kupec of Pravo za VSE, visited **Lendava Retirement Home**.
17.	**22 March 2018**	The members of the NPM, Ombudsman's adviser Robert Gačnik and Urška Kupec of Pravo za VSE, made an unannounced visit to **Radlje ob Dravi Police Station**.
18.	**22 March 2018**	The members of the NPM, Ombudsman's adviser Robert Gačnik and Urška Kupec of Pravo za VSE, made an unannounced visit to **Dravograd Police Station**.
19.	**22 March 2018**	The members of the NPM, Ombudsman's adviser Robert Gačnik and Urška Kupec of Pravo za VSE, made an unannounced visit to **Ravne na Koroškem Police Station**.
20.	**28 March 2018**	The NPM members, the Ombudsman's adviser, Ana Polutnik, Stanka Radojičič of the ZDUS, and mag. Mojca Frelih of the Peace Institute, visited **Škofljica Retirement Home**. The expert, Dr Peter Pregelj, also visited the retirement home.
21.	**3 April 2018**	The members of the NPM, Ombudsman's adviser mag. Jure Markič and David Borlinič Gačnik of Pravo za VSE, visited **Gornja Radgona Retirement Home**.
22.	**11 April 2018**	The members of the NPM, Ombudsman's adviser Robert Gačnik and Urška Kupec of Pravo za VSE, made an unannounced visit to **Maribor I Police Station**.
23.	**11 April 2018**	The members of the NPM, Ombudsman's adviser Robert Gačnik and Urška Kupec of Pravo za VSE, made an unannounced visit to **Podlehnik Police Station**.
24.	**11 April 2018**	The members of the NPM, Ombudsman's adviser Robert Gačnik and Urška Kupec of Pravo za VSE, made an unannounced visit to **Slovenska Bistrica Police Station**.
25.	**20 April 2018**	The NPM members, Deputy Ombudsman Ivan Šelih, Ombudsman's adviser Robert Gačnik, and Neža Peternelj, representative of SKUP – Community of Private Institutes, made an unannounced visit to **Ljubljana Police Detention Centre**. As part of their study visit to the Ombudsman, representatives of the Kazakhstan Human Rights Ombudsman, Dinara Ospanova and Gulmira Aukasheva, also attended the visit of the Centre as observers.
26.	**23 April 2018**	The NPM members, Ombudsman's advisers Ana Polutnik and mag. Jure Markič, and Urška Kupec and David Borlinič Gačnik of Pravo za VSE, made a regular visit to **Ormož Psychiatric Hospital**. Dr Peter Pregelj, medical expert, also attended the visit.
27.	**8 May 2018**	The NPM members, the Ombudsman's adviser, Robert Gačnik, and Dr Neža Kogovšek Šalamon of the Peace Institute, made an unannounced visit to **Trebnje Police Station**.
28.	**8 May 2018**	The NPM members, the Ombudsman's adviser, Robert Gačnik, and Dr Neža Kogovšek Šalamon of the Peace Institute, made an unannounced visit to **Novo mesto Police Station**.
29.	**8 May 2018**	The NPM members, the Ombudsman's adviser, Robert Gačnik, and Dr Neža Kogovšek Šalamon of the Peace Institute, made an unannounced visit to **Šentjernej Police Station**.
30.	**14 May 2018**	The NPM members, the Ombudsman's adviser, mag. Jure Markič, and Neža Peternelj, representative of SKUP – Community of Private Institutes, conducted a control visit to **Ribnica Retirement Home**.

31. 25 May 2018	The Ombudsman made an announced control visit to **Celje Prison and Juvenile Prison**. The control visit was attended by Deputy Ombudsman Ivan Šelih, Robert Gačnik, the Ombudsman's adviser, and representatives of the Peace Institute, Katarina Vučko and Marko Ribać. The representatives of the Hungarian NPM attended the visit as observers, i.e. Human Rights Ombudsman Dr László Székely, Katalin Haraszti, Deputy Head of the NPM, István Sárközy, the NPM member, and interpreter Györgyi Sárik. The Hungarian Ombudsman also visits prisons in Hungary as part of its NPM duties.
32.12 June 2018	The members of the NPM conducted a thematic visit to retirement homes and together with the expert examined fire safety of the homes visited with a special emphasis on wards with persons with dementia (irrespective of the manner of protecting residents). They visited **Črnomelj Retirement Home**. The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, Vida Bogataj of the ZDUS, and Tomaž Ožbold, fire safety expert.
33.12 June 2018	The members of the NPM conducted a thematic visit to retirement homes and together with the expert examined fire safety of the homes visited with a special emphasis on wards with persons with dementia (irrespective of the manner of protecting residents). They visited **Novo mesto Retirement Home**. The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, Vida Bogataj of the ZDUS, and Tomaž Ožbold, fire safety expert.
34.12 June 2018	The members of the NPM conducted a thematic visit to retirement homes and together with the expert examined fire safety of the homes visited with a special emphasis on wards with persons with dementia (irrespective of the manner of protecting residents). They visited **Trebnje Retirement Home**. The visit was carried out by the Ombudsman's adviser, mag. Jure Markič, Vida Bogataj of the ZDUS, and Tomaž Ožbold, fire safety expert.
35.13 June 2018	The members of the NPM conducted a thematic visit to retirement homes and together with the expert examined fire safety of the homes visited with a special emphasis on wards with persons with dementia (irrespective of the manner of protecting residents). They visited **Lucija Retirement Home**. The visit was carried out by the Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, Stanka Radojičič of the ZDUS and expert Tomaž Ožbold.
36.13 June 2018	The members of the NPM conducted a thematic visit to retirement homes and together with the expert examined fire safety of the homes visited with a special emphasis on wards with persons with dementia (irrespective of the manner of protecting residents). They visited the **Koper Unit of Ptuj Retirement Home**. The visit was carried out by the Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, Stanka Radojičič of the ZDUS and expert Tomaž Ožbold.
37.13 June 2018	The members of the NPM conducted a thematic visit to retirement homes and together with the expert examined fire safety of the homes visited with a special emphasis on wards with persons with dementia (irrespective of the manner of protecting residents). They visited **Cerknica Retirement Home**. The visit was carried out by the Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, Stanka Radojičič of the ZDUS and expert Tomaž Ožbold.
38.14 June 2018	The members of the NPM, Ombudsman's adviser Robert Gačnik and Neža Peternelj of SKUP – Community of Private Institutes, made an unannounced visit to **Idrija Police Station**.
39.14 June 2018	The members of the NPM, Ombudsman's adviser Robert Gačnik and Neža Peternelj of SKUP – Community of Private Institutes, made an unannounced visit to **Tolmin Police Station**.
40.14 June 2018	The members of the NPM, Ombudsman's adviser Robert Gačnik and Neža Peternelj of SKUP – Community of Private Institutes, made an unannounced visit to **Bovec Police Station**.
41.28 June 2018	The NPM members, Ombudsman's adviser Ana Polutnik and Stanka Radojičič of the ZDUS, visited **Ljubljana Bežigrad Retirement Home**.

42.	**10 July 2018**	The NPM members, Ombudsman's advisers mag. Jure Markič and Ana Polutnik, and Jure Trbič of SKUP – Community of Private Institutes, made a control visit to **Idrija Psychiatric Hospital**.
43.	**17 July 2018**	The NPM members, Ombudsman's adviser Robert Gačnik and Adriana Aralica of the Legal Information Centre for NGOs (PIC), conducted an unannounced visit to **the Rogoza Open Unit of Maribor Prison**.
44.	**24 July 2018**	The members of the NPM, Ombudsman's adviser mag. Jure Markič and Urška Kupec of Pravo za VSE, made a control visit to **the Kidričevo Unit of Ptuj Retirement Home**.
45.	**26 July 2018**	The members of the NPM, Ombudsman's adviser Robert Gačnik and Neža Peternelj of SKUP – Community of Private Institutes, made an unannounced visit to **Kranjska Gora Police Station**.
46.	**26 July 2018**	The members of the NPM, Ombudsman's adviser Robert Gačnik and Neža Peternelj of SKUP – Community of Private Institutes, made an unannounced visit to **Radovljica Police Station**.
47.	**26 July 2018**	The members of the NPM, Ombudsman's adviser Robert Gačnik and Neža Peternelj of SKUP – Community of Private Institutes, made an unannounced visit to **Tržič Police Station**.
48.	**7 August 2018**	The NPM members, Ombudsman's adviser mag. Jure Markič, and representative of the ZDUS, Stanka Radojičič, conducted a control visit to **the Tolmin Unit of Podbrdo Retirement Home**.
49.	**21 August 2018**	The NPM members, Ombudsman's advisers mag. Jure Markič and Ana Polutnik, and Adriana Aralica of the PIC, conducted a thematic visit to **Dom Lukavci Special Social Care Institution**.
50.	**21 August 2018**	The NPM members, Ombudsman's advisers mag. Jure Markič and Ana Polutnik, and Adriana Aralica of the PIC, conducted a thematic visit to **Hrastovec Social Care Institution**.
51.	**21 August 2018**	The NPM members, Ombudsman's advisers mag. Jure Markič and Ana Polutnik, and Adriana Aralica of the PIC, conducted a thematic visit to **Special Social Care Institution Nina Pokorn Home in Grmovje**.
52.	**22 August 2018**	The NPM members, Ombudsman's advisers mag. Jure Markič and Ana Polutnik, and Adriana Aralica of the PIC, conducted a thematic visit to **Dom na Krasu Dutovlje Special Social Care Institution**.
53.	**30 August 2018**	The members of the NPM, Deputy Ombudsman Ivan Šelih, Ombudsman's adviser Robert Gačnik and Urška Kupec of Pravo za VSE, made an unannounced visit to **Laško Police Station**.
54.	**30 August 2018**	The members of the NPM, Deputy Ombudsman Ivan Šelih, Ombudsman's adviser Robert Gačnik and Urška Kupec of Pravo za VSE, made an unannounced visit to **Celje Police Station**.
55.	**30 August 2018**	The members of the NPM, Deputy Ombudsman Ivan Šelih, Ombudsman's adviser Robert Gačnik and Urška Kupec of Pravo za VSE, made an unannounced visit to **Slovenske Konjice Police Station**.
56.	**4 and 13 September 2018**	The NPM members, Deputy Ombudsman Ivan Šelih, Ombudsman's adviser Robert Gačnik, Katarina Bervar Sternad of the PIC, and interpreter for Farsi, Hamed Karim, made an unannounced visit to **Črnomelj Police Station** regarding the treatment of migrants.
57.	**5 September 2018**	The NPM members, Deputy Ombudsman Ivan Šelih, Ombudsman's adviser Robert Gačnik, Luka Štrubelj of the PIC, and interpreter for Arabic, Amer Karim, made an unannounced visit to **Ilirska Bistrica Police Station** regarding the treatment of migrants.
58.	**6 September 2018**	The NPM members, Ombudsman's adviser Robert Gačnik, Urša Regvar of the PIC, and interpreter for Arabic, Amer Karim, made an unannounced visit to **Metlika Police Station** regarding the treatment of migrants.

59.	**6 September and 6 November 2018**	The NPM members, Ombudsman's advisers Ana Polutnik and Lili Jazbec, and David Borlinič Gačnik of Pravo za VSE, visited **Veržej Educational Home**. The visit took place in two parts; the first part was conducted on 6 September, and the second one on 6 November 2018.
60.	**19 September 2018**	The NPM members, Ombudsman's adviser mag. Jure Markič, Cveto Uršič of Caritas, and representative of the Serbian NPM, Marko Anojčić, as an observer, conducted a control visit to **Bor Retirement Home in Črni Vrh nad Idrijo**.
61.	**3 October 2018**	The members of the NPM carried out a regular visit to **Begunje Psychiatric Hospital**. The visit was attended by Ombudsman's advisers mag. Jure Markič and Ana Polutnik, Srečko Brumen of Novi paradoks and observers: Marko Anojčić of the Serbian NPM, and representatives of the Armenian NPM, Liana Hovakimyan and Laura Gasparyan, who were in Slovenia on a study visit. Dr Peter Pregelj, medical expert, also attended the visit.
62.	**3 October 2018**	The members of the NPM carried out an announced control visit to **the Murska Sobota Unit of Maribor Prison**. The visit was attended by Deputy Ombudsman Ivan Šelih, Robert Gačnik, the Ombudsman's adviser, and representative of Pravo za VSE, Urška Kupec. As observers, the representatives of the Armenian NPM were present, i.e. the NPM coordinator Gohar Simonyan and Harut Aklunts, Deputy Head of the Department for Rights Protection in Criminal Proceedings and Places of Deprivation of Liberty of the Unit for Human Rights Protection in Criminal Justice and Armed Forces.
63.	**18 October 2018**	The members of the NPM, Ombudsman's adviser Robert Gačnik and Neža Peternelj of SKUP – Community of Private Institutes, made an unannounced visit to **Ljubljana Bežigrad Police Station**. As an observer, Marko Anojčić of the Serbian NPM was present.
64.	**18 October 2018**	The members of the NPM, Ombudsman's adviser Robert Gačnik and Neža Peternelj of SKUP – Community of Private Institutes, made an unannounced visit to **Vrhnika Police Station**. As an observer, Marko Anojčić of the Serbian NPM was present.
65.	**18 October 2018**	The members of the NPM, Ombudsman's adviser Robert Gačnik and Neža Peternelj of SKUP – Community of Private Institutes, made an unannounced visit to **Nova Gorica Police Station**. Marko Anojčić of the Serbian NPM attended the visit as an observer.
66.	**24 October 2018**	The NPM members, Ombudsman's adviser mag. Jure Markič, David Borlinič Gačnik of Pravo za VSE, and Marko Anojčić of the Serbian NPM as an observer, conducted a control visit to **Ljutomer Retirement Home**.
67.	**8 November 2018**	The NPM members, Ombudsman's adviser Lili Jazbec and Katja Piršič of SKUP – Community of Private Institutes, paid a visit to **Logatec Education and Training Institution**, i.e. **Postojna Residential Group**.
68.	**12 November 2018**	The members of the NPM, Ombudsman's adviser mag. Jure Markič, Katja Piršič of SKUP – Community of Private Institutes, and Marko Anojčić as an observer (Serbian NPM), made a regular visit to **Taber Retirement Home in Cerklje na Gorenjskem**.
69.	**20 November 2018**	The members of the NPM, Ombudsman's adviser Robert Gačnik and Katja Piršič of SKUP – Community of Private Institutes, made an unannounced visit to **the convict unit of Ljubljana Prison**. Marko Anojčić of the Serbian NPM attended the visit as an observer.
70.	**22 November 2018**	The members of the NPM, Ombudsman's adviser Lili Jazbec, Katja Piršič of SKUP – Community of Private Institutes, and observers, Marko Anojčić of the Serbian NPM and Aleksandra Marin-Diklić of the Ombudsman of Bosnia and Herzegovina, visited **Logatec Education and Training Institution**, i.e. **Planina Intensive Group**.
71.	**28 November 2018**	The NPM members, the Ombudsman's adviser, mag. Jure Markič, and representative of the ZDUS, Slavica Frelih, conducted a regular visit to **the Podsabotin Unit of Nova Gorica Retirement Home**.
72.	**26 November 2018**	The members of the NPM, Ombudsman's adviser Lili Jazbec, Katja Piršič of SKUP – Community of Private Institutes, and observer Aleksandra Marin-Diklić of the Ombudsman of Bosnia and Herzegovina, made a control visit to **Logatec Education and Training Institution**.

73.	**28 November 2018**	The members of the NPM, Ombudsman's advisers Lili Jazbec and Ana Polutnik, David Borlinič Gačnik of Pravo za VSE, and observer Aleksandra Marin-Diklić of the Ombudsman of Bosnia and Herzegovina, visited **Črna na Koroškem Special Education, Work and Care Centre**.
74.	**28 November 2018**	The members of the NPM, Ombudsman's advisers Lili Jazbec and Ana Polutnik, David Borlinič Gačnik of Pravo za VSE, and observer Aleksandra Marin-Diklić of the Ombudsman of Bosnia and Herzegovina, made a thematic visit to **the Slivnica Unit of Maribor Youth Home**.
75.	**29 November 2018**	The members of the NPM, Ombudsman's advisers Lili Jazbec and Ana Polutnik and observer Aleksandra Marin-Diklić of the Ombudsman of Bosnia and Herzegovina, made a thematic visit to **Višnja Gora Educational Institution**.
76.	**29 November 2018**	The members of the NPM, Ombudsman's advisers Lili Jazbec and Ana Polutnik and observer Aleksandra Marin-Diklić of the Ombudsman of Bosnia and Herzegovina, made a thematic visit to **Kranj Residential Treatment Institution**.
77.	**5 December 2018**	The NPM members, the Ombudsman's adviser, Robert Gačnik, and Luka Štrubelj of the PIC, made an unannounced visit to **Ormož Police Station**.
78.	**12 December 2018**	The NPM members, Ombudsman's adviser Ana Polutnik and Stanka Radojičič of the ZDUS, conducted a control visit to **Fužine Retirement Home**.
79.	**19 December 2018**	The NPM members, Ombudsman's adviser Lili Jazbec and mag. Mojca Frelih of the Peace Institute, made a control visit to **Fran Milčinski Smlednik Educational Institution (VIZ Smlednik)**.
80.	**21 December 2018**	The members of the NPM, Deputy Ombudsman Ivan Šelih, Ombudsman's advisers Robert Gačnik and Dr Polona Mozetič, and mag. Mojca Frelih of the Peace Institute, conducted an unannounced visit to the reception premises of the **Asylum Centre**.
81.	**27 December 2018**	The members of the NPM, Ombudsman's adviser mag. Jure Markič and David Borlinič Gačnik of Pravo za VSE, made a control visit to **Danica Vogrinec Retirement Home in Maribor**.

2.2 REVIEW OF OTHER NPM'S ACTIVITIES IN 2018

1.	**10 January 2018**	**The Ombudsman addressed representatives of the selected non-governmental and humanitarian organisations** which participate with the Ombudsman within the framework of the NPM, i.e. Katja Piršič of SKUP – Community of Private Institutes, Slavica Smrtnik and Srečko Brumen of Novi paradoks, Barbara Pirnat of Caritas Slovenia, Vida Bogataj of the ZDUS, Ana Černec of Pravo za VSE, Boris Nusdorfer of the PIC, and Maja Ladić of the Peace Institute. Together with Deputy Ombudsman and Head of the NPM, Ivan Šelih and the Ombudsman's members of the NPM, Robert Gačnik, Ana Polutnik, Lili Jazbec and mag. Jure Markič, the representatives met at the first working meeting in 2018 and determined plans for the current year.
2.	**22 January 2018**	Deputy Ombudsman Ivan Šelih attended **a session of the dementia working group** at Dom ob Savinji Celje. They reviewed the findings of the Ombudsman and the Inspection for Social Affairs relating to the implementation of care for persons with dementia in retirement homes and the most frequently asked questions of providers about the Guidelines on working with persons with dementia and they also amended them.
3.	**23 January 2018**	At the head office of the ZDUS, the Ombudsman's advisers, Ana Polutnik and mag. Jure Markič, met at **a working meeting the Vice-President of the ZDUS,** Mija Pukl, and discussed the NPM work plan for 2018 and the organisation of NPM visits.

4.	**30 January 2018**	The Ombudsman, Vlasta Nussdorfer, her Deputies Tone Dolčič and Ivan Šelih, the Director of the Ombudsman's Expert Service, Martina Ocepek, and the Ombudsman's advisers, **met representatives of NGOs active in the field of work and care for elderly persons**. The meeting was attended by Vida Bogataj of the ZDUS, Jože Elersič of the Association of Retired Craftsmen and Small Businessmen of Slovenia, Štefanija L. Zlobec and Maja Jurjevič of Spominčica – Alzheimer Slovenija, Dr Dušan Keber of the Slovenian Red Cross, and Zorica Škorc of the Association of Societies for Social Gerontology of Slovenia.
5.	**1 February 2018**	The Ombudsman, Vlasta Nussdorfer, her Deputies Tone Dolčič and Ivan Šelih, the Director of the Ombudsman's Expert Service, Martina Ocepek, and the Ombudsman's advisers, Dr Ingrid Russi-Zagožen, Lan Vošnjak and Liana Kalčina, **met the representatives of the Association of Social Institutions of Slovenia (SSZS)**. The delegation included Jaka Bizjak, Secretary General of the SSZS, Denis Sahernik, Expert Associate of the SSZS, Helena Primc Kalan, Director of Logatec Retirement Home, Branko Gorečan, Director of Rive Ribnica Retirement Home, and mag. Marjan Žula, Director of Gornja Radgona Retirement Home. **The discussion partners spoke about the issues most frequently encountered in retirement homes in Slovenia**. The representatives of the SSZS explained that the current system of financing new constructions and maintenance, and the implementation of fundamental duties of homes were no longer financially sustainable and were unpredictable for users. There are hardly any vacancies in homes in the public network, private homes with concessions and special institutions for the care of adults with special needs. The draft of the Long-lived Society Strategy was prepared in 2017, but it was not adopted. The accessibility to such form of social care is not ensured for all citizens and the principle of solidarity is losing its primary position. They particularly highlighted the lack of vacancies for dementia patients and persons with mental disorders when being accommodated involuntarily. The homes receive court decisions on admission to a home, but these persons are then accommodated in unsuitable rooms due to the lack of facilities. In a special report, the Ombudsman pointed out the violation of rights of persons with mental disorders upon involuntary accommodation. Homes employ an insufficient number of staff to provide high-quality care, which is why the current Rules on the Standards and Norms for Social Services will have to be revised. Systemic regulation of long-term care is urgent. Retirement homes encounter numerous issues relating to hospital-acquired infections, operations of secure wards, forms of violence between residents, residents' violence against nursing staff, violence of residents' relatives against residents, i.e. their own relatives.
6.	**2 February 2018**	Deputy Ombudsman Ivan Šelih attended the 46th **session of the National Assembly's Committee on Justice** where the participants discussed the draft Act Amending the Enforcement of Criminal Sanctions Act.
7.	**12 February 2018**	At the Ombudsman's head office, the Ombudsman, her Deputies Tone Dolčič and Ivan Šelih, the Director of the Expert Service, Martina Ocepek, and the Ombudsman's advisers, hosted mag. Darija Kuzmanič Korva, Secretary General of the **Association of Social Work Centres of the Republic of Slovenia, at a working meeting**. They discussed spatial issues, critical conditions for certain groups of people, particularly dementia patients, patients with mental disorders and special needs, the issues of poverty, homelessness, quality of food in retirement homes, hospital-acquired infections and other health issues, and the enforcement of the amended Social Assistance Act, which introduced new organisational structures for social work centres.
8.	**8 March 2018**	At the premises of Ljubljana Red Cross Regional Association, the Ombudsman's adviser, mag. Jure Markič, **held a lecture within the training programme of introducing dementia-friendly spots**. He introduced the first spot of this kind, which was opened at the Ombudsman's head office. The lecture was also attended by Ombudsman's adviser Ana Polutnik. The programme was prepared by Spominčica – Alzheimer Slovenija and Ljubljana Red Cross Regional Association.

9.	12 March 2018	Ombudsman Vlasta Nussdorfer and the Ombudsman's adviser mag. Jure Markič **met the new Secretary General of Caritas Slovenia,** mag. Cveto Uršič. The reason for the meeting was **to conclude an annex to the agreement on cooperation** with the relevant NGO when implementing duties and powers of the NPM. The discussion partners also seized the opportunity to confirm good past cooperation in the NPM work and in general. They also spoke about the current challenges and looked at the present and future work of humanitarian organisations and further mutual cooperation in various fields.
10.	12–13 March 2018	Deputy Ombudsman and Head of the NPM, Ivan Šelih, **attended an international NPM conference on supervising retirement homes in Trier in Germany**. The conference was organised by the German NPM in cooperation with colleagues from Austria and the Council of Europe, and was attended by representatives from over 20 European DPM and international organisations (CPT, SPT, NPM Obs). The conference was divided into two parts; the first was dedicated to the **issue of using various protection measures in retirement homes**, and the second focused on **communication with persons accommodated in retirement homes**. Following a presentation by a member of the CPT Secretariat on the international standards regarding the use of protection measures, their findings in this field were also delivered by the representatives of the NPM Austria, Estonia and Germany, where supervision in this field is implemented by the courts.
11.	26 March 2018	Ombudsman Vlasta Nussdorfer and the Ombudsman's advisers, mag. Jure Markič and Lili Jazbec, attended **an introductory meeting and presentation of the Slovenj Gradec Unit of Koroška Retirement Home**.
12.	27–28 March 2018	Deputy Ivan Šelih attended **a meeting of seven NPM representatives in Vienna in Austria**. They discussed the establishment of an NPM database (DeMon Base), where findings and recommendations of NPMs would be gathered. The attendees weighed in on the relevance and necessity of establishing such a database, its content and purpose. They agreed that the database would be useful for transparency of NPM work, and it could also serve the needs of court proceedings when deciding on the surrender of a person, e.g. due to imprisonment in another country. The organisers then indicated that work would continue in a narrow group, which would draft concrete solutions for establishing the relevant information system of findings and recommendations of individual national NPMs. The meeting was organised by the Council of Europe in cooperation with the European Union Agency for Fundamental Rights (FRA), and was hosted by the Austrian Ombudsman Board.
13.	3 April 2018	Deputy Ombudsman Ivan Šelih attended **the ceremony at the opening of the Probation Administration of the Republic of Slovenia**, which took place at the premises of the probation unit in Celje.
14.	10 April 2018	Ombudsman Vlasta Nussdorfer presented to Dr Milan Brglez, President of the National Assembly of the Republic of Slovenia, **the Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2017** and **the Annual Report of the National Preventive Mechanism for 2017**. The Ombudsman was accompanied by Secretary General Kristijan Lovrak and adviser Liana Kalčina.
15.	10 April 2018	At the Ombudsman's head office, Ombudsman Vlasta Nussdorfer held a **press conference** with her Deputies and **presented the main highlights of the 2017 Annual Report of the Human Rights Ombudsman of the Republic of Slovenia and the 2017 Annual Report of the National Preventive Mechanism**.
16.	11 April 2018	Ombudsman Vlasta Nussdorfer **presented the Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2017** and **the Annual Report of the National Preventive Mechanism for 2017** to the President of the Republic of Slovenia, Borut Pahor, at the Presidential Palace. The Ombudsman was accompanied by Deputies Dr Kornelija Marzel and Ivan Šelih, the Head of the NPM, Secretary General Kristijan Lovrak and Martina Ocepek, Director of the Expert Service.
17.	12 April 2018	At Ormož Youth Centre, the Ombudsman's adviser, mag. Jure Markič, **held a lecture within the training programme of introducing dementia-friendly spots**. He introduced the first spot of this kind, which was opened at the Ombudsman's head office, and the work of the NPM. The programme was prepared by Spominčica – Alzheimer Slovenija and Ormož Regional Association.

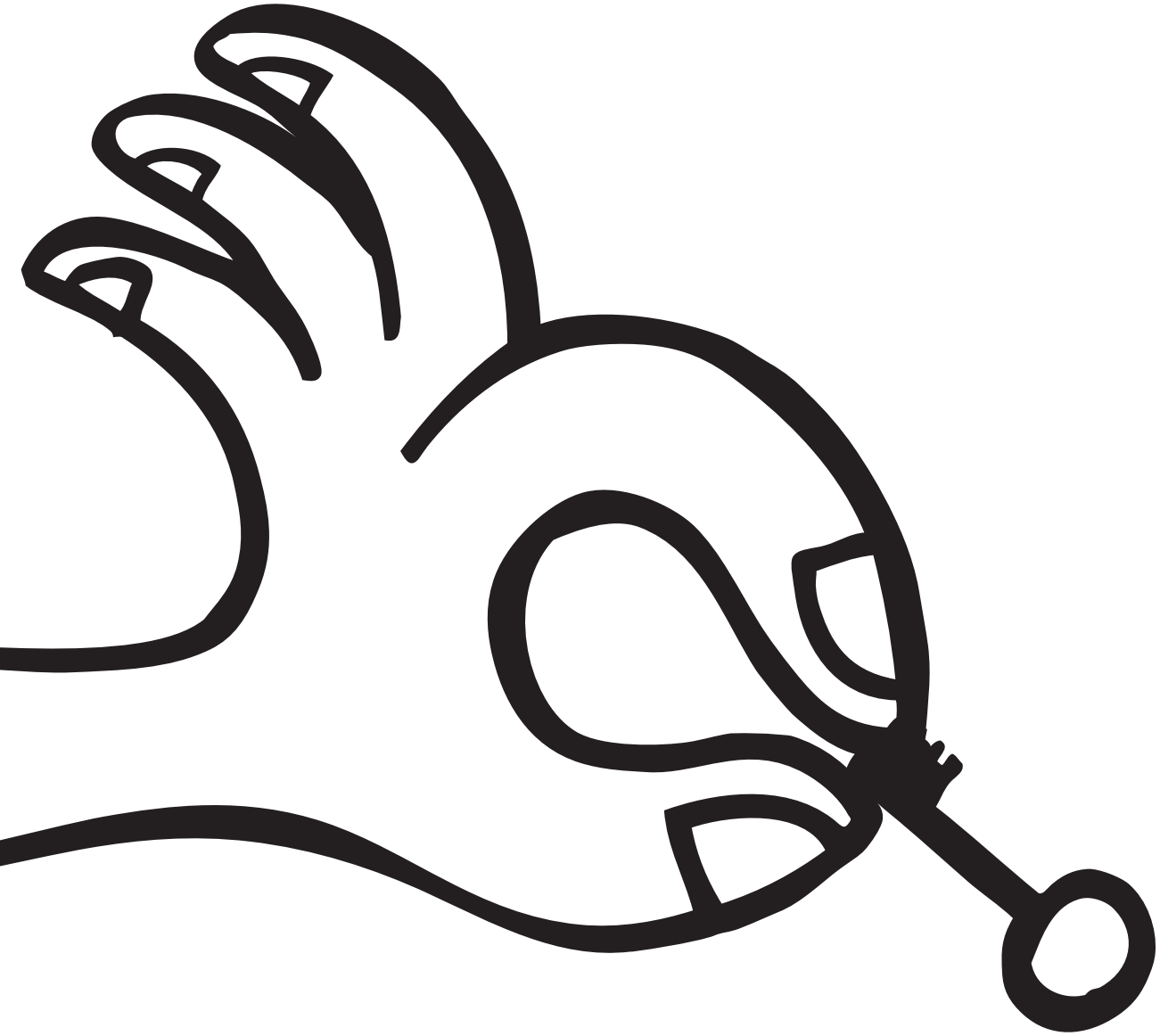
18.	**16 April 2018**	Ombudsman Vlasta Nussdorfer **presented the Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2017 and the Annual Report of the National Preventive Mechanism for 2017** to Dr Miro Cerar, Prime Minister of the Republic of Slovenia.
19.	**17–18 April 2018**	**The international conference marking the 10th anniversary of the NPM work** took place in Ljubljana. The conference, **the NPM Impact Assessment,** was organised by the Human Rights Ombudsman of the Republic of Slovenia and the Council of Europe. Ombudsman Vlasta Nussdorfer, Minister of Justice mag. Goran Klemenčič, and Markus Jaeger, Head of the Independent Human Rights Bodies Division of the Directorate General of Human Rights and Rule of Law at the Council of Europe, addressed the attendees in their introductory speeches. The Ombudsman highlighted the efforts of her Deputy, Ivan Šelih, also the Head of the NPM, and thanked all who have done a lot of preventive work in the past ten years within the NPM in order to prevent torture and other degrading treatment in institutions where people's liberty is restricted. "Cooperation with ministries and other bodies is very good, but we would like their contributions to be more substantive, especially when dealing with systemic deficiencies," emphasised Ivan Šelih at the conference. He stated that NPM officials were pleased with the results of the recommendations leading towards systemic changes and the preparation of strategic guidelines for work in individual fields.
20.	**19 April 2018**	At the Ministry of Education, Science and Sport, Deputy Ivan Šelih attended **a meeting of the interministerial working group** for monitoring the work of residential treatment institutions.
21.	**19–20 April 2018**	The Ombudsman hosted representatives of the Kazakhstan Human Rights Ombudsman, Dinara Ospanova and Gulmira Aukasheva, for **an educational visit**, where they learned about the work of individual Ombudsman's units and the work of the NPM in Slovenia.
22.	**23 April 2018**	Deputy Ombudsman Ivan Šelih **attended a meeting at the Ministry of Health** on the elimination of dilemmas about competence over the realisation of a court decision to bring a person to an institution as per the Mental Health Act.
23.	**25–28 April 2018**	Deputy Ivan Šelih attended **a conference, the second forum of his NPM, Prevention of Torture through Joint Efforts of National Human Rights Institutions and the NPM** in Astana in Kazakhstan. The attendees were the NPM representatives from 16 Kazakh regions and ombudsmen from Central Asia and Russia. Supported by a number of other international organisations, the event was organised by the Kazakh Ombudsman, which in cooperation with NGOs performs duties and powers of the NPM. The work of the NPM in Slovenia was presented by Deputy Ivan Šelih, who is also an expert of the Council of Europe. Our model of implementing duties and powers of the NPM was particularly interesting for the participants since, similarly as in Kazakhstan, the Slovenian Ombudsman is cooperating with representatives of NGOs when performing tasks and powers of the NPM. As an expert of the Council of Europe, Šelih introduced good practices when enforcing effectiveness of NPM recommendations and their realisation.
24.	**8 May 2018**	Ombudsman Vlasta Nussdorfer, Deputy Ivan Šelih who is the Head of the NPM, Director of Hrastovec Social Care Institution, mag. Andreja Raduha, Director of Dom Lukavci Special Social Care Institution, Stanka Vozlič, President of Hrastovec Council, Miha Cigler and Ombudsman's advisers mag. Jure Markič and Ana Polutnik, held a **press conference** at Hrastovec Social Care Institution (Lenart v Slovenskih goricah) where they **spoke about the problems and conditions in social care institutions**, particularly in Hrastovec, where persons sleep on folding beds or couches in rooms not intended for sleeping due to the lack of space.
25.	**8 May 2018**	Ombudsman Vlasta Nussdorfer and the Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, attended **an event marking the 10th anniversary of Šentjur Spominčica Association** in Šentjur Retirement Home. The Ombudsman addressed the attendees.
26.	**18 May 2018**	Ombudsman's advisers, mag. Jure Markič and Ana Polutnik, **spoke about NPM findings on the use of special protection measures at a panel** in Portorož. The panel was organised by the Slovenian Psychiatric Association.

27.	**22 May 2018**	Deputy Ivan Šelih and Ombudsman's adviser Robert Gačnik **introduced the work of the Human Rights Ombudsman and the NPM to newly employed prison officers** in Gotenica.
28.	**23 May 2018**	The Ombudsman and her Deputies attended the **joint session of the Commission for State Organisation and the Commission for Social Care, Labour, Health and Disabled** of the National Council of the Republic of Slovenia, at which the 23rd Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2017 and the Annual Report of the National Preventive Mechanism for 2017 was discussed.
29.	**24 May 2018**	Deputy Ivan Šelih, Secretary General Kristijan Lovrak and Adviser Robert Gačnik **received the Hungarian Human Rights Ombudsman Dr László Székely and his colleagues in Celje**. During a two-day visit, the Slovenian and Hungarian sides exchanged experience in the work of the NPM and visited a prison. In the role of the NPM, the Ombudsman visited Celje Prison and Juvenile Prison on 25 May 2018. The representatives of the Hungarian NPM attended the visit as observers, i.e. Human Rights Ombudsman Dr László Székely, Katalin Haraszti, Deputy Head of the NPM, István Sárközy, the NPM member, and interpreter Györgyi Sárik. The Hungarian Ombudsman also visits prisons in Hungary as part of its NPM duties. The visit of the Hungarian NPM denotes a continuation of cooperation within the SEE NPM Network and the realisation of its objectives, which include establishing an intensive mutual cooperation and the exchange of experience, generating synergy between the members of the Network, providing mutual assistance and creating conditions for efficient implementation of the work of the NPM.
30.	**28–31 May 2018**	Deputy Ivan Šelih and Adviser Robert Gačnik **attended a meeting of the South-East Europe NPM Network** in Podgorica in Montenegro. The meeting focused on the prevention of suicides and overdosing in detention centres. The participants also spoke about the status of NPM staff in the member states. As part of the Presidency of the South-East Europe NPM Network, the meeting was organised by the Protector of Human Rights and Freedoms of Montenegro in the role of conducting duties and powers of the NPM.
31.	**6–7 June 2018**	Deputy Ombudsman Ivan Šelih and Ombudsman's adviser Robert Gačnik **attended the 19th Days of Criminal Justice and Security, the central scientific and expert conference in the field of state security,** in Ankaran. Within the framework for the section on penal sanctions enforcement and penology, Deputy Šelih spoke about the duties and powers of the NPM as per the Optional Protocol.
32.	**21 June 2018**	The Ombudsman, her Deputy and Head of the NPM, Ivan Šelih, and the Ombudsman's advisers **presented details of the 2017 NPM Report at a press conference held at the Ombudsman's head office commemorating the International Day in Support of Victims of Torture** celebrated on 26 June. The Ombudsman had already presented the report to the Slovenian President, the Prime Minister and the President of the National Assembly in April.
33.	**22 August 2018**	At the Ombudsman's head office, Deputy Ivan Šelih and the Ombudsman's advisers, Robert Gačnik and Andreja Srebotnik, spoke with representatives of the Prison Administration of the Republic of Slovenia (URSIKS) **about the strategy for preventing suicide and self-harm in prisons and about other issues**. The meeting was attended by Lucija Božikov, Head of the Treatment Division, Aleksander Kotnik, psychologist, holder of the strategy for the prevention of suicides and self-harm in prisons and juvenile correctional institutions, and Eva Salecl Božič, holder of the field for discussing addiction and the programme of work with perpetrators of violence.
34.	**24 August 2018**	Deputy Ivan Šelih and Adviser mag. Jure Markič **attended a meeting of the working group discussing the formation of guidelines for working with dementia patients at Dom ob Savinji Celje**.
35.	**6 September 2018**	Deputy Ombudsman Ivan Šelih **attended a meeting at the Ministry of Labour, Family, Social Affairs and Equal Opportunities regarding the establishment of a specialised unit for persons with profound mental disorders**.
36.	**17 September 2018**	In Portorož, the Ombudsman **led the plenary part of the conference entitled the 2018 Mental Health Days**. The conference was also attended by Deputy Ombudsman Ivan Šelih and Ombudsman's advisers.

37.	**18 September 2018**	Deputy Ivan Šelih and advisers Nataša Bratož, Ingrid Russi Zagožen, Lili Jazbec, mag. Jure Markič, Ana Polutnik and Živa Cotič Zidar **participated at workshops within the framework of the 2018 Mental Health Days**.
38.	**20 September 2018**	The Ombudsman's adviser mag. Jure Markič attended **the 6th session of the working group for the establishment of a specialised unit for persons with profound mental disorders,** which took place at the premises of the Ministry of Labour, Family, Social Affairs and Equal Opportunities.
39.	**24 September 2018**	Deputy Ivan Šelih and the Ombudsman's advisers, Robert Gačnik and mag. Jure Markič, were on **a study visit in Graz at the Austrian NPM**, where they also visited a (post)forensic institution. The purpose of the visit was to learn about the placing of persons with mental disorders who have committed criminal offences. The guests and a representative of the Austrian NPM visited Pro Mente Steiermark GmbH in Graz, where forensic care is provided for these persons. In addition to the residential unit, Slovenian guests also **visited the so-called day centre**, where persons work on a small farm. Other persons with mental disorders who were not offenders and live at home come to the farm to work on a daily basis.
40.	**27 September 2018**	The Human Rights Ombudsman of the Republic of Slovenia and the National Council of the Republic of Slovenia organised a **panel discussion, The Elderly as the Present and the Future of Society** at the National Council Hall. Lecturers on social, institutional and health care, and law provided their observations at the panel about the issues relating to the elderly. They spoke about measures, projects and activities intended to help elderly persons and improve the quality of their life. The Ombudsman's representatives, mag. Jure Markič and Robert Gačnik, presented the work of the NPM and findings determined when visiting institutions where the elderly are (also) accommodated. The Ombudsman's representatives, including the NPM representative, Lili Jazbec, discussed the findings of the survey regarding food, hospital-acquired infections and care conducted in 2018 in retirement homes. Their findings were supplemented by opinions of the above experts. The participants also focused on the issue of violence against the elderly, dementia and care for the elderly disabled and other vulnerable groups of elderly persons.
41.	**28 September 2018**	Ombudsman Vlasta Nussdorfer **addressed the attendees of the 10th International Conference on Dementia ASK 2018 at the Faculty of Medicine in Ljubljana** organised by the Spominčica Association. His contribution on the work in the field of dementia, was introduced by Ombudsman's adviser mag. Jure Markič **in the lecture, Dementia patients on secure wards of special social care institutions**.
42.	**1–4 October 2018**	Deputy Ivan Šelih, Secretary General Kristijan Lovrak, Martina Ocepek, Director of the Ombudsman's Expert Service and other Ombudsman's colleagues **received a delegation from the Armenian NPM for a study visit**. The Deputy presented the work of the Slovenian NPM, the Secretary General spoke about the Ombudsman's work, Director Martina Ocepek presented the work of the Expert Service, and NPM members Robert Gačnik, mag. Jure Markič, Ana Polutnik and Lili Jazbec spoke about the work of the NPM in practice. The guests became acquainted with the work of the Slovenian Police and its cooperation with the Ombudsman, the mental health system and the operating of retirement homes. The members of the Armenian NPM visiting the Ombudsman were Gohar Simonyan, Liana Hovakimyan, Laura Gasparyan and Harut Aklunts.
43.	**4 October 2018**	The Ombudsman's adviser mag. Jure Markič attended **the 7th session of the working group for the establishment of a specialised unit for persons with profound mental disorders,** which took place at the premises of the Ministry of Labour, Family, Social Affairs and Equal Opportunities.
44.	**4 October 2018**	Ombudsman Vlasta Nussdorfer, Deputies Tone Dolčič and Ivan Šelih, and Adviser mag. Jure Markič, attended **the session of the Committee on Labour, Family, Social Affairs and Disability of the National Assembly of the Republic of Slovenia**, where the 2017 Annual Report of the Human Rights Ombudsman and the 2017 Annual Report of the NPM were discussed.

45.	**5 October 2018**	Deputy Ombudsman Ivan Šelih and Ombudsman's advisers, Mojca Valjavec, mag. Uroš Kovačič and Robert Gačnik, **met the representatives of the Office of the United Nations High Commissioner for Refugees Regional Representation (UNHCR) for Central Europe**.
46.	**10 October 2018**	Ombudsman's adviser Lili Jazbec attended a **roundtable on Young People and Mental Health in a Changing World** in the City Museum of Ljubljana.
47.	**11–13 October 2018**	Adviser Lili Jazbec attended the **regional conference of NPM of the Western Balkans** in Pristina in Kosovo organised on the occasion of World Mental Health Day to provide space for the exchange of experience and to find ways for regional cooperation relating to the prevention of torture and ill-treatment of persons with mental disorders deprived of their liberty. Ms Jazbec spoke about the examples of good practice and the findings of the NPM from previous years.
48.	**23 October 2018**	At the Ministry of Labour, Family, Social Affairs and Equal Opportunities, Deputy Ombudsman Ivan Šelih and Adviser mag. Jure Markič **attended the 8th session of the working group regarding the establishment of a specialised unit for treating persons with profound mental disorders**.
49.	**23 October 2018**	The Ombudsman, and Deputies Tone Dolčič and Ivan Šelih, attended **the joint session of the Committee on Education, Science, Sport and Youth, and the Committee on Culture** at the Parliament, where the 2017 Annual Report of the Human Rights Ombudsman and the 2017 Annual Report of the NPM were discussed.
50.	**5 November 2018**	The Ombudsman and her colleagues welcomed **Samo Fakin, Minister of Health, and his team to a working visit**. The discussion partners spoke about the realisation of NPM recommendations when visiting psychiatric hospitals.
51.	**7–9 November 2018**	The Ombudsman's adviser and the NPM member, Ana Polutnik attended **the workshop, Strengthening the Follow-up on NPM Recommendations,** in Copenhagen in Denmark. The workshop was organised by the International Ombudsman Institute, the Association for the Prevention of Torture and the Danish Ombudsman who also hosted the event.
52.	**8 November 2018**	The Ombudsman and the Head of the NPM, Ivan Šelih, presented the highlights of the 2017 Annual Report of the Human Rights Ombudsman and the 2017 Annual Report of the NPM at the **session of the Commission for Petitions, Human Rights and Equal Opportunities**.
53.	**13 November 2018**	The Ombudsman's adviser mag. Jure Markič attended **the 9th session of the working group for the establishment of a specialised unit for discussing persons with profound mental disorders,** which took place at the premises of the Ministry of Labour, Family, Social Affairs and Equal Opportunities.
54.	**13–14 November 2018**	The NPM representatives, i.e. Deputy Ivan Šelih and Adviser Robert Gačnik, **visited the Hungarian NPM,** whose tasks are implemented by the Hungarian Human Rights Ombudsman. The primary purpose of the visit was the continuation of the exchange of experience of implementing preventive visits. Together with the representatives of the Hungarian NPM, including Ombudsman Dr László Székely, the guests visited the prison in Zalaegerszeg. Prison life was presented in detail by the prison's director, and the guests also had the opportunity to review its premises and speak privately with a few prisoners.
55.	**15 November 2018**	Deputy Ivan Šelih and Ombudsman's adviser Robert Gačnik **introduced the work of the Human Rights Ombudsman and the NPM to the newly employed prison officers** in Gotenica.
56.	**22 November 2018**	Ombudsman Vlasta Nussdorfer, Deputies Tone Dolčič, Dr Kornelija Marzel and Ivan Šelih, and Secretary General Kristijan Lovrak, attended **a session at the National Assembly of the Republic of Slovenia**, where the 2017 Annual Report of the Human Rights Ombudsman and the 2017 Annual Report of the NPM were discussed.

57.	**28–29 November 2018**	Deputy Ivan Šelih attended **an international conference on the occasion of the 10th anniversary of the Armenian NPM** in the capital of Armenia, Yerevan. Similarly as in Slovenia, the Armenian Ombudsman also performs the duties and powers of the NPM. The conference was attended by many representatives of foreign NPMs, human rights institutions and international organisations active in the field of human rights protection. During the conference, the attendees discussed the situation of women and children when deprived of liberty, the provision of health care in detention institutions and police detention, and the provision of rights during detention. The participants exchanged their experience in visiting psychiatric institutions. Deputy Ivan Šelih, the Head of the Slovenian NPM, conveyed the experience in Slovenia. The conference was an excellent opportunity to deepen mutual cooperation and for further cooperation with the Armenian Human Rights Ombudsman or the NPM, which had already visited Slovenia in 2018.
58.	**11 December 2018**	Ombudsman Vlasta Nussdorfer and her colleagues received **mag. Ksenija Klampfer, Minister of Labour, Family, Social Affairs and Equal Opportunities, and her team for a working visit**. The discussion focused on the issues of realising recommendations of the National Council of the Republic of Slovenia from the 2017 Annual Report of the Human Rights Ombudsman and older unrealised recommendations relating to the Ministry's field of work. Including recommendations issued by the National Assembly of the Republic of Slovenia in 2017 when considering the Ombudsman's special report on violations of human rights of persons with mental disorders in their involuntary accommodation and treatment on secure wards of social care institutions. The discussion partners also spoke about conditions in retirement homes, which remain critical since there are practically no beds available. They also discussed unacceptable backlogs in resolving complaints.
59.	**3–4 December 2018**	As an NPM representative, Katarina Bervar Sternad, Director of the PIC, attended the **meeting of the NPM and civil society organisations' representatives from 26 OSCE member states** in Milan in Italy. The event was organised by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Association for the Prevention of Torture (APT) from Geneva, which selected the enhancement of cooperation in the prevention of torture and ill-treatment of migrants in detention as the central theme of the event. The participants discussed various ways of enhancing regional cohesion and joint efforts to advocate migrants' rights, raise awareness in the public about related issues and monitoring the recommendations of different institutions in this field. They exchanged opinions about the legal grounds for detaining migrants, including children, and examined ways of efficient monitoring of enforced removal and material conditions in detention rooms with the emphasis on preventing torture and other ill-treatment.
60.	**12–13 December 2018**	Deputy Ivan Šelih and Adviser Robert Gačnik attended the **second conference of the South-East Europe NPM Network** organised in Podgorica by the Montenegrin NPM in cooperation with the Council of Europe within the framework of the project, "Effective Alternatives to Immigration Detention: Learning, Sharing, Applying". The participants focused on migration and alternatives when detaining migrants.



3

VISITS TO PLACES OF DEPRIVATION OF LIBERTY

3.1 VISITS TO SOCIAL CARE INSTITUTIONS

In 2018, the NPM conducted **regular visits to eight retirement homes or their units**, i.e. Koper Retirement Home, Ljubljana Šiška Retirement Home, Ormož Retirement Home, Lendava Retirement Home, Škofljica Retirement Home, Ljubljana Bežigrad Retirement Home, Taber Retirement Home in Cerklje na Gorenjskem and the Podsabotin Unit of Nova Gorica Retirement Home.

The NPM also made **control visits to ten retirement homes**. During these visits, the NPM particularly examined the observance and realisation of recommendations given at their regular visits in the past years. These included visits to Pristan Retirement Home in Vipava, Metlika Retirement Home, Gornja Radgona Retirement Home, the Kidričevo Unit of Ptuj Retirement Home, the Tolmin Unit of Podbrdo Retirement Home, Bor Retirement Home in Črni Vrh nad Idrijo, Ljutomer Retirement Home, Fužine Retirement Home and Danica Vogrinec Retirement Home in Maribor.

In addition, the NPM also conducted **thematic visits to six retirement homes**, where **fire safety** of the homes visited was examined with a special emphasis on secure wards and dementia patients residing on these wards. These homes were Črnomelj Retirement Home, Novo mesto Retirement Home, Trebnje Retirement Home, Lucija Retirement Home, the Koper Unit of Ptuj Retirement Home, and Cerknica Retirement Home.

The report on the thematic visit from the viewpoint of fire safety had already been submitted to the MDDSZEM and competent inspection services; however, we still await their response (start of January). We had already sent preliminary reports on the visits to Fužine Retirement Home, Ljutomer Retirement Home, and Taber Retirement Home in Cerklje na Gorenjskem, and were waiting their replies during the drafting of the NPM Annual Report. The final report on visiting Bor Retirement Home in Črni Vrh nad Idrijo and preliminary reports on visiting the Podsabotin Unit of Nova Gorica Retirement Home and Danica Vogrinec Retirement Home in Maribor were being prepared.

An expert attended eight visits to retirement homes, of which a fire safety expert participated six times and a psychiatrist twice. Three visits to retirement homes were attended (as observers) by representatives of foreign national preventive mechanisms (Serbia).

When visiting retirement homes, the NPM gave **163 new recommendations, and also examined 124 recommendations upon control visits,** which were produced during previous visits (whereby it must be observed that two reports were still being prepared). **From a total of 163 new recommendations, eight were systemic and 156 general.**

On 22 January 2018, the NPM visited **Pristan Retirement Home in Vipava**. This was a control visit where we examined the observance of recommendations forwarded during the visit in 2014. We determined that the home accepted the majority of 19 recommendations, but it had not yet implemented them. We were surprised to find that we were unable to mark as implemented the recommendations referring to residents spending time outdoors, the publication of the residents' list of rights on a notice board, suitable arrangement of a call system (emergency button), suitable amending of individual forms (particularly the form by means of which a resident gives consent to being relocated to a secure ward, and forms relating to special protection measures). We were also surprised that the Home had not

accepted the recommendation to place a collection box for complaints on the secure ward since, irrespective of the residents' ability to complain in writing, it is sensible and necessary to give them the option to complain anonymously. On the other hand, the Home realised the recommendations referring to the preparation of an individual plan, encouraging residents to use toilet facilities, and to keep the door between the secure ward units open. Unrealised recommendations were repeated during this visit, and we understood from the Home's response that reservations exist relating to the immediate realisation of most recommendations given, and we thus marked as realised only two recommendations (decorating of rooms and going outdoors or staying outdoors in wintertime). **The systemic recommendation addressed to the MDDSZ that it actively approach finding solutions so that capacities of secure wards in retirement homes would not be exceeded any more must also be highlighted.** Although the Home gave its negative opinion, it still had to accommodate a resident based on a court decision. In its response, the Ministry stressed that retirement homes which decided to have secure wards as per the ZDZdr must accept situations stipulated by the applicable legislation in the sense of possible accommodation of persons based on court decisions and skipping the list of persons waiting for admission. Both can be a great problem and the homes strive for the ZDZdr to be amended accordingly, particularly regarding the content where suitable solutions are also being sought intensively within the framework of the Ministry. We recommended to the MDDSZ to ensure that representatives of persons with mental disorders are introduced accordingly to the residents and the staff, and if necessary, also to the residents' relatives or guardians.

On 1 February 2018, the NPM visited **Koper Retirement Home**. This was a regular visit to the Home where a psychiatric expert was present. We gave 12 recommendations and highlighted several examples of good practice. One of these was the expert's finding that he was unable to determine that residents who receive several psychotropic medications were excessively sedated or that psychopharmacotherapy was used instead of special protection measures in order to restrict residents of the secure ward. We also commended the fact that the Home was encouraging visiting since that contributed to the maintenance of a resident's social network. As an example of good practice, we noted the panels permanently installed under the ceiling which are easy to install and enable a screen when a resident needs more privacy (e.g. during care) in a room with several beds. From the Home's response to the preliminary report, it was evident that some recommendations had already been implemented, including recommendations about suitable protection against adverse weather conditions for a resident who smokes in front of the secure ward, timely delivery of food to the secure ward, and a sufficient number of staff to help with feeding. The Home also observed recommendations regarding prescribing medications on a needs basis, suitable amendments to forms for special protection measures with the provision of measures implemented before introducing special protection measures, and the acquisition of consent from a resident being relocated from a room where another resident is dying. Recommendations accepted by the Home, but not yet realised, are recommendations referring to decorating of rooms, suitable legal basis for accommodation on a secure ward, the observance of deadlines for submitting proposals to courts and the proposal for detention extension. **We particularly mention the systemic recommendation given to the MDDSZ.** The NPM recommended to the MDDSZ to ensure that representatives are introduced accordingly to the residents of retirement homes with mental disorders and also to their relatives or guardians. The representatives should be equipped with brochures and posters so that information about them is available to the residents and their relatives at all times.

On 13 February 2018, we made a control visit to **the dislocated unit for dementia patients of Metlika Retirement Home**, where we especially examined the observance of recommendations given during the visit in 2015. We determined that the majority of the twelve recommendations had been accepted and also realised, which was positive. We can mention recommendations relating to sufficient lighting of corridors, correct prescription of occasional medications, suitable adjustment of forms completed when using special protection measures, ongoing and frequent checking of received complaints, commendations or proposals. During the visit, we found that the Home would have to invest additional efforts to implement recommendations referring to decorating the ward in a way more homely to the residents and to suitably publish activities taking place for residents. We were particularly surprised at the non-acceptance of the recommendation about the adoption of suitable legal basis for accommodating residents on the secure ward. In its response to the preliminary report, the management of the Home explained that all doors at the dislocated unit are open, and residents have unlimited access to the garden and the surrounding area of the Home. A three-point lock system is on the iron gate (fence surrounding the unit), which is next to a very busy main road with no pavement. With regard to the institution's responsibility for safety of its residents and the assessment of increased traffic risk, the management believed that a three-point lock system was a compromise solution as per the fact that it was not a restricted or secure ward. The NPM acknowledged the explanation, but stated that this did not

change the fact that residents themselves were unable to open the door and leave the Home without another person's assistance. It also added that the definition of a secure ward in point 17 of Article 2 of the ZDZdr stipulated that a secure ward was a ward which residents of the institution (and not only of an individual ward) are unable to leave on their own accord. The NPM thus insisted on its recommendation on due conduct when restricting residents' liberty. During the visit to Metlika Retirement Home, we noticed several examples of good practice. Among other things, we examined medical records of several residents and examined the prescription of occasional medications. It was usually written at what time, how many times a day and what dosage a resident may receive, which was certainly positive. The staff are suitably trained to work with residents with advanced dementia. We commended the staff's attitude towards residents since friendliness and understanding are the most important if not the only form of successful mutual communication with dementia patients.

On 27 February 2018, we visited **Ljubljana Šiška Retirement Home** where we were told that there was no secure ward in the sense of point 17 of Article 2 of the Mental Health Act and that persons with various stages of cognitive impairment (dementia) who are usually accommodated on secure wards were staying on various wards in the Home. We nevertheless wanted to examine whether the right to personal freedom was being restricted for the residents of the Home, particularly dementia patients. We gave two (general) recommendations regarding the implementation of the Mental Health Act, and in the response to the preliminary report, it was stated that both would be observed. We also proposed that in cases when residents do not consent to be accommodated and are unable to leave the institution, the Home immediately proposes to the court to issue a decision as per Article 75 of the Mental Health Act. We also suggested that Article 29 of the Mental Health Act be observed consistently when using a belt in a wheelchair in the case of simultaneous physical impairment of a resident (e.g. blockage of wheels of a wheelchair) and their reduced higher nerve functions since the effect in the above case is the same as when applying special protection measures.

On 5 March 2018, we paid a visit to **Ormož Retirement Home**. This was the first visit to this social care institution where we proposed 18 recommendations, and after the response from the Home's management to the preliminary report of the NPM visit, we were pleased to discover that the majority of them (12) had already been realised. These recommendations referred to the placement of suitable signs on the doors of residents' rooms to facilitate their orientation, installation of bedside reading lights if the residents want them, organisation of activities also during weekends and holidays, and monitoring the satisfaction of all three target groups (residents, relatives and staff). The Home also realised recommendations which referred to a resident signing a statement on being accommodated on a secure ward and understanding what they have signed, suitable supplementing of the relevant statement with the legal caution and the possibility of revoking it, the observance of provisions of the ZDZdr regarding special protection measures also in the case of a blockage of a wheelchair and simultaneous installation of a pelvic belt or when tying down an arm when a nasogastric tube is installed. They also realised recommendations about more suitable positioning of the collection box for complaints, keeping a suitable record of complaints, updating the house rules and making data on the representatives of persons with mental health disorders more visible. The Home had not yet managed to realise individual recommendations, particularly those referring to exceeding capacity, reducing the number of beds in individual rooms, ventilating and giving residents' privacy when speaking on the phone with a mobile receiver. The Home did not accept a recommendation relating to more appropriate record-keeping of residents who require periodic check-ups with a psychiatrist. As a reason, the management explained in the response to the preliminary report that the Home had been cooperating with the same psychiatrist since its establishment in 2002 and the system of making appointments and the keeping of records of regular check-ups had been agreed upon with the psychiatrist. These records were kept manually in a special notebook, and it had not yet happened that a periodic check-up of a resident would be overlooked. Together with the psychiatrist, they examined the recommendation and decided to proceed with their present record-keeping system since the outpatient nurse and the psychiatrist were used to it. We also noticed several things that were particularly commendable, i.e. the premises of the ward and residents' rooms were well-maintained, clean and light. We were pleasantly surprised by the residents' involvement, including those with severe mobility difficulties, into daily activities on the ward organised throughout the day. A notice board is in the common area where it is written where residents are located, and what time of the year and what day it is to facilitate orientation in time and space. The staff informed us that they change information on this notice board every morning together with the residents, which is commendable because this is also important for the residents who cannot or are unable to read this information. An agreement was made with smokers on the dementia ward that cigarettes and a lighter are stored by the nurse, and they get a key to the terrace after lunch where they go to smoke. Such practice is considered positive since smoking is supervised and there is no

danger of a possible unintentional fire. During the night, one staff member always stays on the dementia ward; also, during the rounds one staff member remains on this ward. When prescribing occasional medications, we determined that the records always stated the frequency of taking medications, the maximum number of medications a day, and also on what occasions they are prescribed in the case of psychotropic medications (when agitated, in pain). The treatment with medications is thus regulated accordingly. During the visit, we obtained a very good impression about the staff since they have a positive outlook and perform their work properly.

On 15 March 2018, we visited **Lendava Retirement Home**. This was a regular visit to the retirement home where we gave ten recommendations. After receiving their response, we noted that the Home agreed with most of the recommendations, but it had not realised them yet. Some of these recommendations were related to seeking solutions to prevent exceeding capacities of the secure ward, the active work on relations between the staff and residents, the observance of provisions of the ZDZdr on the legal basis for accommodating residents on a secure ward, enabling residents with limited mobility to sit in wheelchairs (while observing that blockage of a wheelchair and simultaneous placement of a pelvic belt or similar restriction may denote a special protection measure) and regular checking of collection boxes for complaints, commendations and proposals. The Home succeeded in realising two recommendations relating to the drafting of forms for special protection measures and the introduction of a suitable record of complaints. **When visiting Lendava Retirement Home, we submitted two systemic recommendations addressed to the MDDSZ.** We suggested that the Ministry examine whether rooms with four beds, particularly with extra beds, are compliant with the standards of social care services in institutional care of the elderly and with which standards. We were able to discern from the reply that the Ministry had submitted a guideline to retirement homes that four-bed rooms must be eliminated and a living standard must be harmonised by 2021. Multi-bed rooms are permitted conditionally in the case of nursing rooms or the so-called oases. As per the above, we considered the recommendation realised. **We recommended to the MDDSZ to ensure that representatives are introduced accordingly to the residents of retirement homes with mental disorders and also to their relatives or guardians. The representatives should be equipped with brochures and posters so that information about them is available to the residents and their relatives at all times.** With regard to recommendations referring to mental health representatives, the Ministry explained that letters with information on representatives and information on the promotional leaflet available on the Ministry's website would be sent to retirement homes. We found that the Ministry's reply was not fully compliant with the given recommendation. When visiting, we noticed several examples of living conditions and conduct which were commendable. For example, decorated rooms and corridors, and a suitable collection box for complaints, commendations and proposals, next to which several sheets of paper and a pen were attached on a string. About one-third of residents in the Home are of Hungarian nationality, and a higher percentage of them also speak Hungarian. The management explained that they cooperate with the representatives of the minority and organise events where only Hungarian is spoken; otherwise, the events are bilingual. On the notice board on the ward, we noticed individual documents in Hungarian. More than half of the staff speak Hungarian, and almost everyone understands it. The management makes sure that at least one staff member in a shift speaks Hungarian. We particularly commended the Home's efforts to suitably discuss members of the minority and the attention paid to bilingualism.

On 28 March 2018, we visited **Škofljica Retirement Home**. This was a first visit to the relevant social care institution while implementing duties of the NPM, at which 14 recommendations were made. Following receipt of the response to the preliminary report, we noted that nine recommendations had been accepted, of which one had been realised and eight were still pending. The management did not respond to three recommendations and it rejected two of them. The NPM is of the opinion that the Home prepared a commendable *Internal Programme for Prevention and Management of Hospital-acquired Infections in Škofljica Retirement Home* with detailed, expert, organisational and technical solutions for preventing and managing hospital-acquired infections, and we thus proposed to them to also publish certain clarifications aimed at residents and their relatives or visitors on a notice board on the secure ward. The management replied that the instructions were issued only in the case of infections and that they did not wish to upset the residents and their relatives when this was not necessary. We understood that the management failed to accept the NPM recommendation. We acknowledged their clarification, but we believed that an explanation about possible infections with bacteria resistant to antibiotics would be useful to contribute to the prevention of spreading such infections, which may be unpleasant for the elderly if not dangerous, and that this aspect had an advantage over possible upsetting effects. We also proposed that residents and their relatives (be further) encouraged to bring their personal belongings and arrange rooms according to their liking, to additionally decorate corridors and common areas of the secure ward and equip doors of individual rooms with photos of residents'

favourite things, hobbies or items linked with the profession they did or similar photos in addition to the room's number, residents' names and surnames or their photos to facilitate their orientation in space. The Home accepted all recommendations given, but had not yet fully implemented them. Among other things, we also commended the fact that residents on the secure ward were discussed by a team consisting of a registered nurse, psychiatrist and a social worker.

On 3 April 2018, we made a control visit to **Gornja Radgona Retirement Home**. During the visit, we particularly checked the observance of 17 recommendations given by the NPM at its visit in 2017. Based on the response, we established that recommendations relating to the installation of bedside reading lights, publishing of the current schedule of activities, suitable marking of residents' names on medication drawers, adjustment of the form for implementing special protection measures and the access to wheelchairs had been realised. The Home also observed recommendations that include the installation of a collection box for complaints, commendations and proposals, the complaints form, visibility and readability of information about complaints channels on the notice board, publication of a list of representatives of persons with mental disorders and the attention to possible agitation of incontinent residents at night. The management was unable to realise a few recommendations. These particularly refer to the nature of the secure ward and the legal basis for detaining residents on this ward, and the prescription of occasional medications. They also failed to implement the recommendation about time frames for emptying the collection box for complaints, commendations and proposals, and prompt resolving of residents' or their relatives' complaints. **On the occasion of the visit, we also submitted a systemic recommendation to the relevant ministry to examine why suitable material about the representatives of persons with mental disorders had not been sent to this Home, and to ensure that the representatives are introduced in all retirement homes where persons with mental health disorders are or could be accommodated.** The Ministry replied that it had explained to retirement homes where to obtain the list of representatives and from whom they could obtain promotional material. Regarding the frequency of the NPM recommendations about the representatives, the Ministry decided to again send a letter to retirement homes about the list of the representatives and their presentation on a leaflet accessible on the Ministry's website.

On 14 May 2018, we conducted a control visit to **Ribnica Retirement Home**. We examined the observance of recommendations submitted during our visit in 2016. We determined that ten from a total of 18 recommendations had already been realised, while eight were accepted but not yet implemented. The institution had already realised recommendations involving the provision of comparable conditions for temporarily accommodated residents, making of coffee for all residents and not only those whose relatives are able to or willing to pay, provision of sufficient quantities of liquid available to residents, and suitable training of the staff about working and communicating with dementia patients. They also realised recommendations referring to the locking of residents' doors, activities on the secure ward, the staff wearing name tags, completing of satisfaction surveys by residents, their relatives and the staff, and informing about complaints channels. Recommendations about exceeding the ward's capacity, inclusion of relatives in the preparation of a resident's individual plan, and decorating residents' rooms with items they like and which may serve as a link to the environment where they came from, remained unrealised. Likewise, recommendations about labelling medications which must not be crushed, timely sending of proposals to the court about detaining a resident or extending their detention, and the observance of the ZDZdr relating to any physical restriction which includes special protection measures, were also not realised. During its visit, the NPM also gave some new recommendations or repeated those already submitted, but not yet implemented (caution that residents do not come into contact with cleaning products, installation of emergency buttons). We can hereby determine with satisfaction that all of the above recommendations have already been realised.

On 12 and 13 June 2018, the NPM conducted thematic visits to six retirement homes accompanied by an expert. During the visits, the NPM tried to determine **the level of fire safety on wards for dementia patients**, possible deficiencies and examples of good practice, the transfer of which could also improve fire safety in other retirement homes.

The purpose of supervision was thus to establish the condition of fire safety with the emphasis on three fields:

- action and treatment of dementia patients in the case of a fire;
- provision of ongoing training of the staff in the field of fire safety, and
- systems of active fire protection and provision of safe evacuation.

On the first day, the NPM visited **Črnomelj Retirement Home, Novo mesto Retirement Home and Trebnje Retirement Home**, and on the second day, **Lucija Retirement Home, the Koper Unit of Ptuj Retirement Home, and Cerknica Retirement Home**. On the basis of six retirement homes visited and careful examining of fire safety on wards with dementia patients with the help of the external expert, the NPM established that the safety of residents and the staff is generally suitable. The staff on wards are appropriately informed of fire safety rules, the location of fire extinguishers, with which an initial fire can be put out or at least limit its spreading, and particularly escape routes and action taken in the case of fire. Suitable knowledge and training of the staff were evident in the fire which broke out last year in Črnomelj where, because of a prompt response from the staff and exceptionally fast evacuation of immobile residents, the consequences of the fire were not severe. The NPM noted satisfactorily that supervision by competent inspection services was regular, which gave additional confidence in suitable arrangements of fire safety in retirement homes. Irrespective of the aforementioned, we noticed certain deficiencies during the visits which we pointed out explicitly. On this note, we stressed that retirement homes should pay more attention to persons with dementia when dealing with fire safety, particularly regarding their evacuation since residents due to their health condition will not know alone how to act accordingly or they will not be able to ascertain where the fire escape routes are. Furthermore, protection of dementia patients at an evacuation point will need to be defined because they may wander off in fear of what is happening around them and are usually also disoriented in time and space. Due to the aforementioned the evacuation of these persons will, in addition to a limited number of staff and ensuring their protection at the evacuation point, undoubtedly present a special challenge.

We highlighted recommendations given in several visited institutions:

- On multiple occasions, we recommended supplementing instructions for individuals within fire safety rules, which should provide guidelines for taking action and treatment of dementia patients in the event of a fire; the instructions should also include deaf and blind residents.
- It was determined several times that maintenance services do not fully understand the scope of hot works and cases about which expert workers must be informed according to the expert, and we thus recommended that such information be submitted in written form to the maintenance worker.
- We advised several times that it be clearly marked in the vicinity of, and in, lifts that it is prohibited to use lifts in the event of a fire.
- We also proposed frequently that fire extinguishers be installed at the prescribed height of 80 to 120cm (height of the activation handle).

On this note, we particularly mention the recommendation forwarded upon a random activation of the fire alarm in Cerknica Retirement Home. When training and at ward meetings, managements of retirement homes must stress the importance of reacting to fire alarms. The entire fire safety system is meaningless if the staff and, consequently, the residents, act during a fire alarm as if there is no fire. With such reaction, extremely important time is lost in actual danger which enables swift and safe evacuation of residents and prevents consequences occurring due to the fire.

On 28 June 2018, we visited **Ljubljana Bežigrad Retirement Home**. The management explained that there was no secure ward in the sense of point 17 of Article 2 of the Mental Health Act and that persons with various stages of cognitive impairment (dementia) who are usually accommodated on secure wards were staying on various wards in the Home. We wanted to examine whether the right to personal freedom was being restricted for the residents of the Home, particularly dementia patients. Irrespective of their clarifications about the secure ward, we submitted two recommendations, which were accepted in their response to the preliminary report. Among other things, we proposed that in cases when residents do not consent to be accommodated and are unable to leave the institution, the Home immediately proposes to the court to issue a decision as per Article 75 of the Mental Health Act. The management explained in their response that if treatment and measures were required due to a (mental) health condition of a resident which their institution did not provide, other suitable accommodation would be sought with a proposal to the court for ordering accommodation on a secure ward in an institution with necessary facilities.

vOn 24 October 2018, we made a control visit to **Ljutomer Retirement Home** where we checked the realisation of 15 recommendations given during our previous visit in 2017. We determined that the Home had accepted eight recommendations and had also implemented them. These recommendations referred to ventilating rooms and ongoing monitoring of the level of satisfaction of all three target groups, i.e. residents, their relatives and the staff. We were pleased to determine that the home in the case of the Stročja vas Unit observed the NPM recommendation and now complies with the ZDZdr when admitting residents to this Unit. The Home also implemented recommendations relating to the installation of

collection boxes, publishing of house rules and the list of representatives of persons with mental health disorders on a notice board. Unfortunately, some recommendations had not been implemented, including those about the activities in the afternoon and on weekends, the psychiatrist monitoring the residents more frequently, levelling uneven surfaces between the terrace and outdoor surfaces, and prescribing occasional medications. We were surprised that as many as three recommendations were not accepted. These dealt with the examination of the need to establish a secure ward in Ljutomer Home, restricting of a resident which could be understood as the use of a special protection measure, and introduction of a complaints record. The latter particularly astonished us because it was even contrary to the assurances of the Home given in the reply to the preliminary report of the 2017 visit. On the occasion of this visit, we submitted eight new recommendations, and we were still waiting on the Home's reply when drafting the NPM Annual Report. For the most part, these were repeated recommendations which the Home had failed to accept before and there were a few new recommendations (conduct when installing special bed sheets restricting residents' movement, due consideration by the staff when approaching a resident, drafting of a form to facilitate the writing of a complaint).

On 12 November 2018, we visited **Taber Retirement Home in Cerklje na Gorenjskem**. When visiting this social care institution for the first time, we gave 15 recommendations, and we were still waiting for their response during the preparation of the NPM Annual Report. The recommendations focused on the question of verification of the secure ward (the recommendation was given by the MDDSZ), the living conditions of residents and the activities, particularly residents' staying outdoors in the fresh air. Targeted recommendations also referred to suitable amending of the form by means of which residents give their consent to be accommodated on the secure ward, and forms kept on implemented special protection measures. We also highlighted that attention must be paid when the latter is implemented since these may denote the restriction of movement. We also commended several things; we believe that there are many areas on the secure ward where the residents may retreat with their relatives to chat. According to the explanation, the Home has some 10 m² more space in rooms if compared with other institutions, which is an above-standard service provided for free. We also commended the record kept by housekeepers on a secure ward in a special notebook about activities and daily chores from meals, visits, activities, walks and rests. We were positively surprised by the clarification during the visit that only persons whose detention had been decided on by the court were accommodated on the secure ward. Whereby the staff explained that they had never had a case where a person would first be accommodated and then proceedings before the court would be instigated. If it is detected that a person would have to be moved to the secure ward, the staff first monitor and pay special attention to that person, and only after they have obtained the court decision, is the person relocated to the ward. Such conduct is undoubtedly commendable.

On 28 November 2018, we visited **the Podsabotin Unit of Nova Gorica Retirement Home**. When drafting the 2018 NPM Annual Report, the report on this visit was still being prepared.

On 12 December 2018, we paid a control visit to **Fužine Retirement Home**. We determined that the Home accepted all 18 recommendations submitted during our visit on 24 October 2017, and realised eleven of them. Seven recommendations had been accepted, but not yet fully implemented. Three recommendations were thus repeated whereby we also submitted a **new systemic recommendation to the MDDSZ** relating to the (repeated) recommendation about executing the Mental Health Act when a resident fails to give their consent to be accommodated on the secure ward and the social care institution must inform the court thereof before the resident is detained on the secure ward. In many retirement homes, we found that elderly residents who do not give their consent are usually first relocated to the secure ward and only later the proceedings before the court are instigated as per the Mental Health Act. When recommending to retirement homes to operate in compliance with the Mental Health Act, we always stressed the NPM opinion that such legal arrangements were deficient or non-realistic. Numerous retirement homes have also pointed that out. Since the NPM believes that the Mental Health Act should be amended or supplemented with a procedure for admitting persons to secure wards of social care institutions without their consent in urgent cases, we proposed to the MDDSZ to comprehensively monitor and analyse the implementation of the Mental Health Act and draft proposals for systemic changes which would eliminate the established deficiencies, simplify current legally determined procedures and ensure a high level of respect for the human rights of persons when admitted to (and treated on) secure wards of social care institutions. Furthermore, we also forwarded two new general recommendations during the control visit to Fužine Retirement Home, i.e. we proposed to shorten the time of staff responding to the signal triggered by a resident when touching a walking mat to the minimum, and to introduce regular supervision of the response time, including the analysis of

long response times and adopt measures to improve the situation. We were still waiting for the response from the Home when drafting the NPM Annual Report.

On 27 December 2018, we made a control visit to **Danica Vogrinec Retirement Home**. When drafting the 2018 NPM Annual Report, the report on this visit was still being prepared.

3.2 VISITS TO SPECIAL SOCIAL CARE INSTITUTIONS

In 2018, we visited **four special social care institutions,** i.e. Dom Lukavci Special Social Care Institution, Hrastovec Social Care Institution, Dom Nina Pokorn–Grmovje Special Social Care Institution and Dom na Krasu Dutovlje Special Social Care Institution. **We visited all institutions within the framework of a thematic visit where we tried to determine whether secure wards were still overcrowded due to the accommodation ordered by the courts, what was the current situation, what problems were experienced by the institutions because of overcrowding and what solutions they proposed.** During the visits, **we also reviewed the number of persons on secure wards with dementia as their main diagnosis, their treatment and possible activities adjusted to them.** We placed special attention on determining possible incompatibility of these residents with other residents on secure wards.

All visits taking two days were unannounced. On the basis of its findings, the NPM **gave two systemic recommendations for all four special social care institutions. The recommendations referred to living conditions and the discussion of residents or forms of work**. The two recommendations based on the findings were particularly addressed to the competent ministry. We had already received responses on the preliminary reports from the institutions visited. The institutions agreed with our findings; certain reservations about the general recommendation referring to necessary supervision of the staff's attitude towards the residents were expressed only by Dom Nina Pokorn–Grmovje Special Social Care Institution. Relating to the general recommendation about the staff's training to work with dementia patients, Dom na Krasu Dutovlje Special Social Care Institution explained that such training had already been implemented; thus, the NPM recommendation was realised. When drafting the NPM Annual Report, we were still waiting responses from the Government of the Republic of Slovenia and the Ministry of Labour, Family, Social Affairs and Equal Opportunities about systemic and general recommendations.

Based on the visits conducted in 2018, it was determined that the situation regarding overcrowding in special social care institutions was not much better than in 2017, furthermore, in certain cases it was even worse than a year and a half ago (we did not visit Dom Prizma Ponikve Special Social Care Institution because we did not receive information that a secure ward had been opened in this institution)**.** Particularly worrisome are cautions that secure wards in all visited institutions had been overcrowded in the last year and a half to the extent where we could hardly speak (despite great efforts of individual institutions) of suitable living conditions of residents accommodated beyond capacities. It is not insignificant that overcrowding worsens the living conditions of other residents and the workload of staff is too great as well. All of the above shows that **despite the order of the Government of the Republic of Slovenia given to the competent ministry (MDDSZ) to open a new secure ward, or the order to the Working Group for the establishment of a specialised unit for discussing persons with profound mental disorders to prepare staffing and spatial standards and regulations for new specialised discussion of persons with profound mental disorders, neither of the orders given were completed a year later**. Therefore, the NPM submitted to the Government of the Republic of Slovenia a systemic recommendation to examine possible reservations preventing the realisation of the instruction relating to short-term solutions for overcrowding in secure wards of special social care institutions submitted to the MDDSZ and the Ministry of Finance on 21 March 2018 six months later. We were informed of the plans for opening new facilities (the construction of a secure ward intended primarily for persons with dementia at Nina Pokorn Home in Grmovje and preparations to reconstruct C ward at Dom Lukavci), which will be partial (at least temporary) solutions for the said institutions. Nevertheless, this will (probably) not solve all problems with constant overcrowding at Dom na Krasu. We must also be aware that this is not a long-term solution of the addressed problem of overcrowding in secure wards of special social care institutions.

During these thematic visits, we dedicated special attention to the number of younger and older dementia patients on secure wards of special social care institutions, their discussion, activities adjusted to them and their compatibility with residents with other mental disorders. We noted that the number of residents

with dementia on secure wards of special social care institutions is not negligible. The observations of our discussion partners revealed that these residents were frequently incompatible with other residents which (may) lead to misunderstanding, disputes, even physical violence; we heard about cases of harassment. The foregoing points to consideration to open wards intended only for such residents. Such ward had already been operating in a certain institution for some time and it was being constructed in another one, while the other two institutions are considering or planning to open them. We commended such decisions because we are certain that wards with dementia patients would prevent bad experience due to incompatibility of residents with dementia with other residents. The staff in such wards would find it easier to adjust work and activities to particularities of dementia patients and thus enable them and their disease an optimally adjusted and suitable environment.

On the basis of the thematic visits, we submitted a systemic recommendation to the MDDSZ to promote arrangement of secure wards intended exclusively for residents with dementia in special social care institutions. We are certain that suitably trained staff will be able to adjust activities on these wards according to the residents' disease (cognitive training), while the risk of escalated agitation due to the incompatibility of residents with various forms of mental disorders will be reduced or eliminated.

3.3 VISITS TO PSYCHIATRIC HOSPITALS

In 2018, we made a regular unannounced visit to **two psychiatric hospitals,** i.e. **Ormož Psychiatric Hospital and Begunje Psychiatric Hospital,** and an unannounced control visit to **Idrija Psychiatric Hospital**. An external expert was present during regular visits, who submitted their expert opinion on the basis of their findings. A representative of the Serbian NPM and two representatives of the Armenian NPM attended the visit to Begunje Psychiatric Hospital as external observers. **At the visits, we gave 54 recommendations; all of them were general and referred to the conditions in each individual hospital**. We submitted no systemic recommendations when visiting psychiatric hospitals in 2018.

During the visit to **Ormož Psychiatric Hospital, we provided 24 general recommendations** and established several cases of good practice. According to the hospital's response to the preliminary report, we noted that the hospital had **accepted and realised most of the recommendations given relating to the living conditions, activities, legal protection and complaints channels, special protection measures, deficiencies when keeping documentation and also contacts with the outside world, which is also very important** (when preparing the NPM Annual Report in the beginning of January 2019, we had not yet received a reply from the Ministry of Health). It is exceptionally important for psychiatric patients to maintain contact with the living environment from which they come and their social network. One of the recommendations referred to a large number of patients accommodated on the geronto-psychiatric ward based on their own consent or even consent by their guardian (which is contrary to a clear provision of the ZDZdr). A question arises whether dementia patients, frequently also with associated mental disorders, can actually give their consent to be accommodated on a secure ward. Are they aware of their will, what are they signing and what consequences such signing will have for them? And in particular, can they really understand the legal notice on the right to revoke the consent, which may be the most important element of the given consent? **Due to the lack of space, we unfortunately also discovered in this hospital that the use of special protection measures cannot be avoided in a room where other patients are present.** On the other hand, we were pleased to determine many cases of good practice which we particularly commended during the visit and also later in the report. When visiting **Begunje Psychiatric Hospital, we gave 21 general recommendations.** While drafting this report (beginning of January 2019), we are still waiting for the hospital's response from which we will be able to ascertain which recommendations were realised, which accepted, but not yet realised, and with which the hospital perhaps disagreed. We visited Begunje Psychiatric Hospital several times and noted that **the type of recommendations repeats**. We again pointed out that **patients should be provided with daytime clothes,** and that they should particularly be reminded of the possibility to not stay in pyjamas throughout the day. We stressed the need for activities to also be implemented on weekends and for suitable privacy to be provided when speaking on the phone. Since temporary beds were placed on men's and women's secure wards, we pointed out that these should be used only when there is no other option available and for the shortest time possible. We proposed suitable updating of the form with which a person agrees to be accommodated on a secure ward because we noticed that the applicable form lacked a legal notice. In the women's section of the secure ward, it was determined that special protection measures were still implemented in a multi-bed room, which meant that a patient could be

seen by other patients or event their visitors. We nevertheless commended the staff's efforts to keep a patient on whom the measure was implemented in a room on their own if possible.

In 2018, we also paid a **control visit to Idrija Psychiatric Hospital**, where we examined the observance of recommendations submitted during the regular visit in 2016. **Unfortunately, we discovered that the hospital accepted most of the 20 recommendations given at the time, but it had not yet realised them.** Two recommendations were not accepted, and only one was realised, i.e. the informing of patients and their relatives about antibiotic-resistant bacterial infections. **On the occasion of this visit, we forwarded nine new recommendations (to an extent, these were partly repeated, but unrealised recommendations from 2016).** The new recommendations referred to living conditions (decorating of common areas and patients' rooms), food (menus were not published in one of the wards), discussion or forms of work (monitoring the number of patients in pyjamas), records or documentation (deficiencies on forms completed when using special protection measures, due diligence when filling them out, exceeding deadlines when informing the next of kin on the use of special protection measures), discussion of unwanted behaviour (use of belts intended to hinder patients in loungers) and legal protection or complaints channels (provision of a pen so that a patient may submit an anonymous complaint). **After the hospital's response, we determined that the majority of new recommendations were accepted, but not realised** (when drafting the NPM Annual Report, we were still waiting the response from the Ministry of Health). Namely, the hospital only had realised two recommendations (meticulous completion of forms and accessibility of a pen), and failed to accept two recommendations (monitoring the number of patients in pyjamas and exceeding the deadlines when informing the next of kin).

3.4 VISITS TO PRISONS AND JUVENILE PRISONS

In 2018, we **visited five prisons** or their units at other locations. **Four regular visits**, i.e. to Maribor Prison, Nova Gorica Unit of Koper Prison, Rogoza Open Unit of Maribor Prison and the convict unit of Ljubljana Prison, were **unannounced**. One **control visit,** to Murska Sobota Unit of Maribor Prison, **was announced**. The control visit to Murska Sobota Unit of Maribor Prison was attended by two representatives of the Armenian NPM as external observers, and a representative from the Serbian NPM acted as an observer during the regular visit to the convict unit of Ljubljana Prison. On the occasion of the control visit, it was determined that **seven** recommendations (from the visit in 2016) were accepted and realised, **four** were accepted, but not yet realised, and **two** recommendations were rejected.

When visiting prisons in 2018, we submitted **67 recommendations**, of which **41 were targeted**, **two systemic and 24 general.** The recommendations referred to the possibilities for activities (seven recommendations), living conditions (25 recommendations), other (two recommendations), records and documentation (one recommendation), discussion of unwanted behaviour and violations of house rules (one recommendation), discussion of prisoners and forms of work (13 recommendations), staff (ten recommendations), food (two recommendations), general (one recommendation), contacts with the outside world (two recommendations) and health care (three recommendations).

From a total of 67 recommendations, **24** were accepted and realised, and **23** were accepted, but not yet realised; the Prison Administration of the Republic of Slovenia did not state its position with regard to **two recommendations,** and **two** were not accepted. The Prison Administration had not replied by the beginning of January 2019 relating to **16 recommendations** given during the visit to the convict unit of Ljubljana Prison, which is why data on implemented recommendations were not observed.

The data above reveal that many recommendations were realised or were accepted. Accepted, but not yet realised are the recommendations that take more time to eliminate established deficiencies (for example, certain project documentation must be prepared), or when the recommendation refers to the already planned activities in the visited prison or its unit at a different location, but with a delay (e.g. we visited them in the first half of the year, and the activities for realisation of the relevant issue were planned in the second half of the year).

The recommendations not accepted by the Prison Administration referred to the Nova Gorica Unit of Koper Prison, i.e. the recommendation that the NPM had already repeated on several visits about the renovation of the solitary confinement cell. This recommendation was repeated again during this visit since the Prison Administration stated after the visit in 2016 that the proposal would be discussed when

planning the 2018 budget by considering financial possibilities and technical feasibility. To this year's recommendation, the Prison Administration replied that when planning investments in the building of the Nova Gorica Unit of Koper Prison the problem was in the fact that the Prison Administration did not own the buildings (it was a subtenant) and could thus only implement current maintenance and purchase movable equipment. Due to the aforementioned, the renovation of the cell was not placed in the investment maintenance plan. The second unaccepted recommendation relating to the examination of possibilities to connect the internal recreation area (for remand prisoners) and the external recreation area (for convicted persons) was also repeated. To our recommendation in 2016, the Prison Administration responded that the proposal would be examined when planning the 2018 budget by observing financial capabilities and feasibility. The Prison Administration replied to the repeated NPM recommendation that it would denote a large project from the technical and financial viewpoint, which it could not implement because it did not own the building and could only perform ongoing maintenance works.

During the visits, we also submitted two **systemic** recommendations, i.e.:

The first systemic recommendation of the NPM to Maribor Prison related to the proposal to examine possibilities to arrange or install collection boxes where prisoners could submit letters and applications also in other prisons and their units at other locations. As per the above recommendation, the Prison Administration replied that it would examine the proposal. It also stated that it was planning the implementation of a test submission of applications in an electronic form within the "eCell" pilot project, and that it would also examine possibilities of submitting other letters and applications.

The second systemic recommendation given in Maribor Prison dealt with the examination of possibilities to enable access to television programmes in other prisons and their units at other locations in Slovenia in the same way as this was arranged in Maribor Prison, i.e. through a cable system. Although the Prison Administration did not particularly state its position on the relevant recommendation, we noticed during our visits that other prisons had gradually started arranging access to cable television.

Control visit to Celje Prison and Juvenile Prison

In 2018, we paid an announced **control visit to Celje Prison and Juvenile Prison**. The control visit was announced since it was attended by the representatives of the Hungarian NPM as external observers.

In particular, we examined the realisation of **24 recommendations** submitted on the occasion of the previous, regular and unannounced visit on 22 September 2016. At that time, **19 targeted, three systemic** (these referred mainly to the work in the infirmary) and 12 general recommendations were given. The recommendations related to the possibilities for activities (three recommendations), living conditions (11 recommendations), discussion of prisoners and the forms of work (two recommendations), other things – issuing invoices in the prison shop (one recommendation), the staff (two recommendations) and health care (five recommendations)

During the control visit, we established that from a total of **24 recommendations** from the previous visit, **16 were accepted and realised**, **seven were accepted but not yet realised, andone recommendation was not accepted**.

The latter referred to the repair of a damaged bench for lifting weights or the arrangement of the fitness room. Since no progress was noted in this field, we again proposed to equip the fitness room with more devices (also one, which could be used by female remand prisoners). We also suggested moving the fitness equipment into a larger room, which would allow the installation of more devices (e.g. exercise bicycle, etc.). To this repeated recommendation, the Prison Administration replied that Celje Prison and Juvenile Prison had equipped the fitness room for convicted persons with two additional devices in July 2018. The prison also examined the possibility of transferring the fitness room for remand prisoners into a larger room within the prison, but it determined that was not feasible according to spatial capacities and while observing other priority uses of prison facilities.

The report on the control visit also included a **new recommendation** that walls in two rooms of the juvenile unit be painted as soon as possible. Upon the next visit to Celje Prison and Juvenile Prison, we will examine the realisation of this recommendation.

3.5 VISIT TO THE ASYLUM CENTRE

in 2018, we paid an unannounced visit to **the reception facilities of the Asylum Centre**. The purpose of the visit was to determine possible restriction of liberty of foreigners accommodated at the reception facilities of the Asylum Centre, the possibilities to spend time outdoors in the fresh air and to generally examine the conditions for accommodation at the reception facilities of the Asylum Centre. Since the visit to the reception facilities of the Asylum Centre was made on 21 December 2018 and the NPM report was drafted and submitted to the Government Office for the Support and Integration of Migrants on 11 January 2019, we have not yet received their response to the recommendations while preparing this report. Only data about the total number and the type of recommendations given are provided below, including data on what the recommendations referred to.

On the occasion of the visit, we submitted **eight recommendations**, of which **two referred to targeted issues, two were systemic and four were general**. The recommendations dealt with activities (two recommendations), living conditions (three recommendations), the discussion and forms of work (two recommendations) and health care (one recommendation).

One of the systemic recommendations referred to the **preparation of house rules and the running order of the Asylum Centre**, so that foreigners are informed about their accommodation and rights (e.g. possibility to exercise in the fresh air), and for the rules and the order to be translated in foreign languages (e.g. English and the languages most frequently spoken by the foreigners). It was specifically determined that staying in the Asylum Centre was governed by the Decree on Asylum Centre House Rules (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 24/17); however, the Decree only governs staying at the Centre and not staying at the reception facilities of the Asylum Centre. We also determined that the Asylum Centre had no running order of living, which would determine in more detail the daily routine of living in the Centre.

The second systemic recommendation dealt with **the observance of the principle that procedures involving foreigners accommodated at the reception facilities of the Asylum Centre must be conducted as soon as possible so that applicants for international protection do not wait several days before filing the application.** We proposed that the principle stipulating that such procedures be implemented in the shortest time possible be particularly strictly observed for the so-called vulnerable groups (minors, families, etc.). We noted that living quarters where foreigners were accommodated during our visit were locked and their liberty or movement was actually restricted. On that note, we especially highlighted that minors were also being accommodated at the reception facilities of the Asylum Centre. According to the explanations received during the visit, foreigners have access to outdoor areas, but only under the supervision of a security guard. **On this basis, we pointed out that such treatment which de facto indicates the deprivation of freedom of movement requires a suitable legal basis for each restricted movement or infringement on a person's personal liberty or a different organisation of work.**

3.6 VISITS TO POLICE STATIONS

In 2018, we **visited 31 police stations** (PS), i.e. in Brežice, Krško, Sevnica, Škofja Loka, Kranj, Bled, Radlje ob Dravi, Dravograd, Ravne na Koroškem, Maribor I, Podlehnik, Slovenska Bistrica, Trebnje, Novo mesto, Šentjernej, Idrija, Tolmin, Bovec, Kranjska Gora, Radovljica, Tržič, Laško, Celje, Slovenske Konjice, Črnomelj, Metlika, Ilirska Bistrica, Ljubljana Bežigrad, Nova Gorica, Ormož, and **Ljubljana Police Detention Centre**; that is a total of **32 places of deprivation of liberty due to police detention.**

All visits were **unannounced**, except for the visit to Ljubljana Police Detention Centre where the representatives of the Kazakh NPM were present. The representative of the Serbian NPM also attended the **unannounced** visits to Ljubljana Bežigrad, Vrhnika and Nova Gorica police stations as an observer. Three visits, i.e. to Črnomelj, Metlika and Ilirska Bistrica police stations, were **thematic** (at night) and referred to the verification or monitoring of implementing police obligations when conducting procedures with foreigners crossing the state border illegally. Two interpreters for Farsi and Arabic also attended these thematic visits.

Some **158 recommendations** were submitted during the visits, of which **137 were targeted**, **14 systemic** and **seven general**. The recommendations related to the possibilities for activities (three

recommendations), living conditions (31 recommendations), other (eight recommendations), record and documentation (64 recommendations), discussion and forms of work (six recommendations), staff (six recommendations), legal protection and complaints channels (33 recommendations), general (six recommendations) and health care (one recommendation).

From a total of 158 recommendations, **96 were accepted and realised**, **39 were accepted, but not yet realised,** and **the Ministry of the Interior failed to state its position with regard to one recommendation, while 17 were not accepted.** Regarding **five** recommendations given during our visit to Ormož Police Station (visited on 5 December 2018), we have not yet received a reply from the Ministry of the Interior (January 2019) and the data about the realisation of these recommendations were thus not observed.

The aforementioned reveals that many NPM recommendations were accepted and also realised. The recommendations requiring more time for their realisation, or the elimination of the established deficiencies, remained unrealised (e.g. recommendations referring to the elimination of deficiencies when planning major maintenance works – access to running water in detention rooms, arrangement of a workplace of a duty officer, etc.).

With regard to the recommendations which were not accepted, it was determined that they referred to the re-introduction of an ongoing duty service at a police station, additional installation of a video surveillance system at premises where persons deprived of their liberty are located (e.g. corridors leading to detention rooms) or the provision of equipment for audio and video recording of hearings.

We also forwarded **14 systemic recommendations** relating to various fields. One **systemic** recommendation (to Ljubljana Police Detention Centre) stated that the premises where persons deprived of their liberty stay outdoor in the fresh air (recreation area) be equipped as per paragraph two of Article 23 of the Rules on Standards for the Construction and Equipment of Police Premises Used for Detention, i.e. with a suitable ashtray. In connection with this recommendation, the Ministry of the Interior replied that ashtrays were already being installed at all recreation areas and would be completed by the end of 2018.

Other systemic recommendations were submitted during thematic visits to Črnomelj, Ilirska Bistrica and Metlika police stations. The NPM expressed its expectation that its findings and well-intentioned proposals or recommendations would help the Police in otherwise very responsible and challenging work in the relevant field. We also expressed the expectation that our recommendations would contribute to the elimination of detected deficiencies or irregularities and the preparation of suitable guidelines for its work. The NPM also believed that more attention must be dedicated in the future to monitoring these procedures, particularly to independent, impartial and professional discussion of complaints against police officers, and also when processing migrants or refugees. The need to enhance awareness of the importance of the role of civic and other supervision of the police procedures must not be neglected, and on the basis of findings, it is necessary to strive to improve the standards of protection of human rights in all police procedures.

In addition to recommendations, the NPM also drafted joint or concluding observations, i.e.:

1. Identification of applicants for international protection within mixed migrant flows
Refugees or asylum seekers are part of migrant flows and may move from one country to another together with other people whose reasons for migration are different and are not linked with protection. People travelling in this way frequently endanger their lives and the lives of their family, and travel in inhuman conditions exposed to exploitation and abuse. It must thus be highlighted that the countries, States Parties to the Convention Relating to the Status of Refugees (the Geneva Convention), assumed the responsibility to protect refugees. The observance of the Convention is in the interest of countries and the international community.

For suitable implementation of international commitments and national legislation in this field, countries must adopt measures to identity persons in need of protection and provide suitable and different solutions for those who do require protection. Irrespective of the number or an increased number of persons handled by the country or its authorities, the same standards of protection must be guaranteed to persons who need protecting. The Slovenian legislation clearly divides competences between the Police as the authority responsible for surveillance of the state border and discussion of foreigners when (illegally) crossing the border, and the Migration Office within the Ministry of the

Interior. The police procedure enables the identification of asylum seekers, while in further proceedings the Migration Office decides on the right to international protection. Contrary to legislation, the lack of suitable identification of asylum seekers or restriction of the access to asylum procedure due to overburdening of the asylum system or other reasons would enable the abuse of this system.

The NPM found that when dealing with foreigners, the police had no established mechanisms, instructions or guidelines, which would enable a (uniform) identification of refugees or asylum seekers within mixed migrant flows. We failed to ascertain the above from the replies or the conduct of the police, and from the documentation kept by the Police when discussing individual cases. The lack of mechanisms or instructions for suitable identification may significantly limit the monitoring of procedures and their suitability from the aspect of protecting human rights of foreigners undergoing procedures (Article 14 of the Universal Declaration of Human Rights[14]: Everyone has the right to seek and to enjoy in other countries asylum from persecution.), and may also lead to discriminatory discussion of foreigners which also denotes a violation of rights.

For this reason, the NPM (in addition to other recommendations submitted) recommended that the police implement appropriate training regarding identification of asylum seekers within mixed migrant flows and adopt guidelines, instructions and recommendations about how such identification is executed in procedures and also suitably documented.

2. Informing of foreigners about the possibility to seek asylum

As per Article 8 of Directive 2013/32/EU on common procedures for granting and withdrawing international protection[15] (hereinafter: Asylum Procedures Directive), the EU Member States must inform foreigners about the possibility to apply for asylum. This must be done when persons are detained at border crossings or in detention centres, and when it is possible to conclude that they would apply for asylum.

As per paragraph two of the same article of the Directive, Member States must also ensure that organisations and persons providing legal advice and counselling to applicants have effective access to applicants present at border crossing points, including transit zones at external borders.[16] Since Slovenian authorities do not provide such access (to potential asylum seekers at borders) explicitly, NGOs provide legal advice if and when persons contact them when they are already in Slovenia.

During the visits, the NPM members monitored two procedures with foreigners, conducted interviews with certain foreigners and examined documentation of several persons who were undergoing a procedure at the time or were discussed again at the same police station. The NPM believed that the police failed to fully meet their obligation arising from the Asylum Procedures Directive at least in one case; irrespective of the foreigner's claim that he would be endangered if returned to the country of origin, the police failed to inform him of the possibility to apply for international protection or additionally clarify his claims. Considering all circumstances which as per the provisions of the Asylum Procedures Directive demand suitable informing from the authority, the foreigner was not provided with this information and was returned to Croatia. According to the NPM, this may show that the police are not sufficiently aware of the obligations arising from the Directive, and may as a result, limit effective access to the asylum procedure contrary to the Directive's provisions.

In order to observe international, European and national law, the NPM expressed the expectation that the police will at least inform all foreigners stating that they flee persecution in their home country (and further clarify these statements if necessary) about the possibility of applying for international protection in Slovenia, the consequences of filing an application for international protection or the consequences of the omission of such conduct (e.g. return to Croatia). The NPM expressed the expectation that police officers would record the aforementioned in police documentation, as well as the foreigner's reply to the possibility of applying for international protection.

14 http://www.varuh-rs.si/pravni-okvir-in-pristojnosti/mednarodni-pravni-akti-s-podrocja-clovekovih-pravic/organizacija-zdruzenih-narodov/splosna-deklaracija-clovekovih-pravic/

15 Paragraph one of Article 8 stipulates: "Where there are indications that third-country nationals or stateless persons held in detention facilities or present at border crossing points, including transit zones at external borders, may wish to make an application for international protection, Member States shall provide them with information on the possibility to do so."

16 Paragraph two of Article 8 stipulates: "Member States shall ensure that organisations and persons providing advice and counselling to applicants have effective access to applicants present at border crossing points, including transit zones at external borders. Member States may provide for rules covering the presence of such organisations and persons in those crossing points and in particular that access is subject to an agreement with the competent authorities of the Member States. Limits on such access may be imposed only where, by virtue of national law, they are objectively necessary for the security, public order or administrative management of the crossing points concerned, provided that access is not thereby severely restricted or rendered impossible."

3. Informing about the rights of detained persons and their realisation

Police work is governed by constitutional, legal and executive regulations. Good understanding of police powers or rights and duties, particularly the understanding of permissible threshold of encroaching upon human rights serves as the basis for expert, professional and lawful implementation of tasks. It is equally important that duties of the police are also known to persons involved in official police procedures. Informing and enabling the realisation of individuals' rights in procedures are of key importance, perhaps even more so when dealing with foreigners.

When visiting police stations, the NPM members examined whether premises where procedures with foreigners took place were equipped with suitable information, what was its form (posters, brochures, notifications on walls, etc.), in what languages it was available, how informing about and realising these rights was documented, and the suitability or correctness of translated information (Arabic and Farsi).

We again added that information leaflets and posters with the rights of detained persons are installed particularly in rooms where procedures take place and where foreigners are accommodated so that they can actually access them; otherwise their purpose is meaningless. Such information must be translated accordingly and accessible in the languages of foreigners being processed by police officers. When informing about rights, we noticed the lack of information on the right of a foreigner to apply for international protection. We thus suggested to the Ministry of the Interior and the Police to adopt measures to provide systematic informing of foreigners about this right.

The NPM determined that insufficient printed information about the rights of detained persons in various languages was available at the premises where procedures with foreigners were implemented, or information on leaflets was unsuitably translated or incomplete (Arabic and Farsi). The notifications on the rights of detained persons must thus be supplemented and translated accordingly. Errors in translated texts may lead to incorrect understanding of the legal notice on the rights of detained persons, which is why individuals do not exercise them at all or with greater difficulty. The translation of all leaflets informing persons in police procedures of their rights must be performed by court certified interpreters.

The NPM also noted that the workload of interpreters was unsuitable and steps towards informatisation of the translation system with information communication technology must be made in order to reduce the burden of interpreters and increase the quality of interpreting. Due to the lack of (accessible) information technology, interpreters are exposed to excessive daily workloads and are not suitably protected as per the working conditions due to the form of their cooperation (copyright contract). It must be mentioned that interpreters are not subject to expert supervision with regard to their professionalism and meeting the ethical standards. It is evident from the reports of NGOs that foreigners claimed several times that interpreters gave them different/incorrect information about what would happen to them and they presumably misled them. The foreigners also stated that interpreters were offensive and intolerant.

The NPM proposed that suitable conditions for the work of interpreters be established, including supervision if necessary or verification of their professionalism and commitment to ethical standards to which they are bound[17] (e.g. by recording interviews). The nature of police procedures and dependency of interpreters' scope of work on the individual police officer's decision about which interpreter should partake in individual procedures also point to the urgent consideration about the suitability of appointing/selecting interpreters by the police as an authority on which interpreters fully rely (in terms of the scope of work). Regulating appointment (and activation) as applicable for refugee counsellors as per the International Protection Act would be more suitable and would eliminate any doubt about biased choice and independence of interpreting.

The NPM also noted that informing of the next of kin outside the Republic of Slovenia must be conducted according to the law, i.e. through the ministry responsible for foreign affairs. The right to notify the next of kin abroad must be strictly separated from the right of the diplomatic and consular representation of the country the citizen of which is the detained foreigner to be informed about the foreigner's detention (after all, this is stipulated in the Vienna Convention on Consular Relations).

4. Documenting and recording procedures with foreigners

The NPM discovered that official notes include scarce summaries of foreigners' statements and they mostly refer to their travelling and crossing of the border. The statements on reasons for leaving their

17 http://www.mnz.gov.si/si/mnz_za_vas/tujci_v_sloveniji/mednarodna_zascita_azil/

countries of origin are also meagre, but these may be an important factor when intending to apply for international protection.

When reviewing documentation, it was not evident in certain cases if foreigners received any oral explanations about reasons for their return. For example, they were not informed that Slovenian authorities must extradite them to foreign security authorities because they failed to apply for international protection in the Republic of Slovenia.

The NPM thus recommended the adoption of measures for more consistent documenting of all circumstances in police procedures involving foreigners (including their statements on reasons for leaving their home countries), which would later allow an insight into the correctness and legality of the decisions made. Police officers should namely conduct and record the procedures in such a way as to leave no doubt about whether a foreigner processed by a police officer wanted to file an application for international protection.

5. Foreigners' access to legal assistance
The right to legal assistance is a fundamental procedural guarantee as per Directive 2013/32/EU on common procedures for granting and withdrawing international protection (Asylum Procedures Directive).

A detained person has the right to select a legal representative of which they must be particularly informed. It was impossible to deduct from the documentation reviewed whether the processed foreigners understood this right. The NPM saw the key issue in this regard also in unsuitable translations of brochures about the rights of detained persons since it was revealed after the analysis of the Arabic and Farsi translations that the texts were not correctly or semantically suitably translated. **The NPM asked the Police to provide new, appropriate and terminologically correct translation of all information for foreigners in police procedures and eliminate doubt about the actual protection of the rights of these persons in procedures of restricting liberty.**

3.7 VISITS TO RESIDENTIAL TREATMENT INSTITUTIONS, YOUTH HOMES AND THE SPECIAL EDUCATION, WORK AND CARE CENTRE

All eleven visits to nine institutions (two were visited twice) were unannounced; four were thematic, four regular and three control. A representative of the Serbian NPM and a representative of the Bosnian Ombudsman attended seven visits as external observers.

Until the submission of this report (beginning of January 2019), the NPM gave six institutions 23 recommendations, of which seven recommendations were systemic (four recommendations were the same as those relating to thematic visits), 15 were general and one targeted a specific issue.

Systemic recommendations were particularly addressed to the Ministry of Education, Science and Sport (MIZŠ), and one recommendation to social work centres. For example, the NPM thus proposed to the Ministry to determine a binding and active participation of parents at training for responsible parenting as a legal obligation. In the second recommendation, the NPM proposed that the Ministry re-examine technical standards and spatial conditions for residential, intensive and educational groups, and draft regulations applicable directly in residential treatment institutions and youth homes.

Managements in all institutions highlighted that reasons for accommodating children and adolescents have changed significantly in recent years. More and more children and adolescents are diagnosed with several mental disorders. An exceptional number have severe and profound attention deficit disorders with hyperactivity, autism spectrum disorders, mood disorders and frequent secondary associated behavioural and emotional disorders. Many have abused psychoactive substances. Abuse (sexual, psychological, etc.) and various traumatic experiences leading to post-traumatic stress disorders and personality disorders are also not rare. Institutions also accommodate children and adolescents with set patterns of aggressive and manipulative behaviour. As a rule, it is these children and adolescents who

refuse to participate in the educational programme, and their families are frequently reluctant to take them back or they refuse to offer them necessary support.

In annual reports for 2015, 2016 and 2017, we emphasised that Slovenia has been tackling the issue of insufficient or complete lack of paedopsychiatric care, particularly for vulnerable children and adolescents, and problems with accommodation in (un)suitable institutions. The Ombudsman also pointed to this issue in its annual reports. Unfortunately, the long-awaited paedopsychiatric ward which would help children and adolescents with severe problems in mental development was also not open in 2018. When visiting residential treatment institutions in the role of the NPM, we proposed that **the competent ministries examine and ensure hospital treatment for children and adolescents with severe psychiatric problems and aggressive behaviour, including suitable expert and technical conditions for their accommodation after being discharged from the institution.**

A great achievement for residential treatment institutions and youth homes are expert centres for comprehensive treatment of children and adolescents with special needs. They are intended for children and adolescents with emotional and behavioural disorders, who have problems with social integration and cannot live with their parents in original families for various reasons. These children and adolescents live together with childcare workers in residential groups, educational groups and youth apartments where childcare workers ensure implementation of the education programme with their 24-hour presence throughout the year.

When visiting **Malči Belič Youth Care Centre,** we submitted **ten recommendations.** Following the Centre's response to the preliminary report, we ascertained that the Centre partly accepted three recommendations referring to food, the procedure for accommodation and long-term decision making on contacts between children and parents. The Centre did not state its position regarding five recommendations, which included measuring the satisfaction of all stakeholders in the Centre and the installation of a collection box for commendations and complaints which would ensure anonymity. The NPM commended the Centre **for its efforts invested in the opening and successful operating of two new residential groups in Ljubljana and Brežice,** and the introduction of programmes, such as intensive mobile social pedagogical treatment in the educational field, specialised and intensive educational group, psychotherapeutic treatment of children and adolescents, post-discharge monitoring of adolescents, the employment of assistants to work with special needs children and the opening of the Expert centre for comprehensive support to children and adolescents with visual impairments and children and adolescents with disabilities in individual fields of learning. We also commended the implementation and participation of expert workers at supervision and intervision.

On the occasion of a regular visit to three residential groups of **Jarše Youth Home,** we submitted **nine recommendations.** After receipt of their response, we established that the Home accepted three recommendations or stated that they were being realised. With these recommendations, the NPM proposed training for childcare workers and adolescents regarding suitable response during a panic attack, and that the headteacher also spend more time visiting individual residential groups when adolescents are present and let them know that they could turn to him when they had problems. We proposed that the adolescents be informed of the possibility of having an advocate appointed to them by the Human Rights Ombudsman.

To the NPM recommendation to unify the amount and rules governing the allocation of allowance (pocket money) to adolescents irrespective of the residential community they live in, the management of the Home explained that the allowance is not understood as unconditional right that belongs to an individual, but as an important educational tool whose purpose is to encourage, enhance and reward suitable behaviours and conduct, and reduce, limit and sanction unwanted behaviours. They believed that unifying the rules for allocating allowance would be too complex and substantively excessive since it is impossible to encompass the diversity of adolescents' problems and unsuitable behaviours displayed while investing in the efforts of the adolescents to change unsuitable and maintain suitable behaviours. To the proposal of the NPM that the staff circle between residential groups, the management explained that the discussion had been taking place for some time about the circulation also at the level of other residential treatment institutions and youth homes. In certain aspects, it was seen as a good idea, but certain reservations occurred with regard to endangering a stable environment which provides adolescents with security and predictability, and the management thought that the latter two were achieved only with aligned mentality and working of childcare workers. Alignment is one of the foundations of suitable upbringing, but its establishment requires a long-term process which would be disrupted with circulation since it would divert attention from childcare workers to anew thoughtful

adjusting, harmonising and agreeing on operating and thus a departure from effective working with adolescents. The commendations submitted by the NPM during this visit refer to prompt solving of problems and complaints by children and adolescents, the individualised approach and positive orientation of childcare workers who discuss every child or adolescent as an individual and enable their own rate of progress, and the operating of parents groups, which enable interaction between parents and childcare workers which further contributes to the attainment of set objectives. We were excited about the positive atmosphere and establishment of a good mutual assistance system between adolescents from residential groups Črnuška gmajna, Kokos and Zeleni tir, and encourage the maintenance of good mutual relations.

At the end of 2018, we paid regular visits to **Veržej Educational Home and Logatec Education and Training Institution**. Regular visits to **the residential group of the latter institution in Postojna** and **the intensive group in Planina** were made separately, including a control visit to **Smlednik Education Institution**[18] and thematic visits to four institutions (the Slivnica Unit of Maribor Youth Home, Črna na Koroškem Special Education, Work and Care Centre, Višnja Gora Educational Institution and Kranj Residential Treatment Institution) intended to examine material conditions for studying and working of children and adolescents residing in these institutions. At previous visit to institutions implementing educational programmes, the NPM **found poor conditions for studying and working of children and adolescents several times**. We thus decided to examine the size of, and lighting in, rooms and working surfaces, the condition of furniture and other material conditions affecting the work and studying of children and adolescents.

Eleven primary school pupils and fifteen secondary school students were present during the visit to **the Slivnica Unit of Maribor Youth Home**. They were all attending educational programmes outside the institution, i.e. primary and secondary schools in Maribor, Slivnica and Slovenska Bistrica. Every educational group has a table or several tables placed together in a common living area where they eat, socialise, study and work for school. Furniture is old and dilapidated. There are not enough chairs for all children and adolescents in one educational group. Rooms lack sufficient daylight, so on sunny days they also work and study with lights on. Three computers are available for all children and adolescents in the institution.

Črna na Koroškem Special Education, Work and Care Centre (unlike other visited institutions which operate under the auspices of the Ministry of Education, Science and Sport, this one operates under the auspices of the Ministry of Labour, Family, Social Affairs and Equal Opportunities) implements an adapted programme for preschool children and a special educational programme for children, adolescents and young adults with moderate, severe and profound mental disabilities and children with several disabilities. The special educational programme is attended by young adults until the age of 26, i.e. in a form of day care or whole-day care. During the visit, 18 children and adolescents were present; on average, 5 to 6 in every individual group. Three classrooms are available for the activities of the special educational programme. They also use a computer room, a music room, a training kitchen, a gym, and a reading room. When the weather is nice, some lessons take place outdoors and in nature. The institution also lacks space in classrooms where the special educational programme takes place. Classrooms are small, and each student has a small area of working surface available. The classroom we examined was equipped with a sufficient number of desks and chairs, but it felt cramped. There was little daylight, and lights must be on for the most part during the daytime.

Višnja Gora Educational Institution accommodates and educates adolescents between the ages of 14 and 18 with problems while growing up and in development. Lessons take place in the main building of the institution in modern and well-equipped classrooms. Adolescents can work and study in common areas or in their rooms. Rooms are suitably equipped with desks and desk lamps for each adolescent. There is also sufficient daylight in the rooms.

Kranj Residential Treatment Institution educates children and adolescents with behavioural and emotional disorders. It consists of five residential groups which can accept 40 children and adolescents aged between 7 and 18. During the visit to the residential group in Kranj, eight children and adolescents stayed there who were attending educational programmes outside the institution. A common living area is located on the first floor of the residential group where children and adolescents do their homework and study with the help of a childcare worker. There is also a computer in this room which may be used

18 The reports are still being drafted, so we cannot report about them yet.

for school work. In their rooms, each child and adolescent has their own desk and a desk lamp, which they rarely use since there is apparently enough daylight.

After visiting four institutions where educational programmes for children and adolescents are implemented, the NPM determined that conditions for working and studying vary significantly between institutions. In some of them, children and adolescents have sufficient space to work and daylight. They have desk lamps and modern furniture. The situation is different elsewhere. Furniture is old, even dilapidated. Daylight is insufficient and rooms feel cramped. Managements in all institutions referred to the lack of funds for maintenance or investments. **The NPM established that the field of construction and equipment in institutions implementing educational programmes was not regulated. There are no special standards and norms for constructing and equipping these institutions.** The Ministry of Education, Science and Sport informed us only of the *Norms for the Construction and Equipment of Institutions for Secondary School Students in the Socialist Republic of Slovenia* from 1976, which are also still reasonably applied for constructing and equipping institutions implementing educational programmes.

According to the NPM, the lack of legal arrangements and the lack of funds for maintenance and investments contribute to significant differences between individual institutions regarding the provision of suitable conditions for studying and working of children and adolescents.

Based on the aforementioned and following the findings established during thematic visits to individual institutions implementing educational programmes for children and adolescents, **the NPM recommended to the Ministry of Education, Science and Sport to draft suitable standards and norms for constructing and equipping institutions performing educational programmes and ensure these institutions (financial) resources in the amount that would allow the realisation of above standards and norms.** We are still waiting for a response from the Ministry.

4
APPENDIXES

4.1 APPENDIX:

SLOVENIAN NPM'S 10TH ANNIVERSARY CONFERENCE REPORT

Funded by
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European NPM forum

REPUBLIC OF SLOVENIA
HUMAN RIGHTS OMBUDSMAN

NPM Impact Assessment

A conference hosted by the NPM of Slovenia on the occasion of its 10th anniversary,
co-organized with the Council of Europe

17-18 April 2018

Hotel Slon, Ljubljana, Slovenia

General report

by Trevor Stevens

On the occasion of the 10th anniversary of the national preventive mechanism of Slovenia, the representatives of more than twenty European and North African NPMs gathered together in Ljubljana from 17 to 18 April 2018 for a conference on «NPM Impact Assessment». The conference was opened in the presence of the Minister of Justice of Slovenia, the Ombudsman and representatives of a wide range of Ministries.

There was broad agreement that during the decade following its very first visit on 19 March 2008, the Slovenian NPM had succeeded in establishing a climate of trust and respect. The high quality of the mechanism's work was recognised by all the Ministries represented and this was illustrated by the fact that a significant number of its recommendations had been implemented. Similarly, the NPM's proposals and observations on existing and draft legislation were valued.

It was stressed that the mechanism's on-site monitoring activities had been accompanied by considerable efforts to sustain a constructive dialogue with the authorities concerned, a dialogue which had led not only to improvements in specific institutions but also to system- wide changes. Reference was made in this connection to the NPM's participation in various ministerial bodies, including an inter-ministerial working group tasked with coordinating the execution of judgments of the European Court of Human Rights.

Specific mention was made of the significant contribution to the NPM's activities provided as from the outset by non-governmental organisations, through cooperation agreements with the mechanism.

The importance of the decision taken in 2014 to set up a special NPM unit within the Ombudsman's Office was also emphasised; this had been beneficial for the overall effectiveness of the mechanism and made it possible to significantly increase the number of visits.

The NPM «makes a difference» declared the Minister of Justice, as he paid tribute to the Deputy Ombudsman, Ivan Šelih, who had led and inspired the mechanism ever since its inception.

Turning their attention to the issue of NPM impact assessment, participants noted that the representatives of six European NPMs had already exchanged views on «trying to gauge NPM impact» at a meeting held

in Paris on 7 and 8 September 2017 in the framework of the European NPM Forum; a presentation was given of the main conclusions from that meeting and a written summary made available in English and French. Reference was also made to a concept paper on measuring the impact of NPMs which had been prepared by the European Training and Research Centre in Graz for consideration at the Paris meeting.

At the outset, it was acknowledged that the NPMs represented at the conference varied significantly in terms of size, legal structure, means and - above all - age. Any institution which has reached the 10 year milestone, such as the Slovenian NPM, is likely to feel the need to review its functioning, take stock of what has been achieved and seek possible new paths of action. In contrast, a relatively new mechanism will naturally be more focussed on establishing itself and developing its activities. Consequently, the conclusions reached would no doubt be of varying degrees of relevance for the different participants. But they should certainly provide food for thought for everyone present; indeed, any NPM had an interest in maintaining a critical eye on its performance at every stage of its existence.

The discussions at the conference were organised around four distinct - albeit far from watertight - themes:

1. Reasons for assessing the impact of an NPM, who should do the assessment and when should it be done?
2. What is NPM impact (criteria)?
3. How to measure impact (indicators: data needed, facts or perception,etc)?
4. How to establish a link of causality between changes observed and an NPM's work?

Each of these themes was considered in turn by two working groups meeting in parallel, followed by discussion of the working groups' conclusions in plenary session.

As from the very beginning of their discussions, participants wrestled with the concept of «impact» as compared to that of «effectiveness». The general tendency was to consider that attempts to assess the impact of an NPM inevitably involved evaluating the mechanism's mandate, resources and working methods. This was reflected in the conclusions reached under the different themes.

Theme 1: **Assessing NPM impact: why, by whom and when?**

Reasons for assessing impact

Participants considered that it was perfectly normal practice to review - at the appropriate time - whether a body entrusted with a particular task was achieving the goals/objectives which had been set. And this was all the more necessary when the body concerned - such as a national preventive mechanism - was financed by public funds. However, it was recognised that assessing the impact of an NPM was complicated by the nature of the overall objective i.e. prevention of torture and other forms of serious ill-treatment. The extent to which an objective of prevention was being met did not lend itself easily to evaluation.

The assessment process should certainly test whether the «internal performance» of the NPM was capable of having a preventive effect. This could identify and establish good practice and - if necessary - trigger a rethinking of strategies, specific objectives and working methods. It might also lead to a reinforcement of the means placed at the mechanism's disposal (staff, etc) if they were found to be inadequate. More generally, if carried out in the right spirit, assessment should be a source of motivation for the persons working for the NPM and could boost their self-confidence.

Assessment could reveal whether recommendations made by the NPM were being fully implemented by the national authorities and whether the changes involved - to practices, standards and laws - were having the desired effect i.e. improving in concrete terms the protection of persons deprived of their liberty. It could also fuel public debate about issues related to the prevention of ill-treatment and, more specifically, provide answers for the media and general public about what the mechanism has achieved.

If it was demonstrated that the NPM was having an impact, this would increase the mechanism's credibility vis-à-vis the national authorities, its interlocutors in places visited and the public at large. And such a positive assessment could be used to justify the maintenance of - and even an increase in - the NPM's resources.

If, on the contrary, the NPM's impact could not be demonstrated, was there a risk of the State reducing the mechanism's funding ? This was considered unlikely, especially if the assessment revealed that the lack of impact was the result of factors beyond the control of the mechanism; and such a negative assessment might even prove beneficial. For example, if the core problem was found to be an uncooperative attitude on the part of the national authoriites, the effect of the assessment could be to prompt a re-examination of the process of dialogue between the NPM and those authorities.

It was added that for certain NPMs at least, the risk of a reduction in their funding could be higher the greater their impact was demonstrated to be!

Assessment by whom and when?

The importance - and even duty - of assessment of an NPM's work by the mechanism itself, using inter alia the tools provided by the SPT, was emphasised. That said, assessment by other bodies was also desirable in order to obtain an outside/objective view. Self- assessment and external assessment were seen as complementing each other.

As regards self assessment, an NPM should keep its resources and working methods under constant review, as from the outset of its activities. To assess the impact of the results of the NPM's work was obviously a different matter; time must be allowed for the implementation of the various recommendations made, especially those of a systemic nature. An interval of several years might be required before a valid assessment could be made of the effects in real terms of recommendations formulated by the mechanism. However, the conditions permitting in due course an evaluation of impact should be ensured without delay e.g. appropriate (SMART) formulation of recommendations; a procedure for systematically supervising their implementation, which is made known in advance to the authorities concerned.

Those directly concerned by the NPM's activities (its «stakeholders») should be involved in the self-assessment process. The mechanism should seek the views of the addressees of its reports and recommendations (government departments, management of places visited), of staff in places visited and - as far as possible - of persons deprived of their liberty.

Various forms of external assessment were possible. As a public entity, an NPM might well be subject to some form of control by another body (legislature, State audit office) and this could involve an element of impact assessment. For example, in several countries the NPM is obliged to report annually on its activities to the national Parliament, and this can give rise to a debate and conclusions. Similarly, sections of the media may decide at some point to take a close look at the mechanism's work. And the NPM may itself take the initiative to seek an external assessment of its activities, by an outside consultant, academia or an NGO with expertise in the area of the prevention of ill-treatment.

With regard to the evaluation of working methods, some participants attached particular importance to peer review by members of other NPMs. As for the impact of an NPM's recommendations, it was argued that the department in an Ombudsperson's Office which is responsible for investigating complaints would be well placed - in view of the information at its disposal - to make an assessment.

The general view was that any attempt to gauge the impact of an NPM in the manner defined during the September 2017 Paris meeting - namely «...to assess (as precisely, objectively and scientifically as possible) the effect (in the short, medium and long term; direct or indirect; alone or in combination with other factors) that it has on the changes occurring in its country in the situation of persons deprived of their liberty in terms of the prevention of torture and ill-treatment» - would certainly have to be entrusted to an external actor. An in-depth assessment of this kind by the NPM itself would place far too great a demand on its resources; and it could not be considered as «objective» if performed by the mechanism.

Theme 2: **What is NPM impact?**

Participants recognised that it would be very difficult, if not impossible, to demonstrate that persons deprived of their liberty were not being ill-treated as a result of an NPM's work. Alternative means of gauging the impact of the mechanisms had to be found.

One approach would be to consider NPM impact as observable change triggered by the mechanism, such as a modification of practice or legislation, an improvement of living conditions or a judicial decision on a detention-related issue. However, this assumed that causality between the NPM's work and the change observed could be established. Moreover, given that the overall objective is prevention (of ill-treatment), an NPM's impact could not necessarily be assessed in terms of change; the mechanism's impact might consist of maintaining the status quo i.e. avoiding a worsening of the situation.

The very presence of an NPM in a place of deprivation of liberty might in itself be regarded as a form of impact, as closed institutions were thereby rendered visible to the outside world. However, it was argued that the presence of an NPM was not enough and could even become a fig leaf if it led to no tangible benefits in terms of strengthening protection from ill-treatment.

It was agreed that criteria on impact should address inter alia the «internal performance» of an NPM. Whether the mechanism concerned was able to have an impact would certainly depend to a considerable extent on how it went about the business of carrying out visits and drawing up reports and recommendations. Does the NPM have the necessary legal basis (independence, powers) and resources (financial and human); is there a well-defined visits strategy covering all forms of deprivation of liberty; are visits sufficient in number; are they properly prepared and carried out in a professional manner by a suitably-qualified team; is information sought from all relevant sources; are visit reports and related recommendations focussed on the key issues in terms of the prevention of ill-treatment and drafted in a «user-friendly» way; etc ? According to several participants, the focus should be less on the number of visits and recommendations and more on their quality combined with a strategic choice of establishments visited. In this connection, the advantages of thematic visits were emphasised.

At the same time it was underlined that an NPM's impact could not be assessed merely by reference to visits and reports. The involvement of the NPM in the process of transforming recommendations into positive change was equally important. The mechanism was not the decision maker, but it should seek to influence the outcome through dialogue with those possessing the power of implementation (the national authorities) and, when necessary, by enlisting the support of others.

This implied the creation of procedures/structures enabling a meaningful dialogue with the administration to occur. And if that dialogue proved fruitless, it was incumbent on the NPM to mobilise other forces (parliament, the judiciary, the media, staff trade unions, NGOs andpublic opinion) in favour of change. In this context, reference was made to the «political» nature of the mechanism's work.

Some participants considered that criteria on impact could be devised by reference to the standards which the NPM seeks to have respected. The mechanisms should certainly be expected to strive to ensure compliance with the (minimum) standards which have been developed at regional and/or international level in relation to many types of places of deprivation of liberty. Of particular interest were the well-known «fundamental safeguards» which should apply as from the outset of custody - notification of a third party as well as access to a lawyer and to a doctor. Recent research commissioned by the APT had confirmed that these safeguards, if both recognised by law and applied in practice, significantly reduce the risk of torture and other forms of deliberate ill-treatment. As suggested in the concept paper prepared for the September 2017 Paris meeting, the impact of an NPM might be assessed in part by the extent to which it ensures compliance with these three key safeguards in the country concerned.

Similarly, was the NPM delving into the measures taken when there were indications of possible ill-treatment; did it check whether investigations were carried out by the relevant authorities and examine the «effectiveness» of any such investigations ? It was widely acknowledged that firm action when ill-treatment occurred had a powerful preventive effect.

For several participants, whether an NPM engages in the non-visit activities listed in paragraph 9 of the SPT's analytical assessment tool should also be taken into account when assessing impact. Particular reference was made to training for staff with responsibility for persons deprived of their liberty; if staff learned how to adopt the appropriate attitude in their relations with persons in their custody, this would pay dividends in terms of the prevention of ill-treatment. The importance of instruction for medical personnel on application of the Istanbul Protocol was also emphasised. Similarly, systematic training for the police, prison officers, etc on the NPM as such - its role, powers and working methods - could have a positive effect.

The degree of attention paid to an NPM's activities by the media and by the public at large (for example, on the publication of a visit report or the mechanism's annual report) was a factor to be considered in any assessment of the mechanism's impact. And what conclusions should be drawn if public opinion (for example, about conditions in prisons) was/remained out of step with the recommendations made by the NPM ? It was argued in this context that an NPM which lost the backing of the general public risked losing in turn the support of the authorities, with all the implications that this could have in terms of resources.

That said, public opinion in most european countries was at best indifferent to the treatment of prisoners (as distinct from certain other categories of persons deprived of their liberty, such as psychiatric patients or the elderly and children held in social care facilities). It would be demanding a great deal to assess an NPM on the basis of its capacity to change this general attitude.

For certain participants, it was also important to keep in mind the potentially negative impact that an NPM could have on NGOs in the country concerned. In particular, if non- governmental organisations were closely associated with the operation of the NPM (i.e. a public body), this might have the effect of tempering their activism and thereby reduce their contribution to the overall goal of prevention of ill-treatment.

Theme 3: **How to measure impact?**

The discussion focussed on trying to identify indicators in relation to various criteria/objectives : internal performance of the NPM; application of its recommendations; the coverage/resonance of the NPM's activities in the public arena; improvement in practice of the situation of detained persons.

As regards the internal performance of an NPM (its authority and credibility), many of the key points had already been mentioned during the discussion of theme 2. Reference was also made to the observation grid prepared by the association NPM Obs. and which had been widely circulated among NPMs; it provided many examples of possible indicators in relation to internal performance. It was noted that one important test of a mechanism's impact was its capacity - and determination - to respond rapidly to urgent situations involving a heightened risk of ill-treatment; in such cases, the action of the NPM could be preventive in a very immediate sense.

Whether an NPM's recommendations are translated into reality is clearly central to the mechanism's impact. The emphasis here should be on a qualitative rather than a quantitative analysis; precisely to what extent has each recommendation been complied with and, most importantly, what remains to be done to achieve the desired outcome ? This implies the existence of a clearly-defined and rigorous system for monitoring compliance with the recommendations: requirement for the authorities to respond within a deadline; written/face-to-face dialogue with the authorities; verification of progress during follow-up visits; in-depth review at regular intervals (e.g. three years) of action taken to implement recommendations of a systemic nature.

And faced with the rejection or only partial implementation of a recommendation, does the NPM take appropriate action to mobilise other forces ? If the recommendation concerns a precise and institution-specific issue, are other bodies which are empowered to visit/monitor the place concerned alerted to the matter (for example, a supervisory judge) ? If the recommendation relates to a more far reaching - perhaps systemic - issue, are there established channels of communication with parliamentary bodies or civil society actors ? Similarly, does the NPM make appropriate use of possibilities to instigate proceedings before the courts for the purpose of pursuing the implementation of its recommendations, or to associate itself with relevant legal proceedings instigated by others ? Particular emphasis was placed on the role that Constitutional Courts can play in certain countries in terms of the implementation of an NPM's recommendations. And is consideration given to seeking the support of international monitoring bodies (SPT, CPT)?

Obviously, the greater the implication of others in pursuing the issue addressed in a recommendation, the more remote will become the responsibility of the NPM for the end result. However, bringing about change will often not be possible without the support of other actors, and the impact of the NPM in such cases could be seen as the action of mobilising that support.

The setting up of a data base dedicated to the implementation of recommendations was seen as an important tool by several participants. Ideally, this would bring together information from a variety of sources, enabling the mechanism to keep track of the precise extent to which each of its recommendations had been accepted and complied with.

More generally, it was considered that a well-designed data base allowing an NPM to exploit all the information gathered over the years would enhance the mechanism's impact in every aspect of its work. In this connection, information was circulated about an extranet database which was being prepared by one of the NPM's represented at the conference.

There was general agreement that being in the «public eye» would promote the impact of an NPM's activities. Was there a strategy of communication ? Were its reports, whether on specific institutions or thematic, made public ? Did they receive extensive coverage in the local/national media ? And was the published material adapted to the audience ? Getting the message across in an effective manner required adjusting the wording, format, «packaging» to the addressee (government officials, the media, the general public, detained persons, etc). Several participants emphasised that photographic material can be very effective in generating awareness of and concern about an issue. It was also important not to focus only on the «bad news»; highlighting positive developments in the area of deprivation of liberty (for example, a vocational training programme yielding positive results) could help to counter preconceived ideas.

As for the objective of actual improvement in the situation of persons deprived of their liberty, there may well be positive changes that can clearly be attributed to the NPM's work; indicators designed to identify such changes would be needed. More broadly, the NPM's contribution to strengthening the protection of detained persons could be assessed using indicators probing its efforts to ensure compliance with recognised standards and preventive measures; in addition to the three fundamental safeguards already mentioned under theme 2, reference might be made to the Mandela and European Prison Rules, the Istanbul Protocol, the Bangkok and Havana Rules, the CPT's standards, etc.

The examination of theme 3 sparked a discussion about whether a distinction should be drawn between the notions of «impact» and «success». It was argued, by way of example, that if legislation was adopted in response to an NPM recommendation, the mechanism could certainly be said to have had an impact; but only if the legislation was subsequently implemented in practice could one speak of success. Certain participants had misgivings about using the notion of «success» in the context of implementation of NPM recommendations. Nevertheless, it was acknowledged that impact should be seen as a multi-layered phenomenon; achieving the objective sought, especially as regards systemic change, could well require a succession of impacts in the context of an overall strategy.

Theme 4: **Establishing causality between changes observed and an NPM's work (and how much does it matter)?**

Participants noted that causality might on occasion be clear, especially in relation to clearly defined and institution-specific issues. Taking away shutters from a cell window, improvements to hygiene, the transfer of a prisoner to a hospital facility or his/her removal from solitary confinement, the setting up an investigation into allegations of ill-treatment; it was not uncommon for concrete developments of this kind to be prompted by an NPM visit and they could even occur while the visit was underway. Moreover, when a new instruction was issued or law adopted, the administrative authority concerned or the legislator may directly refer to the NPM's findings/recommendations as the grounds for taking that measure or at least as being one of them. Similarly, the decision of a court related to the treatment of one or more detained persons (and perhaps with system-wide implications) may specifically refer to the NPM's findings or standards it has advocated.

That said, it was acknowledged that the link of causality would very frequently be far from clear-cut. Despite this, whenever a change was made which was consistent with recommendations made by an NPM, it was considered legitimate to presume that the mechanism had at least contributed to this development. And it was argued that NPMs should not be shy about laying claim to that contribution.

Situations might arise in which a change being introduced was controversial and the authority concerned made reference to the NPM's work as an excuse for the measure. It was argued that the NPM would have to accept being instrumentalised in this way provided the development in question was indeed in line

with its recommendations. However, the mechanism should not hesitate to speak out if its position was being misrepresented; for example, if a recommendation to get rid of large-capacity dormitories was used to justify the introduction of a system of isolation. Other situations could occur in which it might be judicious for an NPM to acquiesce in another body (for example, the legislator) taking all credit for the change concerned, even if the mechanism had made a contribution.

Finally, it was recognised that an NPM was just one participant in a wider process involving numerous actors. There might be value in attempting, in an objective and scientific way, to pinpoint the place of the mechanism in that «ecosystem» and to evaluate the importance of its contribution. The insights provided by an investigation of this kind could enable the NPM to enhance its effectiveness and impact. That said, any such assessment would clearly have to be entrusted to a suitably-qualified body that was fully independent of the NPM concerned.

At the close of the Conference, the representative of the Council of Europe indicated that he felt that the important question of NPM impact assessment has now been sufficiently been reflected upon in a collective manner during the two European NPM Forum meetings in Paris and Ljubljana. It would now be of help to all if one or several NPMs proceeded with a self assessment of their impact combined with an external assessment and if those were made available to the community.

Proposals for an NPM-lead Network

by John Wadham

Introduction: John Wadham from the UK and Eva Csergö, the Europe and Central Asia Programme Officer of the Association for the Prevention of Torture gave an account of the discussions held in Geneva in February with a number of NPMs about the idea of setting up a NPM-lead European Network.

History: The need for an NPM-led network in Europe was voiced back at the 2016 First Annual Meeting of OSCE NPMs, conveyed by the OSCE/ODIHR and the APT in Vienna. Some NPMs thought that they needed to have a unified and independent NPM voice to advocate for enhanced consultation on NPM events organized by other parties. As a follow-up, 12 NPMs then wrote a letter to the OSCE/ODIHR, the European Union and the Council of Europe, calling for an NPM ownership of NPM meetings and events.

Geneva: Those present in Geneva agreed on the usefulness of resuming NPM exchanges at European level, which had been successfully carried out within the former European NPM network under the aegis of the Council of Europe (2010-2012)- but not sustained afterwards. Such Europe-wide initiative would usefully complement the existing NPM platforms and networks in the region, including: sub-regional NPM networks: the South-East European NPM network, the German-speaking NPM network (Austria, Germany, and Switzerland), the Scandinavian NPM network. the European NPM newsletter and other initiatives such as the Slack platform developed by SPT member Mari Amos.

A key reason for the initiative was to raise the profile and status of NPMs internationally: GANHRI, the Global Alliance of NHRIs, managed to successfully carry the voice of NHRIs, build their collective identity and lobby for their presence at UN level. NHRIs now have a consultative status at the UN, and the CRPD for instance also refers to them. For NPMs, many UN meetings- especially under the Human Rights Council- are not accessible, although they can now have private meetings with the UN Committee against torture prior to CAT reviews. As for now, they are for instance obliged to attend the UPR sessions of their State from the public gallery. They need to be more visible, and to get a higher status and recognition, even when they are under an NHRI or an Ombuds institution.

Coordinate on the topics and planning of NPM meetings organized by other stakeholders: If NPMs could speak with one voice, they could be consulted on the agendas and planning of possible NPM meetings conveyed by others. NPM could advocate for specific topics to be discussed at these meetings, and be consulted on the planning of these meetings which often are called late and can conflict with other obligations.

Following the meeting in Geneva Eva had undertaken a survey of NPMS, most of whom wished to see a continuation of this initiative.

Ljubljana: At the meeting in Ljubljana many people were also positive today but some expressed concerns that the initiative might have a negative effect on the current regional structures. However it

was agreed to set up informal Steering Group of willing people from NPMs and that group should meet in next couple of months to sketch out some ideas and then to present them to the larger group at the next opportunity. Some people volunteered for the Steering Group.

Eva agreed to produce a note of the discussions, a written summary of the questionnaire responses and action points from the discussion and when these are circulated she will ask again for volunteers for the Steering Group.

It was hoped that a report back and further discussion could be planned at the next Europe- wide meeting, perhaps in Lithuania or at an APT and OSCE/ODIHR meeting for all NPMs in December.

4.2 APPENDIX:

ACT RATIFYING 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. 20/06)

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 ens ure 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 St ate 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 de posited 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 Obudsman, according to rules which the Ombudsman shall issue after the prior approval of the minister responsible for finance. The rules shall be published in the Official Gazette of the Republic of Slovenia.

Article 6

This Act shall take effect on 1 January 2007.

No. 713-03/91-4/4

Ljubljana, 29 September 2006

EPA 1008-IV

President
National Assembly
of the Republic of Slovenia

France Cukjati, M.D., l.r.

4.3 APPENDIX:

ABOUT NPM IN THE HUMAN RIGHTS OMBUDSMAN ACT

HUMAN RIGHTS OMBUDSMAN ACT
official consolidated text (ZVarCP-UPB2)

(Official Gazette of the Republic of Slovenia, No. 69/2017, 8. 12. 2017)

Article 50c
(National Preventive Mechanism)

(1) As an internal organisational unit of the Ombudsman, the National Preventive Mechanism shall function as per the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment determined in the Act ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of the Republic of Slovenia [*Uradni list RS*] – International Treaties, No. 20/06).

(2) The work of the National Preventive Mechanism shall be managed by a Deputy Ombudsman authorised by the Ombudsman for a certain period.

4.4 APPENDIX:

ABOUT NPM IN THE RULES OF PROCEDURE OF THE HUMAN RIGHTS OMBUDSMAN

RULES OF PROCEDURE OF THE HUMAN RIGHTS OMBUDSMAN OF THE REPUBLIC OF SLOVENIA

(Official Gazette of the Republic of Slovenia, No. 3/19, 11. 1. 2019)

Article 15

(1) The Ombudsman shall also have other internal organisational units:
- a Child Advocacy Unit,
- a Human Rights Centre,
- a National Preventive Mechanism under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter: the NPM).

(2) The management of the internal organisational units shall include in particular coordination of the work processes within each unit, the assignment of cases and giving instructions for the performance of tasks to public employees employed in the unit, the provision of compliance of the unit's operations with the operations of other internal organisational units and the body as a whole, cooperation with institutions and organisations in the country, from abroad and at the international level, and informing the public of selected aspects regarding the operations of individual units.

(3) Assistant managers may be appointed for assistance in the management of internal organisational units.

(4) The tasks and the operation of organisational units shall be performed within the available budgetary funds in accordance with the priority tasks prepared by the managers of the units.

(5) Funds for the operation of internal organisational units shall be provided within the Ombudsman's budget by special separate budget items on the basis of the annual work plan and the activities envisaged for the next budgetary period.

Article 20

(1) The NPM shall provide for the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment by regular visits to places of deprivation of liberty, through recommendations and proposals prepared on the basis of visits, and by commenting on valid or proposed legislation.

(2) In the implementation of the tasks and the powers of the NPM, persons from non-governmental or humanitarian organisations may participate. Such participation shall be regulated by a contract.

(3) The call for applications for the selection of organisations referred to in the preceding paragraph shall be published in the Official Gazette of the Republic of Slovenia and on the Ombudsman's website. The call for applications shall contain the definition of the subject and the purpose of the call for applications to be met by the applicants, the selection criteria and a definition of the period of cooperation.

(4) The public nature of the work of the NPM shall be in particular provided for by the publication of summaries of reports on visits to places of deprivation of liberty and by its annual report.

(5) The functioning of the NPM shall be defined in detail by the methodology of implementing the duties and powers of the NPM adopted by the ombudsman.

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 2018,
Abriged version

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