



REPUBLIC OF  
SLOVENIA



HUMAN  
RIGHTS  
OMBUDSMAN

## **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 2023**

2023



REPUBLIC OF  
SLOVENIA



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**THE REPORT OF THE HUMAN RIGHTS  
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SLOVENIA ON IMPLEMENTING THE  
TASKS OF THE NATIONAL PREVENTIVE  
MECHANISM UNDER THE OPTIONAL  
PROTOCOL OF THE UN CONVENTION  
AGAINST TORTURE AND OTHER CRUEL,  
INHUMAN OR DEGRADING TREATMENT  
FOR 2023**

Ljubljana, May 2024



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**Legend:**

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commendations from the Ombudsman



warnings issued by the Ombudsman



recommendations of the Ombudsman

# 1. IMPLEMENTATION OF TASKS AND AUTHORISATIONS OF THE NATIONAL PREVENTIVE MECHANISM IN 2023

# 1.1 GENERAL

In this document, the Human Rights Ombudsman of the Republic of Slovenia (Ombudsman) reports on the implementation of the duties and powers of the National Preventive Mechanism (NPM) in 2023 under the **Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment** (Optional Protocol), adopted by the United Nations General Assembly at its 57th session on 18 December 2002, and opened for signature and ratification since 4 February 2003.<sup>1</sup> **The Optional Protocol establishes a system of regular (preventive) visits by independent international and national authorities to places where people are deprived of their liberty,<sup>2</sup> in order to prevent torture and other forms of cruel, inhuman, or degrading treatment or punishment.<sup>3</sup>** At the international level, the Optional Protocol establishes the Subcommittee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee Against Torture (CAT), and obliges each State Party to this protocol to establish, designate, and maintain at the national level a body or bodies to places where people are deprived of their liberty for the purpose of preventing torture and other cruel, inhuman or degrading treatment or punishment (NPM).<sup>4</sup>

Each NPM is responsible for visiting all places of deprivation of liberty in the country and checking the treatment of persons deprived of their liberty, with a view to strengthening their protection against torture and other forms of cruel, inhuman, or degrading treatment or punishment. Taking into account legal standards, the NPM recommends to the relevant authorities how to improve the conditions and treatment of persons and prevent torture and other forms of cruel, inhuman, or degrading treatment or punishment. In this regard, they can provide suggestions and comments on applicable or proposed laws.<sup>5</sup>

**In 2006, the Act on the Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) entrusted the Ombudsman with important (additional) duties and powers.<sup>6</sup> We are convinced that this was due to (1) the Ombudsman's constant attention to the complaints of persons deprived of their liberty,**

1. For Slovenia, the Optional Protocol entered into force on 22/02/2007 – see Official Gazette of the Republic of Slovenia No. 17/07, IT No. 3/07.

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

3. See Article 1 of the Optional Protocol.

4. In Article 17, the Optional Protocol stipulates the following: “Each State Party shall maintain, designate or establish, one year after the entry into force of the present Protocol or of its ratification or accession at the latest, 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.

6. Official Gazette of the Republic of Slovenia, No. 114/06 – International Treaties, No. 20/06

**(2) his preventive role in this field through the established and well-developed modus operandi of visiting places where persons deprived of their liberty are located.** In addition, their independence (functional, personal, and financial), which is guaranteed by the Constitution of the Republic of Slovenia and the Human Rights Ombudsman Act (ZVarCP), was certainly of relevance.

By being entrusted with the duties and powers of the NPM, the Ombudsman has become an integral part of the universally applicable system under the auspices of the United Nations that implements at the international and national an (additional) mechanism for the prevention of torture and other forms of ill-treatment level of persons who have been deprived of their liberty. **This is mainly based on regular visits to places of deprivation** of liberty. These preventive visits are intended to prevent torture or other ill-treatment before it occurs.

**Since 2015, a special NPM unit has been operating within the Ombudsman, which does not deal with individual complaints, but only visits places of deprivation of liberty and performs other duties of the NPM.** This has ensured the separation of the two activities of the Ombudsman, i.e. preventive, which is carried out by the NPM, and responsive, which deals with complaints received. The need for such a separation is explicitly underlined by point 32 of the Guidelines on National Preventive Mechanisms (SPT),<sup>7</sup> adopted at the 12th session in Geneva from 15 to 19 November 2010. This stipulates that where the authority responsible for the NPM bears other duties other than those under the Optional Protocol, the NPM's duties must be carried out within a separate unit or department that has its own staff and a separate budget. The exercise of the NPM's duties and powers is thus much more organised and, therefore, more efficient. Better organisation of work also enables better preparation, execution, and reporting on each individual visit. The operation of a special internal organisational unit of the Ombudsman that only carries out the duties and powers of the NPM, was also stipulated in 2017 in Article 50c of the Act Amending the Human Rights Ombudsman Act (ZVarCP-B).<sup>8</sup> Furthermore, it also stipulated that the NPM be headed by a Deputy Ombudsman, who is authorised by the Ombudsman for a specific period.

In 2023, in addition to Deputy Ombudsman and Head of the DPM Ivan Šelih, the following advisers to the Ombudsman continued to work in the NPM unit: Robert Gačnik, BSc protection specialist, Specialist in Criminal Investigation (responsible for visits to prisons, police stations, the Centre for Foreigners and the Asylum Centre), Jure Markič, MA, LLB (responsible for visits to retirement homes and special social welfare institutions), Ana Polutnik, LLB (responsible for visits to competence centres for children and adolescents with emotional and behavioural problems/disorders and other places where children are deprived of their liberty and psychiatric hospitals), and Sonja Božič Testen, LLB (responsible for visits to training institutions and care and work centres).

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

8. Official Gazette of the RS, no. 54/17.



# 1.2

## COOPERATION WITH NON-GOVERNMENTAL ORGANISATIONS

Article 5 of the OPCAT stipulates that the Ombudsman shall exercise the functions and powers of the NPM. In addition, non-governmental organisations (NGOs) registered in Slovenia and organisations that have acquired the status of a humanitarian organisation and are engaged in the protection of human rights or fundamental freedoms, in particular, in the field of the prevention of torture and other forms of cruel, inhuman or degrading treatment or punishment, may cooperate with the Ombudsman in carrying out controls at places of deprivation of liberty and verifying the treatment of persons who have been deprived of their liberty. The Ombudsman selects these organisations, to carry out visits with them on the basis of an invitation to tender. The cooperation with selected NGOs is governed in more detail by agreements.

The OPCAT also stipulates that persons from the selected organisations who are to participate in the performance of the NPM's tasks and powers must declare in writing in advance that they will act in accordance with the Ombudsman's instructions and the rules on the protection of personal and classified information in the performance of these tasks and powers, and this applies to the Ombudsman, his deputies, and the Ombudsman's staff.

The OPCAT further stipulates that funds for expenses and remuneration to persons from organisations which, together with the Ombudsman, carry out the tasks or exercise the powers of the NPM, will be paid by the Ombudsman from their budget items in accordance with the rules issued by the Ombudsman after the prior approval of the Minister for Finance.<sup>9</sup>

**Based on an invitation to tender published on the Ombudsman's website on 25 November 2022 and in the Official Gazette of the Republic of Slovenia no. 148/2022 30/11/2022, the following NGOs were selected in early 2023 to participate for a period until 31 December 2026: Novi paradoks – Slovenian Society for the Quality of Life (NP), Pravo za VSE Society (Pravo za VSE), SKUP – Community of Private Institutions (SKUP), PIC – the Legal Information Centre for the Protection of Human Rights and the Environment, Ljubljana (PIC), Peace Institute Ljubljana (MI), the Slovenian Federation of Pensioners' Associations (ZDUS), Spominčica – Alzheimer Slovenia – Slovenian Association for Help with Dementia (Spominčica), the Slovenian Foundation for UNICEF, Foundation (UNICEF), Association of Friends of the Youth of Slovenia (ZPMS) and the Association of Coexistence – Association of Societies for Helping People with Mental Developmental Disabilities in Slovenia (Sožitje).**

The selected NGOs carry out their tasks and authorisations of the visits with their own representatives, qualified in the specific fields of monitoring, who participate as members of a team appointed by the Ombudsman for each individual visit. Each monitoring team shall thus be composed of representatives of the Ombudsman and of the selected organisations, taking into account the programme of visits adopted for his purpose by the Ombudsman, and, where appropriate, other circumstances that would make an immediate visit necessary.

9. The current rules were published in the Official Gazette of the Republic of Slovenia, no. 13/17

# 1.3

## VISITS TO PLACES OF DEPRIVATION OF LIBERTY

The Ombudsman in his capacity as NPM visits (in accordance with the annual programme of visits) all places of deprivation of liberty in Slovenia, thereby checking the treatment of persons deprived of their liberty, with a view to strengthening their protection against torture and other forms of cruel, inhuman, or degrading treatment or punishment. Taking into account legal standards, the NPM issues recommendations to the competent authorities on how to improve the situation and treatment of persons and to prevent torture and other forms of cruel, inhuman, and degrading treatment or punishment. In relation to this, they also make suggestions and comments on applicable or proposed laws, as stipulated in the Optional Protocol.

The main places of deprivation of liberty in Slovenia include the following:

- prisons with all their branches and the Radeče Correctional Home (ZPKZ),
- competence centres for children and adolescents with emotional and behavioural problems and disorders (SC), crisis centres for children and adolescents (KC),
- certain social welfare institutions (SVZs) – retirement homes, special SVZs, centres for training, work, and care (CUDV), and occupational activity centres (VDC),
- psychiatric hospitals (PB),
- police detention and holding facilities at police stations (PPs) and the Ljubljana Detention Centre,
- the Centre for Foreigners in Postojna (CT) and the Asylum Centre in Ljubljana with its branches (particularly the reception area),
- detention facilities with the Slovenian Armed Forces,
- all other places under Article 4 of the Optional Protocol (e.g. police intervention vehicles, etc.).

### 1.3.1 Visits in 2023

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In 2023, the NPM visited **87 places of deprivation of liberty, namely 22 different locations of VDCs, 21 PPs, 15 retirement homes, 13 different locations of SCs, 6 ZPKZs, 4 special SVZs, 3 PB, 2 KCs and 1 CUDV.** All but 2 visits were unannounced, while 8 were follow-up visits (during which the NPM primarily checked the realisation of recommendations from previous visits).

Details of the visits in 2023 are shown in the following table.

	POLICE STATIONS	PRISONS + PD RADEČE	PSYCHIATRIC HOSPITALS	SPECIAL SOCIAL CARE INSTITUTIONS	RETIREMENT HOMES	COMPTENECE CENTRES FOR CHILDREN AND ADOLESCENTS	CRISIS CENTRES FOR CHILDREN AND ADOLESCENTS	CUDV	VDC	TOTAL
NUMBER OF VISITS	21	6	3	4	15	13	2	1	22	<b>87</b>
NUMBER OF ONE-DAY VISITS	21	5	3	4	15	13	2	1	22	<b>86</b>
NUMBER OF SEVERAL-DAY VISITS		1								<b>1</b>
ANNOUNCED VISITS		1					1			<b>2</b>
UNANNOUNCED VISITS	21	5	3	4	15	13	1	1	22	<b>85</b>
REGULAR VISITS	21	5	3		8	12	2		17	<b>68</b>
FOLLOW-UP VISITS					6	1			1	<b>8</b>
THEMATIC VISITS		1		4	1			1	4	<b>11</b>
MORNING	21	6	3	4	15	4	2		1	<b>56</b>
AFTERNOON						9		1	21	<b>31</b>
EXPERT PARTICIPATION		2	1		2					<b>5</b>

The Ombudsman involves experts with the broadest possible range of recommended specific skills in the exercise of the NPM's tasks and powers. As the selected NGOs are not able to provide some other relevant experts, and the Ombudsman does not have a person with a health care background on its staff, we had to select some of the missing experts from outside. Following a public notice inviting applicants for inclusion on the list of medical experts – who, with the necessary expertise that the Ombudsman does not have, will help to establish, clarify or assess facts that would point to cases of torture and other forms of cruelty, inhuman, or degrading treatment or punishment, or to support him in his visits to places where persons are deprived of their freedom – the Ombudsman selected five medical experts in 2023 (a specialist in emergency medicine, two specialists in psychiatry, a specialist in general surgery, and a specialist in orthopaedics). We have also included them in some of our visits in 2023.

The NPM prepares a comprehensive (final) report on the findings of each visit to the institution visited.<sup>10</sup> This report also contains proposals and recommendations to remedy and improve the situation, including measures to reduce the likelihood of future irregularities or shortcomings. The Ombudsman's representatives and representatives of the selected NGOs are involved in the preparation of the report on the visit. Each participant in the visit, including NGO representatives, must prepare a short report on their own findings from the visit, together with recommendations that form part of the monitoring report. The report is sent to the competent authority, i.e. the superior authority of the institution visited, with a proposal that it take a decision on the allegations or recommendations in the report within a set time limit and communicate this to the Ombudsman. The Ombudsman's representative is usually responsible for drawing up the report on the visit, but a representative of the selected NGO may also be responsible.

The participation of representatives of the selected NGOs in the visits and final reports in 2023 is shown in the table below.<sup>11</sup>

	POLICE STATIONS	PRISONS + PD RADEČE	PSYCHIATRIC HOSPITALS	SPECIAL SOCIAL CARE INSTITUTIONS	RETIREMENT HOMES	COMPETENCE CENTRES FOR CHILDREN AND ADOLESCENTS	CRISIS CENTRES FOR CHILDREN AND ADOLESCENTS	CUDV	VDC	TOTAL
MIROVNI INŠTITUT	1	3				3				7
FINAL REPORT	1	1								2
PIC	8					3			2	13
FINAL REPORT	8	1								9
SKUP	6	1				1	1			9
FINAL REPORT	6									6
UNICEF		2				4			1	9
PRAVO ZA VSE	6	1			5		1		6	19
FINAL REPORT	6	1			4					11
ZDUS						2			6	8
SPOMINČICA					7					7
NOVI PARADOKS			3	4	2					9
ZPMS			1		1				1	3
ZVEZA SOŽITJE								1	7	8

10. In some cases, a transitional report on the visit is also prepared.

11. This does not take into account the reports on the visit to Zveza Sonček and Skupnost Barka and Center za starejših Idila, as they were still being prepared at the time of the preparation of this report. The final report on the visit to UPK Ljubljana (Sprejemni oddelek na Enoti za intenzivno psihiatrijo) and the final report on the visit to VIZ Smednik were also being prepared. (now SC Frana Milčinskega Smednik).

# 1.4

## IMPLEMENTATION OF THE RECOMMENDATIONS ISSUED BY THE NPM

**Implementing the recommendations of the NPM is an obligation of the State Party to the Optional Protocol.** Article 22 of the Optional Protocol requires the competent authorities of the State Party to consider the recommendations of the NPM and to engage in a dialogue with the NPM on possible measures to implement the recommendations. **All recommendations and the competent authorities' responses to them from the visits of the NPM in 2023 are published in separate tables by visited institution on the Ombudsman's website.**<sup>12</sup> These include the keywords the NPM uses to tag each recommendation, using 13 tags: **(1) general, (2) living conditions, (3) treatment, forms of work, (4) health care, (5) activities, (6) staff, (7) contacts with the outside world, (8) nutrition, (9) handling undesirable behaviour, breaches of living rules, (10) records, documentation, (11) legal protection, channels of appeal, (12) transfer, discharge (13) other.** The tables show for each recommendation on which visit the NPM made it and in connection with which place of deprivation of liberty, as well as the type of visit, which nongovernmental organisation participated, and whether an expert also participated in the visit. The table lists the entire recommendation, a short explanation of the recommendation if necessary, the type of recommendation (**systemic, general, or individual**), the keyword mentioned above, the response to the recommendation and a commentary on the response if necessary, the findings from the audit visit, and the response to these findings. The good practices and compliments the NPM has received in its work are also entered in the table. On the basis of the responses received (from the visited institution or parent body) to the recommendations, the NPM determines whether or not the NPM recommendation has been accepted and implemented by the visited institution and/or parent ministry. The implementation of the recommendations is regularly reviewed during follow-up visits to individual institutions and, where necessary, by means of monitoring visits. **The NPM notes with satisfaction that the majority of its recommendations from the visits in 2023 were accepted, more than 50% were immediately implemented, and almost 40% were accepted and already in the process of being implemented.**



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

## 1.4.1 Statistical overview of NPM recommendations in 2023<sup>13</sup>

During the visits in 2023, the NPM prepared 578 recommendations, namely 566 general, 11 systemic, and 1 individual.<sup>14</sup> In the following tables, the NPM presents the recommendations according to the type of individual institutions visited and according to keywords.

### RECOMMENDATIONS BY TYPE

	INDIVIDUAL	SYSTEMIC	GENERAL	TOTAL
TRAINING INSTITUTIONS			7	<b>7</b>
RETIREMENT HOMESS		2	112	<b>114</b>
PSYCHIATRIC HOSPITALS		2	47	<b>49</b>
SPECIAL SOCIAL CARE INSTITUTIONS			28	<b>28</b>
CARE AND WORK CENTRES	1	6	139	<b>146</b>
COMPETENCE CENTRES FOR CHILDREN AND ADOLESCENTS		1	13	<b>14</b>
CRISIS CENTRES FOR CHILDREN AND ADOLESCENTS			8	<b>8</b>
CORRECTIONAL HOME			17	<b>17</b>
PRISONS (ZPKZ AND BRANCHES)			76	<b>76</b>
POLICE STATIONS			119	<b>119</b>
<b>TOTAL</b>	<b>1</b>	<b>11</b>	<b>566</b>	<b>578</b>

13. The tables of recommendations on our websites are constantly updated, and the statistical data of the tables published by the NPM in this report cover the situation at the end of January 2024.

14. The recommendations from the visit to Zveza Sonček and Skupnost Barka and Center starejših Idila are not taken into account here, as they were still being prepared at the time of the preparation of this report.

## RECOMMENDATIONS BY KEYWORD

	ACTIVITIES	LIVING CONDITIONS	OTHER	RECORDS, DOCUMENTATION	ADDRESSING ADVERSE BEHAVIOUR	TREATMENT, FORMS OF WORK	STAFF	LEGAL REMEDY, APPEAL CHANNELS	NUTRITION	TRANSFER, RELEASE	GENERAL	CONTACTS WITH THE OUTSIDE WORLD	HEALTH CARE	TOTAL
TRAINING INSTITUTIONS					1	1		1				2	2	7
RETIREMENT HOMES	12	18	2		9	10	10	38	1			6	8	114
PSYCHIATRIC HOSPITALS	2	11	1	3	12	6	1	10				3		49
SPECIAL SOCIAL CARE INSTITUTIONS					4	4		4				8	8	28
CARE AND WORK CENTRES	3	31	14		5	12	28	33	1			11	8	146
COMPETENCE CENTRES FOR CHILDREN AND ADOLESCENTS		4	2			1	2	4			1			14
CRISIS CENTRES FOR CHILDREN AND ADOLESCENTS	1	3				1	2				1			8
CORRECTIONAL HOME	1	14				1	1							17
PRISONS (ZPKZ AND BRANCHES)	7	39	3			9	4		1			4	9	76
POLICE STATIONS	1	34	4	41		14	2	20	3					119
<b>TOTAL</b>	<b>27</b>	<b>154</b>	<b>26</b>	<b>44</b>	<b>31</b>	<b>59</b>	<b>50</b>	<b>110</b>	<b>6</b>		<b>2</b>	<b>34</b>	<b>35</b>	<b>578</b>

## RECOMMENDATIONS IN THE LIGHT OF THE RESPONSE<sup>15</sup>

	NOT ACCEPTED	NO RESPONSE	ACCEPTED BUT NOT IMPLEMENTED	ACCEPTED AND IMPLEMENTED	AWAITING A RESPONSE <sup>16</sup>	TOTAL
TRAINING INSTITUTIONS				7		7
RETIREMENT HOMES	7		53	53	1	114
PSYCHIATRIC HOSPITALS	5		27	15	2	49
SPECIAL SOCIAL CARE INSTITUTIONS			10	18		28
CARE AND WORK CENTRES		1	54	61	30	146
COMPETENCE CENTRES FOR CHILDREN AND ADOLESCENTS			9	5		14
CRISIS CENTRES FOR CHILDREN AND ADOLESCENTS			5	2	1	8
CORRECTIONAL HOME			7	10		17
PRISONS (ZPKZ AND BRANCHES)	3		37	36		76
POLICE STATIONS	5		27	87		119
<b>TOTAL</b>	<b>20</b>	<b>1</b>	<b>229</b>	<b>294</b>	<b>34</b>	<b>578</b>

15. The recommendations from the visit to Zveza Sonček and Skupnost Barka and Center starejših Idila are not taken into account here, as they were still being prepared at the time of the preparation of this report. The final report on the visit to UPK Ljubljana (Sprejemni oddelk na Enota za intenzivno psihiatrijo) and the final report on the visit to VIZ Smednik (now SC Frana Milčinski Smednik) were also being prepared.

16. At the time of preparation of this report, the NPM was still waiting for a response from VDC Krško – Leskovec, Medobčinskega društva Sožitje Maribor, Zavod Karion, and Želva, d. o. o., and Center za socialno delo Gorenjska regarding the previous report on the visit to Krizni center za mlade Kresnička in Radovljica. The NPM was also waiting for the response of the MVI regarding the final report on the follow-up visit to Strokovni center Logatec and the MSP regarding the visit to DSO Ljutomer, bivalna enota Stročja vas, as well as regarding the visit to Dom starejših občanov Hoče Slivnica, Mavida Radlje ob Dravi, Center starejših Notranje Gorice and Dom upokoencev Center, enota Roza kocka.



# 1.5

## INTERNATIONAL AND OTHER ACTIVITIES OF THE NPM

In addition to visits to places of deprivation of liberty, the NPM carries out a number of other tasks or activities. This includes **drafting proposals and comments on existing or proposed laws.**

In **2023**, NPM members **prepared answers to questions from various networks or other NPMs and bodies, they also attended various education, training, and other meetings where they presented their work.** In the context of the development of guidelines and statutory instructions for the preparation of the Police Work Plan and the planning of the supervision of the Police, members of the NPM also met with the Directorate for Police and Other Security Tasks of the Ministry of the Interior in the year under review (as is customary).

On behalf of the Ombudsman, in Geneva on 14/11/2023, Deputy Ombudsmen Ivan Šelih and Miha Horvat also attended the **78th session of the Committee against Torture (CAT)**, established on the basis of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. At the aforementioned meeting, the Committee discussed the fourth periodic report of the RS submitted by the Republic of Slovenia on the implementation of the aforementioned convention (the country was several years late in submitting it). On his own initiative, the Ombudsman submitted his alternative report to the CAT, in which he highlighted his critical findings on the implementation of the Convention. At the meeting, the two Deputy Ombudsmen presented some additional details orally to the Committee's plenum and then answered its members' questions.

**In addition, the NPM continued to be active in the South-East Europe (SEE) NPM Network,**<sup>17</sup> the purpose of which is to establish better cooperation, exchange experiences, and undertake a number of joint activities to more effectively carry out the tasks and mandates of the NPM for the SEE area under the Optional Protocol.

These and other NPM activities can also be seen from the review of other NPM activities in 2023, which is annexed to this report.

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

# 1.6

## FINANCE

Paragraph 2 of Article 5 of the Human Rights Ombudsman Act stipulates that the amount of funds for the Ombudsman’s work shall be determined by the National Assembly in the state budget. However, the Ombudsman’s own budget includes a separate allocation for the work of the NPM under the sub-programme “Implementation of the tasks and powers of the NPM”.

**In 2023, the Ombudsman spent EUR 148,841 on salaries and other staff expenses.**

Of this, salaries and allowances amounted to EUR 118,328, annual leave allowance to EUR 3,008, reimbursements and allowances to EUR 4,275, merit allowances to EUR 2,283, other staff expenses to EUR 271, employers’ social security contributions to EUR 19,418, and collective supplementary pension insurance premiums under the Law on Supplementary Pension Insurance for Civil Servants to EUR 1,258.

**In 2023, the Ombudsman spent EUR 27,360 on material costs under the Option Protocol.**

Of this, EUR 10,191 was spent on office and general supplies and services, EUR 483 on communication services, EUR 2,218 on mission expenses, EUR 2,967 on other operating expenses, and EUR 24,415 on office rents.

**In 2023, the Ombudsman spent EUR 13,275 of the funds earmarked for cooperation with NGOs,**

of which EUR 5,727 on other operating expenditure and EUR 7,548 on current transfers to non-profit organisations and foundations.

	ALLOCATED FUNDS (STATE BUDGET) IN EUR	APPROVED BUDGET IN EUR	FUNDS SPENT IN EUR	REMAINING BALANCE OF APPROPRIATIONS AGAINST THE APPROVED BUDGET IN EUR
IMPLEMENTATION OF TASKS AND AUTHORISATIONS UNDER THE NATIONAL PREVENTIVE MECHANISM	212.510	191.590	189.476	2.115
SALARIES	148.510	148.841	148.841	0
MATERIAL COSTS	52.000	27.850	27.360	490
COOPERATION WITH NGOS	12.000	14.899	13.275	1.624

# 1.7

## CONCLUDING REMARKS

Encouragingly, we can once again conclude this report by reporting that no cases of torture were identified by the NPM during its visits in 2023. With recommendations for improving the situation, the NPM once again drew attention to cases that may constitute inhumane or degrading (bad) treatment of individuals who are deprived of their liberty.



In addition to the most important preventative effects of the visits, which aim to prevent torture or other ill treatment before it happens, the NPM notes that **in many of the establishments visited, the living conditions of persons deprived of their liberty have improved in 2023, precisely as a result of the NPM's recommendations.**



Again, we can be largely satisfied with the responses of the competent authorities (in particular the institutions visited) to our findings and recommendations for improvement, as they respond regularly and show a willingness to cooperate. However, we stress that in order to improve the situation of persons deprived of their liberty in one way or another, **even better and more in-depth cooperation of the competent ministries is needed, especially in areas where systemic changes are needed.** In this regard, **the NPM specifically highlights the regulation of the appropriate legal basis for restricting the personal liberty of users in all VDCs and CUDVs in Slovenia.** Despite the fact that since 2021, the NPM has been warning the competent MDDSZ and now the MSP of the need to regulate the appropriate legal basis for restricting the personal freedom of VDC and CUDV users, the ministry has not yet started the relevant activities.

Although the NPM reports in more detail on the visits made in 2023 in the second part of this report, it highlights only some of the essential findings here.



In 2023, the NPM welcomed the **opening of the Krizni center za otroke Palček** in Maribor, because until then the only crisis centre for the youngest children in Slovenia was the Krizni center za otroke Palčica in Grosuplje, and it was therefore mostly fully occupied or even overbooked. This also **fulfilled one of the previous recommendations of the NPM**, that the MDDSZ examine the need to establish (at least) one more crisis centre for children under the age of six in Slovenia and then establish a possible crisis centre for children as soon as possible. Otherwise, even in 2023, in both crisis centres for children (and adolescents) visited, the NPM continued to find that they were facing **long-term placements.** At the same time, the MDDSZ confirmed to the NPM that the problem of long-term placement of children and adolescents in crisis centres is extremely complex, and that to solve this problem, several different systemic measures will be needed, which relate both to the legal procedures for the placement of children and to the regulation of each type placement of children in institutional settings.



The NPM further warns that long-term placements and possible other obstacles to education (for example, the insufficient number of employees to accompany children to school and educational assistance) require appropriate action by the authorities,

but should not be a reason that education is not provided for school-age children in crisis centres for children in accordance with the ZOsn (even if it is only in individual cases).

During visits to the majority of competence centres, the NPM was reacquainted with **the problems that professionals in these institutions face due to the placement of children and adolescents in competence centres based on their place of residence** (according to the so-called regional principle). The NPM has repeatedly emphasised in the visit reports that the ZOOMTVI organises competence centres in a uniform manner, but in fact, the competence centres are quite different, particularly in terms of organisation, but also in terms of treatment programmes, which is consequently reflected in the treatment of children and adolescents or in the implementation of programmes. The NPM therefore recommended that the competent ministry determine, in cooperation with competence centres, whether, in accordance with Paragraph 2 of Article 8 of the ZOOMTVI, the placement is indeed always in the best interest of children and adolescents, i.e. to identify possible shortcomings of such placement and take appropriate measures to eliminate them. During its visits to competence centres, the NPM also found (again) **that more and more children and young people placed in these institutions need more help, i.e. more structured and intensive help or therapeutic treatment**. The NPM also recommended that the MVI provide assistance to competence centres in the design of programmes for the treatment of children and adolescents in intensive groups, which are intended for children and adolescents who need the aforementioned help or treatment, and to find other possible solutions with the cooperation of the competence centres for the problems competence centres face due to the ever-increasing number of accommodated children and adolescents with mental health problems. Furthermore, the MVI recommended that the competence centres examine the need for education or training of professional workers for their handling of crisis events and such education or training should then be carried out if necessary. The NPM has also repeatedly identified **problems in the recruitment of medical personnel, or the need for these institutions to employ (additional) medical personnel (mainly in intensive care units)**. At the same time, the NPM notes that the living conditions in individual competence centres or different groups in competence centres differ considerably, and that the size of the rooms of individual groups, or the size and equipment of rooms for children and young people, also varies.

In 2023, the NPM continued with **regular visits to VDCs**. During visits to residential groups and residential units, the NPM noted that better living conditions are provided in smaller units, and services are more adapted to the individual needs of users. During visits to VDCs in 2023, it was also noticed that some users have limited personal freedom and cannot leave the institutional care units independently, and none of them were placed in the VDC in accordance with the provisions of the ZDZdr, which is currently the only legal basis for restricting personal freedom in social welfare institutions. That is why this year, too, the NPM recommended that the MSP regulate the appropriate legal basis for restricting the personal freedom of users in all VDCs in Slovenia. During visits to VDCs, it was also found that institutional care units are facing a **staffing crisis, which indicates an inadequate staffing level standard**, and for this reason, in 2023, the MSP recommended that it carry out the necessary activities to solve the aforementioned problem. The personnel crisis in VDC Nova Gorica (Stara Gora Unit) is particularly pressing; NPM made a follow-up visit there. They concluded that VDC Nova Gorica had started to implement the given recommendations during regular visits, but some of them were still waiting to be implemented due to space and personnel constraints.

In 2023, the NPM also made **thematic visits to four VDCs and one CUDV**. During these visits, the NPM did not perceive that the visited institutions would hinder users from exercising their rights to intimacy and sexuality. In all of the mentioned institutions, the users include couples who have the support of employees, but in this area, some users are somewhat hindered and cannot (completely) make independent decisions about partnerships or intimate relationships. In these cases, the parents or guardians of users decide on partnership and cohabitation, as well as sexual contacts, protection against pregnancy, sterilisation and marriage. This may indicate excessive interference by administrators in the lives of users, therefore the NPM recommended to the institutions visited that in cases where the wishes of users and their relatives or guardians differ regarding the pursuit of private contacts and related issues, they should take into account users' rights to form their own life according to their wishes and within their capabilities.

As part of the thematic visits, the NPM also visited four PSVZs and tried to find out to what extent the residents of these institutions are guaranteed the right to privacy and intimacy, whether they have the possibility of establishing a relationship with a person of the same or a different gender inside or outside the institution, whether such persons are guaranteed the possibility of cohabiting, entering into marriage, what medical treatment the residents receive, whether they are provided with the possibility of contraceptives, what the procedure is in case of a resident's pregnancy, and who decides on termination of pregnancy and sterilisation. In connection with all of the above-mentioned questions, the NPM checked the complaint channels, contact options (visits, phone calls, access to the World Wide Web, etc.) and living conditions. The NPM placed special emphasis on the treatment of sexual violence. During the visits, the representative of the Ombudsman and the representative of the non-governmental organisation also talked to the residents and tried to find out directly from them what the possibilities and limitations are for partnerships, intimate contacts, and cohabiting. Based on the findings from the visits, the NPM issued several recommendations to the authorities.

During visits to wards under special supervision of psychiatric hospitals, the NPM paid attention to a number of circumstances that could indicate a violation of the rights of persons treated in these wards, or ill-treatment or torture. When assessing these circumstances, the NPM took into account both regulations and judicial practice, as well as standards developed on the basis of previous visits by the NPM. When justifying the recommendations, the NPM often referred to the CPT Standards regarding involuntary placement in psychiatric hospitals, or to the CPT Standards regarding the use of PVU in psychiatric institutions for adults. Given the particularly restrictive nature of PVU (i.e. physical restraint with straps), the NPM has always carefully checked compliance with the legal provisions on the implementation of PVU, or identified circumstances that could constitute a violation of the rights of persons in whom PVU was used. The NPM gave several recommendations to the visited psychiatric hospitals (i.e. UPK Ljubljana and PB Vojnik) regarding the use of PVU, the need to consistently ensure privacy and respect for dignity during the implementation of PVU and careful recording of data regarding PVU. The NPM also recommended extreme restraint when assessing when the patient (who is admitted to the ward under special supervision on the basis of consent) agrees to perform PVU and examining the reasons for long-term use of PVU or finding solutions to avoid them or limit them as much as possible. In connection with the PVU, the NPM also made three recommendations to the MZ. The NPM recommended that the MZ examine the need for amendments and additions

to the (legal) regulation of the PVU of physical restraint with straps, especially the provisions on the duration or time limit of this measure; it should then also prepare a corresponding proposal for changes and amendments to the legal regulation as soon as possible, prepare as soon as possible a uniform form for psychiatric hospitals to report on the restriction of the rights of persons and the use of PVU, and based on the findings of the analysis of the data received from the annual reports on the restriction of the rights of persons and the use of PVU, it prepare appropriate measures to eliminate deficiencies in the implementation of PVU.

During visits to wards under special supervision of psychiatric hospitals, the NPM also paid attention to whether patients were aware of their **rights under the ZDZdr and ZPacP and the possibility of legal protection**. The NPM concluded that patients in UPK Ljubljana and PB Vojnik were generally informed of their rights upon admission or later in the ward, and information regarding their rights and legal protection was also mostly available to them on noticeboards in the wards and in leaflets, which should have been received upon admission or were available at the ward. The NPM also made recommendations to psychiatric hospitals regarding the improvement of living conditions and treatment of patients. Most of the recommendations the NPM made to the visited psychiatric hospitals were accepted (40 recommendations out of 45), and 15 recommendations had already been implemented at the time of the psychiatric hospitals' response.

During visits to retirement homes in 2023, the NPM found a **staffing shortage, which led to some visited homes reducing the number of beds available or even closing entire wards**. During the visits, the NPM also noted, similarly to the 2022 thematic visit, that the security of the residents in the so-called wards with personal monitoring is ensured by employees who in one way or another limit the personal freedom of the residents. Representatives of the rights of persons with mental health disorders are still generally not present in retirement homes, and residents, relatives, and employees are not familiar with their role: individual homes are still (even for as long as more than ten years) waiting for the start of the verification process of the secure ward.

It is encouraging that, **during the visits in 2023, the NPM found that the PP has implemented the recommendations of the NPM**. Above all, those that require more time to implement or eliminate identified deficiencies or that require larger financial resources to implement remain unimplemented. Most of the NPM's recommendations from visits to PPs otherwise refer to records and documentation (errors or deficiencies appear in filling out the forms necessary for the execution of detentions) living conditions, legal protection and appeals channels, treatment and forms of work, and others. In particular, the NPM highlights **unaccepted recommendations related to the installation of video surveillance systems at the police stations visited**. The NPM points out that during visits to Slovenia, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has already called for measures to be taken to ensure that in cases of hearings and interviews, electronic equipment for recording police procedures is regularly used as standard practice. Likewise, the United Nations Committee against Torture, when considering the report under the Convention against Torture in 2023, once again emphasised the need for police interrogations in custody in our country to be systematically recorded with video equipment and to strengthen protective measures against torture or ill-treatment. In relation to visits to PPs, during the visit to PPIU Novo mesto, the



NPM warned about inappropriate premises for carrying out procedures or treating foreigners/migrants, as these do not ensure respect for personal safety and human dignity, especially for vulnerable persons, such as families with small children and unaccompanied minors. The premises are also not adapted to the needs of people with mobility impairments.



During visits to penal institutions (ZPKZ), the NPM noted that **the majority of the visited ZPKZs or their wards are faced with overcrowding and a lack of judicial officers**. It was also established that **the number of imprisoned foreigners has increased** significantly in the recent period. The increased number of incarcerated foreigners poses additional problems for employees in dealing with foreigners and their basic familiarisation with the rules of residence or serving detention or prison sentences, as many of them do not speak and understand any of the more commonly used languages. On a positive note, during the visits, despite the great shortage of judicial police officers, it was found that in most cases the imprisoned persons praised the attitude of the judicial police officers towards them.

During the visit to PD Radeče, the NPM once again found that the majority of problems are caused by the premises for the accommodation of minors, as they are in an old and non-functional building.

# 2.

## VISITS TO PLACES OF DEPRIVATION OF LIBERTY



## 2.1

## VISITS TO CRISIS CENTRES FOR CHILDREN AND ADOLESCENTS

In 2023, the NPM visited two crisis centres for children and adolescents. The NPM members visited **Krizni center za otroke Palček Maribor** (KCO Palček) on 25/08/2023, **Krizni center za mladostnike Kresnička** (KCM Kresnička) in Radovljica on 06/12/2023. The visit to KCO Palček was announced (because it was the first visit there), while the visit to KCM Kresnička was unannounced. Both were regular visits. A total of **8 recommendations** were made during visits to the crisis centres for children and adolescents, of which 2 recommendations were addressed to the MDDSZ and 6 recommendations were addressed to the visited crisis centres or centres for social work, whose organisational units are crisis centres for children and adolescents. All recommendations were general. **One of the recommendations addressed to the ministry is awaiting implementation**, and **one recommendation has already been implemented**. KCO Palček **accepted all of the recommendations**. **KCO Palček has implemented 1 of the recommendations, and 4 of the recommendations were awaiting implementation at the time of the response**. At the time of preparation of the annual report, the NPM had not received a response to the recommendation addressed to KCM Kresnička.<sup>18</sup>



The NPM began visiting crisis centres for children and adolescents in 2020. Following the entry into force and application of the Family Code (DZ), we also received confirmation that for crisis centres in the case of placements made in accordance with Article 162 or 167 of the DZ, Paragraph 2 of Article 4 of the Optional Protocol applies. During the visit to the first crisis centre for children and adolescents, the NPM established that the concept of the operation of crisis centres, the essential elements of which were short-term and voluntary accommodation, has changed in recent years, especially after the enactment of the DZ, when the court (also) started to decide on the placements, has changed considerably. **The length of stay in crisis centres began to increase**. As early as 2020, the NPM recommended that the MDDSZ and the MP study the regulation according to the DZ and find an appropriate solution that would prevent the long-term accommodation of children or young people in crisis centres, which is the result of court proceedings, from interfering with their concept of operation. The NPM also learned about long-term placements during the visits to crisis centres in 2021 and 2022. The members of the NPM were familiarised with the hardships that long-term accommodation causes to children and young people, as well as to the employees. In the reports on the visits, the NPM drew attention to the above-mentioned problem and in 2022 again recommended that the MDDSZ, in cooperation with other competent authorities, determine the reasons for long-term accommodation in crisis centres, examine whether such accommodation is compatible with the purpose of the operation of the crisis centres or whether such accommodation benefits children/adolescents and, if necessary, take appropriate measures for the operation of crisis centres that will be consistent with their purpose and will be for the benefit of children/adolescents.



18. The deadline for response has not yet expired at the time of preparation of this document.



The MDDSZ agreed that, given the systemically defined range of services that are provided in the crisis centre during the placement, such placement can only be short-term. It explained that with the aim of defining the causes of long-term placements and preparing appropriate system solutions, they had a meeting with the MP, at which proposals were accepted for each ward to prepare measures within its jurisdiction. As part of the search for solutions to the aforementioned problem, the MDDSZ obtained statistical data from social work centres regarding the duration of placements or the duration of the procedure, and in October 2022, it sent a notice to all social work centres that it is important for social work centres to carry out those activities that can contribute to the shorter placement of a child or adolescent in a crisis centre, i.e. by immediately searching for a more suitable placement of the child and submitting a proposal for the issuance of a new temporary order regarding the placement or transfer of the child to foster care, an institution, or to another person, taking into account the benefit to the child.<sup>19</sup>



In 2023, the NPM found that both crisis centres for children (and adolescents) are facing long-term placements. The NPM members were informed of the adverse consequences of long-term placements for children and adolescents and the need to find a more permanent solution for children and young people as soon as possible. They concluded that, especially in the case of the youngest children who are placed in a crisis centre for children, due to their age and development, it is all the more important that the authorities quickly arrange a more permanent solution, or that their placement in the crisis centre does not last a long time. The NPM therefore recommended that the MDDSZ adopt (additional) measures, if necessary, together with other competent authorities, which will prevent the long-term placement of children and adolescents in crisis centres for children and adolescents, and to inform the NPM of the concrete measures taken it has already implemented for this purpose, or those it still intends to adopt. The MDDSZ replied that **the problem of long-term placement of children and adolescents in crisis centres is extremely complex, that several different systemic measures are needed to solve this problem, which relate both to the legal procedures of placement of children as well as to the regulation of individual types of placement of children in institutional protection, and that the mentioned contents fall under the jurisdiction of various ministries.** The MDDSZ explained that they intend to **provide appropriate training** for employees in social work centres, which should help them to prepare opinions of the highest quality possible, thereby providing courts with sufficient information about the family and the benefits of the children. In this way, they should also influence the speed of procedures. The MDDSZ also explained that **one of the possible forms of placement is the placement of a child in foster care**, and that in the field of fostering activities, they perceive some systemic deficiencies in practice, so in October 2022, the minister appointed a working group to prepare a proposal for the necessary systemic changes in the field in this regard.



Regarding the arrangement of suitable placements within the context of institutional care, the MDDSZ pointed out that there are also activities **in the field of placement in competence centres for children and adolescents with emotional and behavioural problems and disorders**, and that a working group has been established at the MVI for this purpose, the task of which is to examine the issue of children and adolescents in institutionalised accommodation and to prepare proposals for collaboration.



19. Letter from the MDDSZ no. 070-70/2022/2 of 10/10/2022, etc.



Regarding activities for faster court proceedings, the MDDSZ stated that **a working group for experts has been formed at the MP, and that the MP also carries out many activities in order to avoid court backlogs**, and that it implements a project within the framework of the Council of Europe and the European Commission, the content of which is to ensure the greatest benefit of the child in family court proceedings.<sup>20</sup>



During the visit to **KCM Kresnička**, the NPM became aware that the crisis centre has recently seen **an increasing number of children and adolescents with complex problems** (for example, self-injurious behaviour, eating disorders, severe emotional and behavioural problems, mental health problems) and that the treatment of children and adolescents who are placed in a crisis centre is increasingly demanding. Members of the NPM have come to similar conclusions during their visits to other crisis centres for children and adolescents in the past years and pointed this out to the MDDSZ as well and suggested that the ministry take appropriate action or take this issue into account when revising the explanations and professional guidelines for the operation of crisis centres.<sup>21</sup> In 2022, the MDDSZ promised that when the explanations were changed, **it would also approach solving the problem related to the treatment of children and adolescents with mental health problems, and that this area of operation of crisis centres would also be discussed at meetings with representatives of centres for social work and together they would prepare an overview of the situation or, if necessary, proposals for improving the work, and possible system solutions**.<sup>23</sup> In view of the above, in the report on the visit to the MDDSZ asked KCM Kresnička for an explanation as to whether the aforementioned promises had now been realised.<sup>24</sup>



Until March 2023, the only crisis centre for the youngest children in Slovenia was Krizni center za otroke Palčica (KCO Palčica) in Grosuplje. During the visit to KCO Palčica on 06/09/2022, the NPM found that the crisis centre was mostly fully occupied or even overcrowded, and placement times were getting longer, so the NPM recommended that the MDDSZ examine the need to establish (at least) one more crisis centre for children up to six years of age in Slovenia and then establish a possible crisis centre for children as soon as possible.<sup>25</sup> **The NPM therefore welcomed with satisfaction the opening of KCO Palček in 2023**. During the visit to KCO Palček the members of the NPM learned that the employees face demanding work, but that the children who are placed in the crisis centre are very well cared for.



20. Letter from the MDDSZ no. 070-89/2023/2 of 03/01/2024.

21. During visits to crisis centre for children and young people, the NPM found that the tasks of crisis centres are defined (only) in the Catalogue of Public Powers, Tasks According to Law and Services Provided by Centres for Social Work, or in the Explanations and Professional Guidelines for the Operation of Crisis Centres and Intervention Services within the framework of the regional service for coordination and assistance to victims from 2010, and recommended (several times) that, given that since 2010, when the aforementioned explanations were issued, crisis centres have also provided accommodation in accordance with the DZ, the MDDSZ supplement the specified document accordingly. The MDDSZ replied that, taking into account the changes enacted by the DZ, it will examine the explanations in the sense of whether the tasks and concepts of placement in crisis centres for children and adolescents are still adequately defined (MDDSZ letter no. 070-61/2021/2 with 05/082021 and No. 070-99/2021/2 from 03/01/2022).

22. Letter from the MDDSZ no. 070-35/2022 of 13/06/2022.

23. Letter from the MDDSZ no. 070-79/2022/3 of 11/11/2022.

24. At the time of the preparation of this annual report, the MDDSZ had not informed the NPM of the request, because it was (still) waiting for crisis centre's response to the previous report (the deadline for the response had not yet expired).

25. Report on the visit to Krizni center za otroke Palčica (no. 12.2-75/2022 of 29/09/2022).



The NPM also found at KCO Palček (similarly to KCO Palčica) that children who are placed in the crisis centre do not go to kindergarten, **and school-aged children cannot be provided with (primary) education in the crisis centre.** Considering that children have the right to education and that, for this purpose, free primary school education is guaranteed in Slovenia, which is compulsory and accessible to all, **the NPM assessed that children's right to education could therefore be violated. At the same time, the NPM emphasised that long-term placements and possible other obstacles to education (for example, insufficient number of employees to accompany children to school and educational assistance) require appropriate action by the authorities, but should not be the reason for school-age children placed in crisis centres for children not to receive education (even if it is only in individual cases) in accordance with the ZOs.** In 2022, the NPM called on the MDDSZ to decide on the issue of the education of children placed in KCO Palčica and on the proposal of CSD Ljubljana to provide education in cooperation with the primary school that covers the school district of the crisis centre, namely within the framework of an individualised, original work project to help children, which would be carried out by the school in the premises of the crisis centre (although CSD Ljubljana primarily stressed that it would make sense to put more emphasis on solving the problem of long-term accommodation). The MDDSZ agreed with the concerns of CSD Ljubljana that crisis centres are generally intended for short-term placements and enrolling in a new school could cause additional hardship for the child. It also emphasised that the crisis centre for children is intended for children up to the age of six who, as a rule, are not yet of school age, so it only happens exceptionally that a child who is at the beginning of primary school education is placed in the crisis centre. **The MDDSZ welcomed the readiness and the proposal of the CSD Ljubljana and also stated that it will present the proposal to the ministry responsible for education, and suggested that it examine the possibilities of how the primary school, which covers the school district in which the crisis centre operates for providing for a longer period an individualised approach to education or education based on the model of hospital education for children placed in hospital.**<sup>26</sup> Given that during the visit to KCO Palček, the NPM found a similar situation regarding the provision of primary school education as in KCO Palčica, the NPM asked the MDDSZ for an explanation as to whether it had already presented a proposal regarding children's schooling to the competent ministry, and at the same time recommended that in cooperation with CSD Maribor or other competent authorities, it also find a solution for the possible need to provide (primary) education for children placed in KCO Palček. The MDDSZ obtained the opinions and data of both crisis centres for children. In 2023, three school-age children were placed in both crisis centres for children, and in all cases they were placed together with a younger sibling(s), which pursued the goal of reducing the hardships of younger siblings. **According to the ministry, adequate care was taken for the children's education.** The MDDSZ also explained that, as a rule, children of school age are not accommodated in crisis centres for children, and that crisis centres for children also point out that when it comes to whether a child is included in school, it is necessary to consider whether it makes sense for them, especially when it comes to short-term accommodation. If, due to a continued stay, it would make sense for the child to join school, a possible solution would be distance learning, sending material by e-mail, and the help of volunteers in school work. **Based on the above, the MDDSZ has assessed that there is no need for additional regulation in this area for the time being**



26. Letter from the MDDSZ no. 070-110/2022/5 of 01/03/ 2023.



**and at the same time promised that if the two crisis centres for children report problems, they will liaise with the MVI to find solutions.**<sup>27</sup>

During the visit, the NPM made five recommendations to **KCO Palček** or CSD Maribor, whose organisational unit is the crisis centre. Thus, the NPM recommended that CSD Maribor ensure the presence of two staff members in KCO Palček in accordance with the needs of attending to children during the night shift. The NPM also recommended that CSD Maribor arrange for a suitable cooling system at high temperatures in the premises of KCO Palček, which will enable suitable living conditions for the children and working conditions for the employees, and that it should agree with the cleaning service for more frequent cleaning of premises and equipment. The NPM recommended that CSD Maribor make available to the children placed in KCO Palček, in accordance with the capabilities of the crisis centre and the needs of the children, as many different activities as possible, and to examine the need for additional education and training of employees and then organise the education or training. During the visit to KCO Palček, the NPM particularly praised the employees of the crisis centre for **constantly striving to improve the living conditions and the conditions for play and rest, as well as the safety of the children in the crisis centre, with various adaptations and additional equipment.**



During the visit to **KCM Kresnička**, the NPM **praised the crisis centre because, with the aim of mitigating the adverse consequences of a long-term stay in the crisis centre as much as possible, they had decided to provide children and adolescents who are expected to stay in the crisis centre for a long time with a so-called parent person – a professional (co-)worker who (more) intensively monitors the child or adolescent, makes a treatment plan together with them,** conducts regular counselling interviews with the child or adolescent and sets goals for their stay in the crisis centre together with them. During the visit, the members of the NPM found that the premises of the crisis centre were adequate, but they noticed some minor irregularities, therefore the NPM recommended that CSD Gorenjska and KCM Kresnička take care of the elimination of the identified irregularities in the premises of the crisis centre as soon as possible and ensure optimal living conditions for children and adolescents and working conditions for employees. At the time of preparation of the annual report, the NPM has not yet received a response to the previous report.<sup>28</sup>

27. Letter from the MDDSZ no. 070-89/2023/4 of 24/012024.

28. The deadline for response has not yet expired at the time of preparation of this document.

## 2.2 VISITS TO COMPETENCE CENTRES FOR CHILDREN AND ADOLESCENTS WITH EMOTIONAL AND BEHAVIOURAL PROBLEMS AND DISORDERS

In 2023, the NPM visited four competence centres for children and adolescents with emotional and behavioural problems and disorders (competence centre) and eight education groups, six residential groups and three assertive groups, which work within the framework of competence centres. All visits were regular and unannounced.

At **Mladinski dom Malči Beličeve** (MD Malča Beličev), the NPM visited four educational groups on 07/03/2023, on 08/03/2023 members of the NPM visited a residential and intensive group in Ljubljana, and on 09/03/2023 a residential group in Brežice. The NPM visited **Vzgojni zavod Kranj** (VZ Kranj) on 28/06/2023, when they visited the residential group in Stražišče and the assertive group in Kranj, respectively, and on 29/03/2023, when they visited the residential group in Lesce. The NPM also visited **Vzgojno-izobraževalni zavod Višnja Gora** (VIZ Višnja Gora), namely on 18/04/2023 two educational groups in Višnja Gora and on 19/04/2023 the Brod residential group in Ljubljana. On 18/10/2023, the NPM visited two educational groups at the **Vzgojno-izobraževalni zavod Fran Milčinski Smlednik** (VIZ Smlednik)<sup>29</sup> and on 19/10/2023, they also visited the residential group in Ljubljana and the assertive group in Kranj.

During the visits to competence centres, the NPM made a total of **14 recommendations, of which 4 recommendations were addressed to the MVI and 10 to the visited competence centres**. One of the recommendations addressed to the MVI was systemic, while the others recommendations addressed to the MVI and all of the recommendations addressed to the competence centres were general. **The MVI accepted all recommendations and has already implemented one of them, while the other recommendations were awaiting implementation at the time of the ministry's response**. The visited competence centres had **implemented 4 of the 10 accepted recommendations, while 6 recommendations were accepted, but they were still awaiting implementation**. The NPM's findings from individual visits, their recommendations and the responses to them can be seen in the tables published on the Ombudsman's website<sup>30</sup>, therefore only some essential findings from the visits made in 2023 are presented below.



Despite the positive changes in the treatment of children and adolescents with emotional and behavioural problems and disorders in education, that came into force

29. After the NPM visits, the Government of the RS established Stokovni center Kranj (Decision of the Government of the RS dated 27/06/2023, entry in the register on 31/08/2023), which is the legal successor of VZ Kranj, Stokovni center Višnja Gora (Decision of the Government of the RS dated 27/06/2023, entry in the register 09/08/2023), which is the legal successor of VIZ Višnja Gora in Stokovni center Frana Milčinskega Smlednik (resolution of the Government of the RS dated 26/09/2023, entry in the register 30/11/2023), which is the legal successor of VIZ Smlednik.

30. <https://www.varuh-rs.si/o-varuhu/organizacijske-enote-in-svet-varuha/drzavni-preventivni-mehanizem/levi-meni/priporocila-iz-obiskov-preglednice/?categories=>.



with the ZOOMTVI, in 2023, during visits to most competence centres, the members of the NPM **learned about the problems that professionals in these institutions face due to the placement of children and young people in competence centres according to their place of residence** (according to the so-called regional principle).<sup>31</sup>

The NPM has repeatedly emphasised in the reports on the visits that the ZOOMTVI regulates the competence centres in a uniform manner, but in fact the competence centres are quite different, especially in terms of organisation, but also in terms of treatment programmes, which is consequently reflected in the treatment of children and adolescents and in the implementation of programmes. The NPM therefore recommended to the competent ministry that, **in cooperation with competence centres, it should find out whether the placement in accordance with Paragraph 2 of Article 8 of the ZOOMTVI is really always in the best interest of children and adolescents, and to find out the possible shortcomings of such placement and take appropriate measures for their elimination.**<sup>32</sup> In response to the said recommendation, the MVI cited the provision in Article 8 of the ZOOMTVI and at the same time explained that, depending on the needs of children, all competence centres have the possibility of forming all kinds of groups, and accommodation as close as possible to home is fundamental for cooperation with the family and the child's return home as soon as possible.<sup>33</sup> The MVI also explained that an **initiative was taken at the MDDSZ to establish a working group, which would consist of representatives of the MVI, MDDSZ, centres for social work, and competence centres, and which would identify problems in the cooperation system and propose solutions.**<sup>34</sup>



During the visits to competence centres, the NPM found (again) that **more and more children and young people placed in these institutions need more help, or more structured and intensive help or therapeutic treatment.** In competence centres, they face various forms of violence (among the young people themselves, as well as towards the employees), consumption of (forbidden) psychoactive substances, escapes, thefts, many children and young people have mental health problems, self-harming behaviour, and eating disorders or other combined disorders. As a rule, competence centres place children and adolescents with such problems and the need for more intensive help in intensive groups, although many children and adolescents who are placed in educational groups also need intensive help or treatment. In the past, the NPM has recommended to the competent ministry that **it should provide assistance to competence centres in the design of programmes for the treatment of children and adolescents in intensive groups, which are intended for children and adolescents who need the aforementioned help or treatment, and that with the participation of competence centres, it looks for other possible solutions to the problems faced in competence centres due to the ever-increasing number of accommodated children and adolescents with mental health disorders.**<sup>35</sup> The MVI explained that the formation of assertive groups is the responsibility of competence centres, which



31. In accordance with Paragraph 2 of Article 8 of the ZOOMTVI, after the emergency removal has been carried out, the centre for social work places the child in a competence centre, which coordinates the cooperation of competence centres in a certain area. With a decision on placement or a centre for social work, after issuing a decision on the imposition of an educational measure of transfer to an educational institution, the court designates a competence centre that coordinates the cooperation of competence centre in a certain area. As a rule, the competence centre in the area where the child or young person lives is determined for the child or young person. Exceptionally, a competence centre outside the area where the child or young person resides is determined, if there are valid reasons for this.

32. Report from the visit to Mladinski dom Jarše no. 12.2-82/2022, 12.2-83/2022, 12.2-84/2022, 12.2-85/2022 of 28/02/2023.

33. Letter from the MVI no. 0606-4/2023/2 of 03/04/2023.

34. Letter from the MVI no. 0606-4/2023/5 of 10/05/2023.

35. Cited report on the visit to Mladinski dom Jarše and the report on the visit to Vzgojni

must obtain (only) the consent of the ministry. **It also explained that the ministry is also looking for other forms and sources of help, both through efforts to expand the medical staff and the number of employees in competence centres, and other competent ministries are also pointing out problems on the ground.**<sup>36</sup>



The employees of the competence centres also briefed the NPM members on how to act in the event of various crisis events. In the Educational Programme, among the standards of behaviour of professional workers in cases of hetero-aggression, it is stated that, among other things, physical stopping or, exceptionally, physical restraint (holding hands, legs) of a child or adolescent is also permissible.<sup>37</sup> At the same time, the NPM emphasised that **it is important that professionals are properly trained to deal with (and after) crisis events. Especially in the case of behaviour that requires physical restraint or even physical restraint, according to the NPM, it is important that professionals are properly trained in such restraints, so that they can be carried out in a way that is safe for both the child and the young person as well as for the person implementing the measure.** The NPM also drew attention to the need for knowledge about providing first aid, about dealing with children with mental health disorders and other knowledge, and **recommended that the MVI examine the need for competence centres to educate and/or train professionals for their handling of crisis events and then carry out such education or training if necessary.**<sup>38</sup> The MVI explained that the standards of behaviour of professional workers during crisis events are of great help in carrying out professional work in competence centres. Regarding education, it stated that the programme of professional education and training of workers in the competence centre is determined by the principal and not by the ministry. A catalogue of continuing education and training programmes is created every year and **they have not received information from competence centre about the needs for this type of education.**<sup>39</sup>



Given that, during visits to competence centres, the NPM has repeatedly concluded that a smaller number of children in groups would probably contribute to better treatment of children and adolescents and to solving the (previously) mentioned problem,<sup>40</sup> in 2023 **it welcomed the adoption and enforcement of the (harmonised with the ZOOMTVI) Rules on Standards and Norms for the Implementation of Educational Programmes for Children with Special Needs, which, among other things, lowered the standard for the creation of educational and assertive groups.**



During the visits to competence centres, the NPM also **repeatedly identified problems in the recruitment of medical personnel, or the need for these institutions to recruit (more) medical personnel (particularly in assertive groups).** Competence centres must address their proposals for the employment of medical personnel to the Community of Organisations for the Training of Persons with Special Needs in the Republic of Slovenia (SOUS), which then negotiates with the ZZS, and further approval by the MZ and the Government of the RS is required. The MVI explained that



41. Letter from the MVI of. 0606-26/2023/2 of 4/09/2023.

42. Cited report of the visit to MD Malči Beličeve.

43. Cited letter from the MVI of 22/05/2023 and letter from the MVI no. 0606-34/2023/2 of 21/12/2023.

44. In 2018, during the thematic visits to some competence centres and centres for training, work and care, when the NPM paid attention primarily to checking the material conditions for learning and work of children and adolescents, the NPM concluded that the conditions for work and learning of children and young people differ considerably according to individual competence centres. It follows from the report on thematic visits (No. 12.2-73/2018, 12.2-74/2018, 12.2-75/2018, 12.2-76/2018 from 07/02/2019) that "the area





it is involved in this process in the phase of interdepartmental coordination of government materials, whereby it always supports the efforts of SOUS and also argues substantively about the need for medical personnel. Over the past years, there have been three working groups at the MVI, which prepared the starting points for the preparation of the necessary staffing standards for medical personnel, namely for kindergartens (for an adapted preschool education programme), for primary schools and institutes that implement adapted education programmes, and a special upbringing and education programme, and for competence centres. **The MVI informed the NPM that the proposals for the 2022 norms were forwarded to the MZ and that a substantive meeting was held in 2023 at the level of the state secretaries of the MVI and the MZ.**<sup>41</sup>

When visiting competence centres, the NPM members always paid attention to the suitability of the premises of individual groups, and their equipment and maintenance. **The NPM believes that the premises of competence centres or individual groups, especially intensive groups in which children and adolescents with the most difficult problems are placed, must be properly adapted to the treatment of children and adolescents, and must provide children and adolescents (as well as employees) with a safe environment and well-being.** Given that residential or intensive groups generally do not operate in the same location as the competence centre itself, but have premises in apartments or houses, often rented ones, the NPM learned during their visits that children and young people often destroy or damage the inventory or equipment in the group's premises, the NPM considered that it would be better if (especially assertive) groups were not in the rented premises. The NPM members also learned that competence centres often have problems in obtaining suitable premises for residential or intensive groups. The NPM **therefore recommended that the MVI provide competence centres with the necessary assistance in obtaining suitable accommodation for children and young people.**<sup>42</sup> The MVI explained that there have been major changes in the upbringing and education of children and young people with emotional and behavioural disorders, and that they are trying to gradually provide an adequate number of places for groups to stay outside the headquarters of the competence centre. **In accordance with their financial capabilities, they rent or buy individual apartments or apartment buildings that are suitable for housing groups. In 2022 and 2023, the MVI bought four houses, one in each of the regions, where competence centres have the opportunity to form an intensive group.**<sup>43</sup>



During the visits to competence centres, the NPM found that **the living conditions in individual competence centres or different groups in competence centres differ considerably, and that the size of the rooms of individual groups, or the size and equipment of rooms for children and young people, varies.**<sup>44</sup> Therefore, the MVI **recommended that it prepare or adopt standards/norms for the construction and equipment of competence centres or individual groups operating within the framework of competence centres.** The MVI explained that **they will approach the**

41 Letter from the MVI of. 0606-26/2023/2 of 4/09/2023.

42. Cited report of the visit to MD Malči Beličeve.

43. Cited letter from the MVI of 22/05/2023 and letter from the MVI no. 0606-34/2023/2 of 21/12/2023.

44. In 2018, during the thematic visits to some competence centres and centres for training, work and care, when the NPM paid attention primarily to checking the material conditions for learning and work of children and adolescents, the NPM concluded that the conditions for work and learning of children and young people differ considerably according to individual competence centres. It follows from the report on thematic visits (No. 12.2-73/2018, 12.2-74/2018, 12.2-75/2018, 12.2-76/2018 from 07/02/2019) that "the area

**creation of standards/norms for the premises and equipment of competence centres or individual groups** after they have completed the preparation of standards/norms for the premises and equipment of student dormitories and secondary schools (**presumably 2025**).

The NPM **also recommended that the MVI publish information on the network of competence centres and explanations about their work on its website**, as the NPM considered that it would be reasonable to inform the general public with information about the network of competence centres and explanations about their operation online, and such data would undoubtedly also be useful to various institutions (for example, courts, centres for social work, the Ombudsman) who in the course of their work come into contact or cooperate with competence centres, as well as children and young people who are placed in competence centres or their parents and guardians. **The MVI implemented the mentioned recommendation.**

In addition to regular visits, the NPM also carried out a follow-up visit to the **Strokovni center Logatec** (SC Logatec), namely two educational groups in Logatec, and verified the implementation of the recommendations from the regular or previous follow-up visit to this competence centre, which were carried out in 2022. During the follow-up visit, the NPM, visiting and viewing the premises of educational groups in the parent unit SC Logatec, was pleased to note that the premises of the educational groups have been renovated and newly equipped, and irregularities or dangers pointed out by the NPM (pulled out lights, broken light bulbs, bare wires, missing light covers, removed covers of electrical distribution boxes, pulled out sockets, protruding screws, etc.) had been eliminated. Damaged and falling plaster in all rooms (both common areas and rooms for young people) had been repaired, and the walls whitewashed or partially painted with water-resistant paint. The mould in the bathrooms, which was (also) a danger to the health of young people, had been removed, and the ventilation in the bathrooms and toilets had also been repaired. They had also removed the wooden panelling around the windows, which had been destroyed due to flooding, and replaced it with plaster panelling (the windows themselves had already been replaced before this renovation work). The NPM found with permission that the furniture in the rooms for young people had been changed. Old, worn, and damaged furniture had been replaced with new beds, wardrobes, and storage areas. All rooms now also have desks and chairs. The renovation of the premises of the educational groups was co-financed by the MVI through tenders for investment maintenance works.

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the construction and equipment of institutions that implement educational programmes is not legally regulated and that special standards and norms for the construction and equipment of said institutions do not exist. From the competent ministry, the NPM was only aware of the Standards for the Construction and Equipment of Homes for Secondary School Students in the SR of Slovenia from 1976, which should still reasonably be used for the construction and equipment of institutions that carry out educational programmes “. Since the NPM believed at the time that the lack of legal regulation as well as funds for maintenance and investments contributed to large differences between individual institutions regarding the appropriate conditions for learning and work that they were supposed to provide for children and young people, it recommended that the ministry prepare appropriate standards and norms for the construction and equipment of institutions that carry out educational programmes, and provide them with (financial) resources in the amount that will enable the fulfilment of the stated standards and norms. In its reaction at the time, the ministry wrote, among other things, that new legislation is being prepared and that the guidelines for working with children are being revised, and that after the new regulation is implemented, they will also consider the possible need to regulate legal regulations for spatial conditions and equipment for individual types of groups.



## 2.3 VISITS TO CENTRES FOR TRAINING, WORK AND CARE

In 2023, the NPM made a thematic visit to **Center za usposabljanje, delo in varstvo Dobrna** (CUDV Dobrna), which implements a special programme of upbringing and education and institutional care for children and adolescents up to the age of 26 who are included in this programme, and institutional care for adults with disabilities in mental and physical development, as well as guidance, care, and sheltered employment services under special conditions.

The thematic visit was carried out in the context of determining the extent to which users are guaranteed the right to privacy, which is described in more detail in the chapter on visits to special social welfare institutions and care and work centres, as within the mentioned topic the NPM also visited four special social welfare institutions, one retirement home and four care and work centres.

During the thematic visits, the NPM made seven recommendations aimed at all the institutions visited (they are listed in the part of the report that refers to special social welfare institutions). Based on the response of CUDV Dobrna, the NPM concluded that **all recommendations have already been implemented**. During the visit to CUDV Dobrna, the NPM **recommended that all units in which users stay should install a mailbox for complaints and a description of complaint routes in an easy-to-read manner**, since there was no mailbox and description of complaint routes in the Deteljica residential group at the time of the NPM's visit. Since CUDV Dobrna keeps records of complaints, but they do not analyse complaints, nor do they publish an annual report on complaints, the NPM, when visiting CUDV Dobrna, also **recommended that they consider conducting an annual analysis of complaints and publishing it in the annual report**. CUDV Dobrna stated in response to the previous report that they had installed a mailbox for complaints and an easy-to-read description of complaint routes in the Deteljica residential group, while in all other residential and external residential units this was implemented in September 2022. At the end of each calendar year, the social service will conduct an analysis of complaints, which the CUDV Dobrna management will publish in the annual report.

During the visits it was also established that that regarding questions about partnerships, sexual relations, and cohabiting, CUDV Dobrna always cooperates with guardians or parents, as most users find it difficult to understand the consequences of individual decisions and therefore usually take into account the opinion of guardians or parents regarding these issues. The extent to which this opinion is taken into account depends on various circumstances, both the dynamics of the relationship between two users and the ability to understand the consequences of the partnership. With regard to **the recommendation that in cases where the wishes of users and their relatives or guardians regarding the realisation of private contacts and related issues differ, the rights of users to shape their own lives should be taken into account according to their wishes and within their capabilities**, CUDV Dobrna stated in response to the previous report that they always strive to take into account the needs and wishes of users and they place great emphasis on protecting the dignity



of the user, professionalism, discretion, and correctness in providing and transferring information to persons who are entitled to it. Therefore, even in situations where the opinions and wishes of the users and their relatives differ, they are particularly consistent and understanding towards all involved. At the request of users or the assessment of professionals or groups, they are their first defenders, who in the mentioned situations most often act relatively successfully in the role of mediator, and together they also strive to strengthen the power of users and to empower them.

Regarding gynaecological treatment of users, the NPM learned during the visit that all users between the ages of fourteen and seventeen are included in treatment. Some users are taken to gynaecological examinations by their parents, otherwise employees drive them. Most of the users have a gynaecologist at Terme Dobrna, but some are taken care of by their parents and the institution has no influence on this. Female users visit a gynaecologist every three years or more often. For users who are not sexually active, the gynaecologist performs an abdominal ultrasound. From the CUDV's response to the **recommendation that users who did not change their permanent residence when placed in a social welfare institution, national preventive programmes at the Institute of Oncology Ljubljana or the National Institute of Public Health should be informed of the user's new address**, it follows that all users at the CUDV headquarters registered only a temporary address. Notifications related to the mentioned preventive programmes are sent to the legal representatives of the users at their permanent addresses. If CUDV Dobrna receives a notice, invitation to an examination, or a report after an examination, it informs the legal guardians about it, forwards the documents to them, and always participates in the organisation of further procedures, if necessary. Given that the established system ensures appropriate treatment of users, **the NPM considers the recommendation to have been implemented.**

CUDV Dobrna organises education for users about sexuality, contraception, and pregnancy and its consequences. In response to the previous report, the CUDV stated that users have regular counselling sessions with psychological and social services, where the mentioned topics and related problems are often discussed. They are provided with support in safe web browsing as part of a computer science class or elective activity. CUDV Dobrna probably organises lectures for users once a year on the topic of sexuality, sexual violence, intimacy, and the like. A user meeting on the topic of sexuality is also planned for the next two years.

Those users of CUDV Dobrna who know how to use phones have their own mobile phones. They can use these without supervision and restrictions, the exception being the ban on using the phone during activities in the morning, and there are no restrictions in the afternoon and evening. A shared telephone and computer are also available for users, as well as internet access.

It was also **recommended that the CUDV Dobrna carry out appropriate training regarding the inadmissibility of sexual violence, as well as how to act in the event that it occurs (for example, who can be contacted in such a case).**



## 2.4 VISITS TO CARE AND WORK CENTRES

In 2023, NPM visited **18 care and work centres (VDC) including their dislocated units (a total of 22 institutional care units)**, which provide social welfare services of guidance, care, and sheltered employment under special conditions and institutional care for adults with developmental disabilities and multiple disabilities.

In 2022, the NPM began systematic visits to institutional care units (residential units, housing groups and larger units) in the VDC, with the aim of determining to what extent users' personal freedom (freedom of movement; what are the legal grounds for such restrictions; how the visited units deal with cases of unwanted user behaviour and whether they use PVU in case of incidents; the NPM also looked at what the living conditions are like in these units and to what extent the users decide about their lives or the way they stay in protection the institutional units). In 2023, the NPM continued these visits and made **regular visits to 7 public institutions and 6 concessionaires with their units**. The NPM visited these institutions for the first time, namely the NPM visited a total of **17 institutional care units** (they were residential units and residential groups). **In addition to regular visits, there was 1 follow-up visit and 4 thematic visits to VDCs.**

**The NPM made unannounced regular visits to VDC Vrhnika – Idrija, VDC Zasavje, VDC Postojna, VDC Ajdovščina – Vipava, VDC Koper, VDC Šentjur, VDC SAŠA, Medobčinski društva Sožitje Ptuj (Sožitje Ptuj), Medobčinski društva Sožitje Maribor (Sožitje Maribor), Zavod Karion, podjetja Želva, d. o. o. (Želva), Zveza društev za cerebralno paralizo Sonček (Zveza Sonček) and Skupnost Barka .<sup>45</sup>**

During **regular visits to 11 VDCs, the NPM gave a total of 112 recommendations, of which 43 were accepted and have already been implemented, and 45 are awaiting implementation.** Regarding 1 recommendation, the VDC did not make a decision and the NPM will check its implementation during a future visit. At the time of preparation of the annual report, the NPM has not yet received responses from the three visited institutions, namely Sožitje Maribor, where the deadline for response has already expired, and Zavod Karion and Želva, where the deadline for response to the previous report has not yet expired. Thus, during the preparation of the annual report, the NPM was waiting for a response to 23 recommendations. The NPM's findings from individual visits and the recommendations and responses to them can be seen in the tables published on the Ombudsman's website,<sup>46</sup> therefore, only some essential findings from the visits in 2023 are presented below.

45. In these two cases (Zveza Sonček and Skupnost Barka), the report on the visit was still being prepared at the time of preparation of the NPM annual report.

46. <https://www.varuh-rs.si/o-varuhu/organizacijske-enote-in-svet-varuha/drzavni-pre-ventivni-mehanizem/levi-meni/priporocila-iz-obiskov-preglednice/?categories=>.



During the visits to the institutional care units in the VDC, the NPM noted again that **living in smaller units ensures a better quality of life**, and users can make more decisions about their lives, as the service in smaller units is more adapted to the individual needs and wishes of the users. At the same time, the NPM praised the good practices that contribute to better service delivery and thus a better quality of life for users. The NPM notes that in all the units visited, access to the bathrooms is provided to the users at all times, many rooms are furnished and arranged in accordance with the wishes of the users, especially in the smaller units, the users are involved in taking care of the living environment and the surroundings of the buildings according to their abilities, and employees also encourage them to live more independently. In most of the visited units, users have a variety of leisure activities available, and some of the visited institutions enable users to spend quality free time with additional methods. For example, the NPM particularly praised the accompaniment of an interpreter for the blind for a blind user at football matches and the provision of sailing for users who otherwise need help with daily tasks and care.

**During the visits to VDCs in 2023, the NPM found that some users have limited personal freedom and cannot leave the institutional care units independently**, and none of them were placed in the VDC in accordance with the provisions of the ZDZdr, which is currently the only legal basis for restricting personal freedom in social welfare institutions. Since such a restriction of personal freedom is only possible on the basis of an appropriate legal basis and since it is a problem of a systemic nature that must be solved comprehensively and uniformly at the level of the entire country, the NPM also warned the MSP about this during the visits in 2023 and **recommended that it actively approach activities to ensure an appropriate legal basis for restricting the personal freedom of users in all VDCs in Slovenia**. The MSP **again accepted the recommendation, but has still not implemented it**. In this regard, the Ombudsman received a response from the MSP on 20/03/2023, in which it was (again) stated that the ministry is currently carrying out activities primarily focused on the target group of children and adolescents who, within the framework of the institutional care service, need additional specialised protected treatment (protected ward). After the implementation of two pilot projects in two centres for training, work and care (Zavod za usposabljanje, delo in varstvo dr. Marijana Borštnarja Dornava and Center za usposabljanje, delo in varstvo Dolfke Boštjančič, Draga), guidelines and instructions for the use of special protective measures based on the ZDZdr and the Act on Amendments and Supplements to the Act on Patient Rights were prepared. After the completion of the projects and activities for the group of children and adolescents with combined disorders of intellectual development and mental health problems, the consideration of services for adults will be approached, according to the assurances of the Ministry. At the MSP, it is estimated that a similar direction will be introduced for the entire field of institutional care services (in VDCs and CUDVs) for persons with the most severe behavioural disorders. According to the MSP's assessment, the solutions should be implemented by the end of 2023. In response to further calls for the regulation of this area, the Ombudsman received a reply from the MSP on 08/12/2023, in which it was stated that a working group will be formed shortly, to which various stakeholders working in the field of social welfare will be invited. They estimate that the MSP guidelines for working with people with intellectual disabilities and the training of all employees to work according to the guidelines will be sufficient to regulate the field. **The NPM asked the MSP for an explanation as to whether the said working group has already been formed, but at the time of preparation of this document an answer had not been received.**





During the visits to VDCs, the NPM also noted that in the institutional care units (mainly due to the increased needs of the users with age and thus the decline of their skills in everyday tasks and care) they face a staffing crisis, which is especially acute when employees are absent due to sickness or holidays. As early as 2022, the NPM warned the competent ministry about this, which replied that in April 2022, the Rules on Amendments and Supplements to the Rules on Standards and Norms for Social Welfare Services was adopted, which specifies changes to the norms for employees in retirement homes, special social welfare institutions, care and work centres, and training institutions. Revised staffing level norms for beneficiaries in smaller, dislocated residential groups and residential units of institutional care for adults with intellectual disabilities or multiple disabilities were also adopted. Amendments to the Rules on Standards and Norms for Social Welfare Services stipulate that by 2030, the number of employees in the existing network of providers will increase by more than 2,200. The upgrade of these rules is based on the actual needs in social care and determines the timeline for the gradual increase of personnel until 2030. Providers in the field of services of care and work centres, as well as training institutes, participated in the creation of proposals for changes to standards and norms. With the aim of dealing with personnel problems in social care and preparing solutions that will have a positive impact on the field of employment, a working group was appointed to prepare a proposal for short-term and long-term measures to solve personnel problems with providers of social care services and programmes. It is planned that personnel measures will be part of the national implementation plan in the field of social welfare in the period from 2022 to 2025. Based on the above answer, the NPM **recommended that the MSP study how the amended Rules on Standards and Norms for Social Welfare Assistance Services and the national implementation plan in the field of social care in the period 2022–2025 affect the possibility of additional posts in institutional care units, and if it finds that additional contractors could be employed in the units, it also enable the contractors to do so.** The MSP **has accepted the recommendation, but has not yet implemented it.** It explained that the effects brought about by the amendment to the *Rules on Standards and Norms for Social Welfare Services* are still being monitored at the ministry and will be examined as part of the further resolution of staffing issues with providers of social welfare services and programmes. In general, all social welfare institutions face the problem of a shortage of personnel, which is why a working group was appointed at the ministry to prepare proposals for measures to solve the personnel problem at providers. Within the framework of the working group, an analysis of personnel needs was made, key issues, initiatives of various stakeholders were discussed, and an overview of the planned measures and MSP activities was created. It is planned that personnel measures will be part of the national implementation plan in the field of social protection in the period up to 2025. In order to successfully implement measures in the field of recruitment and retention of personnel, interdepartmental cooperation will be necessary.



**The NPM found that there is a particularly pressing staffing crisis in VDC Nova Gorica, Enoti Stara Gora,** where they face a shortage of staff in the field of basic care, as well as nursing care, which is why professional workers often have to help with the care of users, which then leads to a lack of time for professional work. Therefore, during the visit to VDC Nova Gorica, the NPM specifically **recommended that the Rules on Standards and Norms for Social Welfare Services be adapted to the needs of institutional care service users in the Stara Gora Unit and VDC Nova Gorica and enable the employment of additional basic care workers as soon as possible. The**

**recommendation was accepted but has not been implemented.** In response to the final report, the MSP stated that they are aware of the needs of care and work centres for personnel reinforcements, both in the institutional care service and in guidance, care, and sheltered employment under special conditions. It stated again that in April 2022 the Rules on Amendments and Supplements to the Rules on Standards and Norms for Social Welfare Services was adopted and the effects brought about by this change are being monitored at the ministry and will be examined as part of the further resolution of personnel issues at providers of social welfare services and programmes, and the successful implementation of measures in the field of recruitment and retention of personnel will require interdepartmental cooperation.



**From the responses of the MSP, it can therefore be concluded that the MSP is aware of the personnel shortage in VDCs, but the NPM did not discern noticeable changes for the better during visits.** At the beginning of 2024, the Ombudsman was even aware of the issue of endangering the existence of the operation of VDCs, which, according to the financial starting points for 2024, should receive more than 80 per cent less budget funds. The Ombudsman therefore warned that a significant reduction in the budget funding of materials and services for the ongoing implementation of regular legally defined activities represents a gross interference with the fundamental human rights of adults with disabilities to services that, in accordance with their abilities, give them the possibility of active inclusion in social life and the working environment and performing useful work suitable to their abilities.



A reduction in VDC funding means an encroachment on both the rights of users who are already involved, as well as on the rights of persons who would like to join a VDC, but there are no vacancies for them. During the visits to both public institutions and concessionaires, the NPM observed that there are several persons on the waiting list for inclusion in guidance, care, and sheltered employment under special conditions as well as in institutional protection, who cannot be accepted due to the concession places being filled. That is why the NPM, during the visit to **Sožitja Maribor, recommended that the MSP enable the inclusion of new users by expanding capacities and awarding new concession places.** At the time of preparation of this document, the NPM has not yet received a response from the MSP to the above recommendation. Users of institutional care are also included in guidance, care, and sheltered employment under special conditions and therefore they also need a certain amount of medical care there, because in the morning, when they are involved in another service, these problems do not disappear. This was already pointed out to the representatives of the NPM by the employees during past visits to care and work centres, and the NPM has already made a recommendation to the responsible ministry (at that time it was the MDDSZ) to examine the possibilities of changing the provisions on the standards and norms of social welfare services in a way which would also include health care within the framework of guidance, care, and sheltered employment under special conditions. The NPM believes that even users who need medical care and care due to health problems are entitled to the service guidance, care, and sheltered employment under special conditions, if they can otherwise actively participate in this service. With this service, users fulfil the fundamental human rights of adults with disabilities defined by the constitution and laws to the service, which gives users, in accordance with their abilities, the possibility of active integration into social life and the working environment and of performing useful work, but appropriate to their capabilities. Therefore, the NPM **recommended to the MSP that the Rules on Standards and Norms for Social Welfare Services be amended so that the users**







of the guidance, care, and sheltered employment service are also provided with health care under special conditions within the framework of this service. The MSP **accepted the recommendation, but has not yet implemented it.** It stated that in the National Implementation Plan in the field of social security 2023–2025, as one of the measures to improve the accessibility of programmes and services, the ministry will envisage the preparation of analysis and professional bases for the integration of certain health services into the social security service of guidance, care, and sheltered employment under special conditions in care and work centres and training institutes. The analysis and expert bases will be aimed at reviewing and preparing possible solutions for enabling an integrated daily service for users with mental and physical disabilities and other disabilities, with which the ministry aims to promote the development of community forms of services and prevent the social exclusion of users. The aforementioned findings will also form the basis for the preparation of systemic changes in this area, which will be considered within the framework of the planned changes to the Social Security Act.

During the visit to VDC Zasavje, it was pointed out that some users of guidance, care, and sheltered employment under special conditions are included in this service to a lesser extent, because they are also users of personal assistance according to the provisions of the Personal Assistance Act (ZOA). One of the users is thus included in guidance, care, and sheltered employment for only ten hours a week, which enables her personal assistant to be employed full-time. Some of these users would like to come to the VDC more often, and the question arises whether the current arrangement and decision-making process on the right to personal assistance is in their favour. Therefore, the NPM **recommended that the MDDSZ consider the possibility of changes to the procedure for determining the need for personal assistance and its scope when preparing changes and additions to the ZOA in such a way that the user's wishes would be taken into account in the decision-making process, which would enable a decision that would be to the user's greatest benefit.** The MDDSZ **accepted the recommendation, but has not yet implemented it.** It replied that, in accordance with the current legislation, the right to personal assistance is not excluded by the right to guidance, care, and sheltered employment, or the right to other support in employment and social integration, as well as involvement in the implementation of educational programmes. For example, when a person is involved in guidance, care, and sheltered employment, the number of approved hours of personal assistance is reduced by the number of hours that were recognised to the user from these services. In the process of determining the need for personal assistance, the amendment to the ZOA will also provide for the consideration of cases when a person is involved in guidance, care, and sheltered employment. It is envisaged that, in the case of the involvement of the applicant in guidance, care, and sheltered employment, the scope and type of personal assistance services for the time when the user is involved in the services and for the time when guidance, care, and sheltered employment under special conditions is not available. In this way, in the process of determining the needs for personal assistance, the assessment of needs will be carried out in such a way that the desired inclusion of the individual in guidance, care, and sheltered employment under special conditions will be defined in advance, thus benefiting the user even more.

The NPM also carried out a follow-up visit to **VDC Nova Gorica, Enote Stara Gora.** During the regular visit in 2022, the NPM made 14 recommendations to VDC Nova Gorica, and 3 to MDDSZ. During the follow-up visit, the NPM found that VDC Nova



Gorica had **implemented 7 recommendations**, and **7 recommendations given during the regular visit in 2022 had not yet been fully implemented by VDC Nova Gorica**, so the NPM again called for their implementation. According to VDC Nova Gorica, the unrealised recommendations related to living conditions should be implemented after the relocation of some users to a new unit in Trnovo. Thus, the capacities in the Stare Gora Unit will be reduced and space will be gained for the establishment of (slightly) better living conditions in this unit. At the time of the follow-up visit, activities were already taking place in VDC Nova Gorica to ensure more appropriate professional treatment of users, but the implementation of these recommendations is also difficult due to inadequate personnel regulations. 47 With the aim of further improving the treatment of users, the NPM, during the follow-up visit of VDC Nova Gorica, gave 4 more new recommendations, which were **accepted but have not yet been implemented**.



During the follow-up visit, the NPM also found that the MDDSZ, or MSP, **had not (yet)** implemented the recommendations given during the 2022 visit, therefore, the NPM again called upon the MSP for their implementation and gave 2 new recommendations, the implementation of which could enable better implementation of the service and a higher quality of life for users in the Stara Gora Unit. It is a recommendation that VDC Nova Gorica join the deinstitutionalisation project as soon as possible, thus enabling users to stay in smaller units in an urban environment. In response to the final report, the MSP stated that the Strategy for Deinstitutionalisation in Social Care for the Period 2024–2034 is in the final phase of adoption. The timetable and sequence of institutions that will undergo transformation will be determined in the corresponding action plans, which will be adopted for a period of two years during the implementation of the strategy. Regardless of this, the MSP is already in discussions with VDC Nova Gorica regarding the preparation of the transformation plan. The recommendation summarised at the beginning of this chapter is still waiting to be implemented, namely that the MSP's Rules on Standards and Norms of Social Welfare Services should be adapted to the needs of institutional care service users in the Stara Gora Unit and Nova Gorica VDC and enable employment of additional basic care providers as soon as possible.

The NPM also made four thematic visits to VDCs in 2023, namely to **VDC Murska Sobota, VDC Tončke Hočevar, VDC Krško – Leskovec** and the **Center za varstvo in delo Golovec (CVD Golovec)**. During these visits, the NPM **tried to find out to what extent the users of these institutions are guaranteed the right to privacy and intimacy, whether they have the possibility of establishing a relationship with a person of the same or a different gender inside or outside the institution, whether such persons are guaranteed the possibility of cohabiting, entering into marriage, what the medical treatment of users is, whether they are provided with the possibility of contraceptives, what the procedure is in case of pregnancy of the user, and who decides on termination of pregnancy and sterilisation**. In connection with all the above-mentioned questions, the NPM checked the complaint channels, contact options (visits, phone calls, access to the World Wide Web, etc.) and living conditions. The NPM placed special emphasis on cases of sexual violence and the action if such cases have occurred or were to occur in the future. During the visits, the representative of the Ombudsman and the representative of the NGO also spoke with some users and learned directly from them what the possibilities and limitations are for partnerships, intimate contacts, and cohabiting.



**During the thematic visits to the VDCs, the NPM did not perceive that the visited institutions would hinder the users in realising their rights to intimacy and sexuality.**

In all of the mentioned institutions, the users include couples who have the support of employees, but some users are somewhat handicapped and cannot (completely) make independent decisions about partnerships or intimate relationships. From conversations with both employees and users, it was possible to determine that the parents or guardians of the users decide on **partnership, cohabitation, as well as sexual contacts, protection against pregnancy, sterilisation, and marriage.**



This may indicate excessive interference by guardians in the lives of users. Guardians should manage only those matters of the user in which the user needs support, but not all of them, as this represents a limitation of the user in making decisions about their life. Guardians cannot, therefore, make decisions about their lives instead of users, but should help them in those decisions when users need this help. **Therefore, the NPM recommended to the visited institutions that, in cases where the wishes of users and their relatives or guardians differ regarding the implementation of private contacts and related issues, they should take into account the rights of users to shape their own lives according to their wishes and within the framework of their capabilities.**



**During the visits to VDCs, the NPM found that sterilisation and vasectomy were performed on a small number of users.**

These interventions were carried out at the suggestion of the parents or guardians of the users, in some cases the sterilisations were carried out at the suggestion of the doctor and with the consent of the parents or guardians. According to the information available to the interlocutors at the VDCs, artificial termination of pregnancy occurred in one case when the user decided on the procedure herself. As already mentioned, in both cases it is a medical intervention that is carried out in a medical institution and the institutions visited do not decide on them. Regarding contraception, it was found that in rare cases the users decide for themselves – on their own initiative (and with the consent of the guardians) or at the suggestion of the guardians, it is prescribed or inserted by the chosen gynaecologist, who should explain to the user in an appropriate manner the importance of the contraceptive method and its side effects. Regarding pregnancy and parenthood, the NPM found that some users want children, but after discussions about the importance of parenthood and caring for a child, they mostly change their minds. Among the users of institutional care in the VDCs, there were (were) very few who had children, and the VDC provided support and help to the mentioned users in caring for their children.



## 2.5 VISITS TO PSYCHIATRIC HOSPITALS

In 2023, the NPM made three visits to wards under special supervision in psychiatric hospitals.<sup>48</sup> On 08/06/2023, the NPM visited the **Child and Adolescent Intensive Psychiatry Unit (EIOAP) at the University Psychiatric Clinic Ljubljana (UPK Ljubljana)**, on 26/07/2023, **the geriatric psychiatry ward at Vojnik Psychiatric Hospital (PB Vojnik)**, and on 28/09/2023, NPM members visited **the reception ward of the Intensive Psychiatry Unit (EIP) at UPK Ljubljana**. All ward visits were regular and unannounced.

During the visits to the wards under special supervision, the NPM made a total of 49 recommendations, of which 4 were recommendations to the Ministry of Health, and 45 were addressed to the visited hospitals. Two of the recommendations addressed to the Ministry of Health were systemic, the other 2 recommendations given to the Ministry and all the recommendations given to psychiatric hospitals were general. **The MZ accepted 2 of the recommendations, but at the time of responding, they had not yet been implemented.** At the time of the preparation of this report, the NPM had not yet been informed by the MZ about 2 recommendations.<sup>49</sup> The visited psychiatric hospitals **accepted 40 recommendations, of which 15 had already been implemented at the time of their responses, while 25 were still waiting to be implemented. Five recommendations were not accepted.**



During visits to wards under the special supervision of psychiatric hospitals, NPM members<sup>50</sup> paid attention to a number of circumstances that could indicate a violation of the rights of patients<sup>51</sup> who are being treated in these wards, or inappropriate (bad) treatment or torture. In the following, some of these circumstances and findings of the NPM (for example regarding giving and revoking consent, regarding rights and legal protection, regarding the implementation of special protective measures and regarding living conditions) and recommendations which the NPM gave UPK Ljubljana and PB Vojnik regarding these findings are listed. At the end of the report, all the remaining recommendations that the NPM gave to psychiatric hospitals in 2023 are listed.

A person can be admitted for treatment to a ward under special supervision in accordance with the ZDZdr **on the basis of consent** or on the basis of a court decision, if he or she does not give or is unable to give consent to admission for treatment. During the visits, the members of the NPM always paid attention to whether consent was given in accordance with the ZDZdr, whether the persons who gave their consent understood their position.

48. The ZDZdr defines that a psychiatric hospital is a psychiatric clinic, psychiatric hospital, or psychiatric ward of a general hospital, which provides specialist inpatient and specialist outpatient treatment and consultative activity in the field of psychiatry (point 15 of the Paragraph 1 of Article 2 of the ZDZdr).

49. The final report on the visit was still being prepared at the time of preparation of this report.

50. In addition to the members of the NPM, a medical expert participated in the visit to the reception ward at the EIP in UPK Ljubljana.

51. The term patient used in the following serves as a neutral term for the female and male genders.

Whether appropriate explanations were given about the state of health and treatment, etc. (Paragraph 3 of Article 36 of the ZDZdr). At PB Vojnik, the NPM visited the ward for geriatric psychiatry, where people with cognitive disorders or mental health disorders are treated, for which, according to the NPM, it is particularly important to assess whether they are capable of giving their true will or whether they are aware of the importance given consent to receive treatment. Given that the NPM found that most people were admitted to the ward based on consent, the NPM **recommended that in each case, they should carefully assess whether the person who should be admitted for treatment to the geriatric psychiatry ward is able at all to give consent to admission for treatment in the sense of the ZDZdr and that in case of doubt as to whether a person is able to give consent, they inform the court about the admission of such a person.** At the reception ward of the EIP in UPK Ljubljana, the NPM found that the consent for admission to treatment for a person with intellectual disability was signed by their guardian. Since, according to the NPM, the guardian cannot give consent for the admission of their ward for treatment in a ward under the special supervision of a psychiatric hospital, since the care they provide for their ward does not include deciding on the restriction of their personal freedom, the NPM **recommended to UPK Ljubljana that in all cases where a person who is placed under guardianship and is not able to consent to admission to a ward under special supervision in terms of the ZDZdr, the competent court should be notified of the admission of such a person.** During the visits to the wards under special supervision, the NPM also ascertained whether the persons were informed that they could revoke their consent at any time, explicitly or by actions from which this can be inferred, and request discharge from treatment in the ward under special supervision (Paragraph 1 of Article 38 of the ZDZdr). UPK Ljubljana and PB Vojnik **have a pre-prepared form for admission to treatment based on consent, in which it is written that the person can also revoke the consent.** Since the forms did not state how a person can revoke consent, the NPM **recommended to the two psychiatric hospitals that they supplement the form for admission to treatment on the basis of consent accordingly or harmonise it with the provision of Article 38 of the ZDZdr regarding the method of revocation of consent.**

The NPM also checked whether the **patients were aware of their rights under the ZDZdr and ZPacP and the possibility of legal protection**, and also checked how the employees informed them of their rights, whether enforcement of legal protection is effective, whether they had the opportunity to submit an anonymous complaint, suggestion, or opinion, whether they were aware of the possibility to contact a representative of persons' rights in the field of mental health, etc. **The NPM found that patients in UPK Ljubljana and PB Vojnik were generally informed of their rights upon admission or later in the ward and information regarding their rights and legal protection was also mostly available to them on noticeboards in the wards or in the leaflets that should have been received upon admission or that were available in the wards.** According to the NPM, in addition to the familiarisation itself, it is also important that the patients are informed of the information in a way that is understandable and friendly to them. **At PB Vojnik the NPM visited the geriatric psychiatry ward where elderly patients are treated, and therefore recommended that the information about rights under the ZDZdr and ZPacP and the complaint channels at the geriatric psychiatry ward be written down and published on the noticeboard in an easy-to-read format or pictorial fonts (with pictograms) or in another way that is as comprehensible and friendly as possible to people, or to (in the**





same way) prepare a special leaflet intended for elderly patients and containing the information specified in Article 16 of the ZDZdr. The NPM also recommended the same regarding other information on the noticeboard or other written information with which PB Vojnik informs patients in the geriatric psychiatry ward. When visiting EIOAP, UPK Ljubljana, where minor patients with mental health disorders are treated, the NPM recommended that they respect the provisions of Article 16 of the ZDZdr and try to present information about rights, house rules, and other information to minor patients in a way that is as comprehensible and friendly as possible to children and young people (for example with illustrations, in a readable manner), and to (in the same way) also prepare a special leaflet intended for minor patients and which will contain information determined by the ZDZdr.

When visiting wards under special supervision, the members of the NPM paid special attention to all circumstances that could indicate non-compliance with legal provisions, impermissible restriction, or disrespect of the rights of persons, or possible inappropriate/humiliating treatment or torture during the **implementation of special security measures (PVU)**. In both of the psychiatric hospitals visited, under the conditions prescribed by the ZDZdr, (only) one of the PVUs, i.e. physical restraint with straps, is implemented. In UPK Ljubljana as well as in PB Vojnik, the NPM found that they **perform PVU only on patients who have given their consent for admission for treatment**. According to the NPM, in the case where a person is under special supervision in the ward on the basis of consent, it cannot be considered that they have also given their consent for the implementation of PVU. Except in exceptional cases, when the person might have requested PVU himself or expressly agreed to the measure, according to the NPM, it should always be considered that the measure was carried out against the person's will. However, in the opinion of the NPM, the opposition of the patient to PVU should be understood as a simultaneous withdrawal of the consent to stay in the ward under special supervision, so in such cases, the hospital must, in accordance with the ZDZdr on the admission of the patient, inform the court.<sup>52</sup> The NPM therefore **recommended to both psychiatric hospitals that, given the very restrictive nature of physical restraint with straps, it should be extremely cautious in assessing when the patient (who is admitted to the ward under special supervision on the basis of consent) agrees to the performance of PVU, and that in case of doubt, it is always considered that they do not agree to the performance of PVU and that in the event that they do not agree to the performance of PVU, and the performance of PVU is absolutely necessary according to the judgment of the authorities, it is considered that the patient has revoked their consent for admission to the ward under special control and informs the court about its acceptance in accordance with the ZDZdr. In their responses to the recommendation, both hospitals stated their concerns in the sense that the ZDZdr does not specify that, in the case of refusal to use PVU, the court should be informed about the revocation of consent for admission to a ward under special supervision.** The NPM agreed that the ZDZdr does not explicitly stipulate this, but at the same time considered that such legal regulations may be deficient or unclear and that this should not harm patients and respect for their rights. **In response to the aforementioned recommendation, the MZ agreed with the position of the NPM that opposing the use of PVU means revocation of consent and that any objection by a person to the use of PVU must be, which is reflected as their explicitly expressed will or in the person's conduct,**



52. In the CPT Standards regarding the use of restraint in psychiatric institutions for adults (Means of Restraint in Psychiatric Establishments for Adults), it is stated that when restraining a patient who is being treated on the basis of consent, and this measure is necessary, but the patient must does not agree with its implementation, a review of the patient's legal position must be conducted (item 10).

**performance or behaviour, from which it can be reliably concluded that the person opposes the use of PVU, be treated as a withdrawal of consent.** In case of doubt as to the will of the person, or if the doctor assesses that the reasons from Article 53 of the ZDZdr are given for the person, despite the revocation of consent, the person will be detained for treatment and instructed about the reasons for the detention and the right to a lawyer, the director of the psychiatric hospital or the individual authorised by them, in accordance with Article 59 of the ZDZdr, immediately informs the competent court about the detention of the person, which decides on the detention according to the procedure for admission to treatment in emergency cases.<sup>53</sup>



During the visit to the reception ward at **EIP in UPK Ljubljana**, the members of the NPM also learned that **in the form intended for giving consent for admission to treatment at the ward under special supervision, at the same time as consent, a person can also give consent to "possible restriction of movement in the premises for the implementation of PVU and in the treatment plan"**. Given the highly restrictive nature of PVU, the NPM considered that extreme caution is required in judging when a patient consents to PVU and, when in doubt, the patient should always be deemed not to consent to PVU. The NPM also stated that the patient can only agree to PVU if they are completely clear about what kind of measure PVU is and when or under what conditions it can be carried out, how it is carried out, what rights the person on whom the measure is carried out has, what the risks and possible consequences or unwanted effects and other inconveniences of the implementation of the measure are, how long the measure is expected to last, etc. It must be clear to the patient that even in case of agreement with the PVU, the provisions of Article 29 of the ZDZdr must be fully observed in its implementation. It must also be completely clear to the patient that they can at any time express their disagreement with the performance of PVU or cancel their consent to PVU, that they can cancel it expressly or by actions from which this can be inferred, and that in the event of their disagreement with the performance of PVU and at the same time the doctor's assessment that the PVU must be carried out urgently, the PVU is carried out anyway, and their disagreement will mean that they revoke their consent to admission to the ward under special supervision, and that the hospital must act in this regard in accordance with the ZDZdr. According to the NPM's opinion, information regarding the performance of PVU must be explained to the patient directly or in a way that they can understand (orally and/or in writing). The NPM also considered that it would be reasonable to prepare a special leaflet for patients on the use of PVU (bodily restraint with straps) or to include the previously mentioned information in a leaflet that must be handed to the person upon admission to the ward under special supervision (Paragraph 3 of Article 16, ZDZdr). The NPM therefore **recommended that UPK Ljubljana should, in the case of handing over a consent form for admission to a ward for treatment under special supervision, which also contains consent to the implementation of PVU (physical restraint with straps), to the persons to sign directly and explain in a comprehensible way what the implementation of physical restraint with straps means and when or under what conditions it can be carried out, how it is carried out, what the rights of the person who is being physically restrained with straps are, what the risks and possible consequences, or side effects and other inconveniences of the implementation are, how long physical restraint with straps is expected to last, or provide them with all other information regarding the implementation of the mentioned PVU. In addition, the NPM recommended that UPK Ljubljana include the above information in the leaflet according to Paragraph 3 of Article 16 of the**



53. Letter from the MZ no. 070-11/2023/2 of 03/11/2023.





ZDZdr, or in a special leaflet regarding the implementation of PVU and to change the form accordingly so that it clearly shows what the person agrees to, what they were aware of before giving their consent to the PVU, and that they can also express their disagreement with the implementation of the PVU at any time, and that at the same time this means that they are cancelling their consent to admission to a ward under special supervision.



During the visit to **UPK Ljubljana (both the EIOAP and the reception ward at the EIP)**, the NPM pointed out the need to respect the privacy and dignity of persons who are subjected to PVU, as it was **found that the employees (occasionally) cannot provide them privacy during the implementation of PVU**. The NPM **recommended to UPK Ljubljana that all patients who are physically restrained with straps should be guaranteed respect for their privacy and dignity, and that other patients should not be able to see restrained patients, unless they express an express desire to be in the company of other patients (and this is not in conflict with their benefit or the benefit of other patients)**. At the same time, the NPM emphasised that the insufficient concern for respecting the privacy and dignity of restrained patients is (also) contrary to the CPT Standards regarding the use of PVU in psychiatric institutions for adults, according to which patients must not be restrained in front of other patients, unless the patient explicitly expresses the wish to remain in the company of a certain patient, and visits to a restrained patient can only take place with the express consent of the restrained patient (point 3.5). The NPM also **recommended that UPK Ljubljana carry out physical restraint with straps (on a recliner in the living room) in the presence of other patients only if the person being restrained expresses a wish or (at least) agrees to remain in company other patients, otherwise PVU is performed separately from others**.

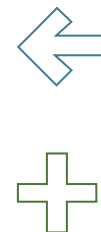


In accordance with the ZDZdr, PVU can only be used exceptionally and can only last for as long as is absolutely necessary in view of the reason for its introduction, whereby the physical restraint with straps must not last more than four hours, and after the specified period, the doctor checks the justification re-introduction of PVU (Paragraph 4 of Article 29 of the ZDZdr). **During the visit to UPK Ljubljana (both at the reception ward at the EIP and especially at the EIOAP), the NPM found out that there were many extensions of PVU for individual persons**. At the same time, the NPM pointed out that in the CPT Standards regarding the use of restraints in psychiatric institutions for adults, regarding the duration of restraints, it is stipulated that the duration of restraining with straps (or other so-called mechanical restraints) or the duration of patient isolation should be limited to the shortest possible time (preferably a few minutes rather than hours) and that it must always be interrupted when the reasons for introducing PVU cease. Mechanical obstruction that lasts for several days without end is inexcusable and, according to the CPT, could amount to ill-treatment (point 4.1.). The standards also stipulate that in the event that mechanical restraint or isolation for more than a few hours is exceptionally used due to urgent reasons, the validity of the measure must be checked in short time intervals. In such cases, it is also necessary to consider involving another doctor in the treatment of the patient or transferring the patient to a more specialised psychiatric hospital (point 4.2.).<sup>54</sup> **Based on the above, the NPM recommended that UPK Ljubljana both in the visited wards, under special supervision, it examines the reasons for long-term**



<sup>54</sup> The stated standards apply to the implementation of PVU in psychiatric hospitals for adults, but according to the NPM – especially as regards the standards regarding the duration of PVU – they can not only be sensibly used in psychiatric hospitals or in intensive child and adolescent psychiatry wards, but special attention must be paid to them, because they are children and minors are undoubtedly subjects of special protection.

**implementation of PVU and tries to find solutions in order to avoid them or limit them as much as possible, and in the case of long-term implementation of PVU, it ensures even greater (tighter) control over the duration of PVU and the need for its continuation (for example, after a certain time the order of PVU is decided by the college of doctors and not by an individual doctor). UPK Ljubljana accepted the recommendation.**



In the report on the visit to the EIOAP, the NPM stated that the Ombudsman had already pointed out in the Annual Report of the Ombudsman for 2019 the different practices of individual institutions regarding the implementation of the provisions of the ZDZdr on the duration of the measure of physical restraint with straps. During the visits, the NPM noticed that some institutions, in the case of physical restraint with straps that lasts longer than four hours, remove the straps for a short time after the specified time, in the event that the doctor assesses that the reintroduction of PVU is justified, and they are then re-attached. Other institutions, on the other hand, understood and implemented the stated legal provision in such a way that after four hours the doctor only checked the validity of the reintroduction of the PVU, and when this proved to be justified, the straps were not removed, but the measure continued without interruption. In 2019, when considering the aforementioned issue, the Ombudsman asked the Extended Professional College of Psychiatry (RSK for Psychiatry), as the highest professional body in the field of psychiatry, which forms the professional doctrine on treatment in this field, for an opinion on whether, after the period referred to in Paragraph 4 of Article 29 of the ZDZdr, it is necessary to actually remove the straps and allow the person to move or stay without physical hindrance at least for a short period of time and then re-attach the straps if this is necessary, or it is (professionally) more appropriate that the physical restraint with the straps continues without interruption. The RSK for Psychiatry cited the Recommendations and Guidelines for the Use of PVU in Psychiatry (2018) and stated that the definition of the measure of physical restraint with straps in the ZDZdr is technically not completely adequate, because it states that restraint with straps must be stopped after four hours. In the case of many patients, it is possible to interrupt the measure even earlier, but in individual cases, an unindicated interruption of the measure could expose the patient and the staff to an unacceptable safety risk. In such cases, the Association of Psychiatrists did not recommend stopping the measure until the goal of the measure is achieved. In 2019, the Ombudsman considered that (also) the different practice of the implementation of the provisions of the ZDZdr regarding the implementation of the PVU of physical obstruction with straps indicates that the ZDZdr should be amended accordingly in the part under discussion and the implementation or course of the PVU should be more clearly defined, especially its time limit. The MZ agreed with the opinion of the RSK for Psychiatry and the Ombudsman that the ZDZdr should better define the implementation of PVU in cases where it must be carried out for longer than four hours, as the legislator did not explicitly define the possibility of extending PVU, and undertook to prepare a proposal for amendments and additions to the current legal regulation, which will enable providers of psychiatric treatment to take into account the needs of the person after an exceptional extension of the implementation of PVU, even after the maximum period of four hours has passed, and the RSK for Psychiatry will encourage the implementation of professional training, education, and awareness of health workers regarding the protection of human rights and the dignity of persons on whom PVU is performed.<sup>55</sup> In the Annual Report of the Ombudsman for 2019, the Ombudsman recommended, in relation to the mentioned issue, that the MZ examine the need for amendments and additions to the regulation on the use of PVU restraint

55. Letter from the MZ no. 140-10/2019/2 of 25/04/2019.



with straps when preparing the amendment to the ZDZdr, especially its time limit.<sup>56</sup> Since, in 2023, during visits to wards under the special supervision of psychiatric hospitals, it was found that no changes had (yet) occurred in the legal regulation of PVU or physical restraint with straps, the NPM (again) recommended that the MZ examine the need for changes and amendments to the (statutory) regulation of the PVU of physical restraint with straps, especially the provisions on the duration or time limit of this measure, and then to prepare a corresponding proposal for amendments and additions to the statutory regulation as soon as possible. In its response to the recommendation, the MZ stated that it has already begun to set up a working group to prepare a proposal for amendments to the ZDZdr, with special attention being paid to PVU. For this purpose, the MZ also called on the RSK for Psychiatry to align its updated Recommendations and guidelines for the use of PVU in psychiatry (2018) with the CPT standards.<sup>57</sup>



In accordance with the ZDZdr, a person on whom PVU is used is supervised, their vital functions are monitored, and they are professionally treated throughout the duration of the PVU, and upon the implementation of PVU, detailed information about the reason, purpose, duration, and monitoring of the implementation of the measure is entered in the person's medical documentation (Paragraph 5 of Article 29 ZDZdr). During the visits to all three wards, the NPM inspected randomly selected medical documentation of individual patients under special supervision and checked compliance with the above provisions of the ZDZdr. The NPM found that psychiatric hospitals use pre-prepared forms for the purpose of recording the necessary data regarding the implementation of PVU, and that the entries in the reviewed forms were mostly filled in carefully, but in some cases individual entries were missing. The NPM therefore recommended that both PB Vojnik and UPK Ljubljana should continue to devote the necessary care to the recording of data on the reasons, purpose, duration, and control of the implementation of the measure, data on the patient's vital functions, and other necessary data at each time the PVU is performed, or when filling out the form. The NPM also recommended that the form should be supplemented with a section that would show the measures applied after the completion of the PVU, when the physical restraint is removed.

When making recommendations regarding PVU, the NPM often referred to the CPT Standards regarding the use of PVU in adult psychiatric institutions. One of these standards also stipulates that every psychiatric institution must have a **comprehensive and carefully prepared strategy (policy) on the implementation of PVU**. When creating such a strategy, the involvement of both the staff and the management of the institution is important. The goal of such a strategy should be to prevent the implementation of PVU as much as possible, but it should also be clearly stated which PVU can be used, under what conditions or under what circumstances, what the methods of their use are, and what monitoring and action takes place after termination of PVU. The strategy (policy) on the implementation of PVU should also address other important topics regarding the implementation of the PVU, such as staff training, recording of the PVU, internal and external mechanisms for reporting on the implementation of the PVU, "debriefing", and complaint procedures. In addition, patients should (also) be informed of relevant information regarding the implementation of PVU (point 1.7 of the standards). Therefore, the NPM recommended that UPK Ljubljana, when preparing a strategy (policy) on the implementation of PVU (if it does not already exist), should

56. Annual Report of the Human Rights Ombudsman for 2019, recommendation no. 79.

57. Letter from the MZ no. 013-32/2023/26 of 04/09/ 2023.

take into account the CPT standard regarding PVU in psychiatric hospitals for adults and that the NPM should also be informed of the strategy (policy) for the implementation of PVU.

Psychiatric hospitals must submit to the minister of health in an anonymised form a **regular annual report on the restriction of the rights of persons and the use of PVU** no later than 15 March of the current year for the previous calendar year (Paragraph 3 of Article 99 of the ZDZdr). As part of the preparations for the visit of the NPM of the reception ward at the EIP in UPK Ljubljana, the Ombudsman made an inquiry to the MZ regarding the implementation of the aforementioned provision of the ZDZdr.<sup>58</sup>

**The MZ explained that some psychiatric hospitals do not fulfil their obligations from Paragraph 3 of Article 99 of the ZDZdr and that the ministry has already asked them to submit regular annual reports on the restriction of rights and the use of PVU.** Regarding the preparation of a uniform reporting form, the MZ explained that in 2015, the ministry prepared a proposal for a form for reporting on the implementation of PVU and forwarded it for an opinion to the Extended Professional College (RSK) for Psychiatry, which considered that the proposal for the form was not adequate. Since the RSK for Psychiatry also announced that they will prepare new expert recommendations and guidelines for the use of PVU in psychiatry, **based on the above, the MZ abandoned further coordination of the proposed form for reporting on the implementation of PVU until the preparation of new expert recommendations or guidelines.** Although an updated edition of the Recommendations and Guidelines for the use of PVU in Psychiatry was published in 2018, the MZ found that these were not aligned with the CPT standards, so the RSK for Psychiatry called for the preparation of harmonised recommendations or guidelines for the use of PVU. The ministry explained that with the planned preparation of changes to the ZDZdr, including changes in the implementation of the PVU, they will also continue with activities related to the creation of a single form for reporting on the restriction of the rights of persons and the use of the PVU. According to the ministry, effective data analysis will be possible (only) when unified reporting is established.<sup>59</sup> The NPM accepted the ministry's explanations, but nevertheless pointed out that the provisions of Article 99 of the ZDZdr are valid from 12/08/2008 and should be applied from 12/08/2009. **Considering the importance of respecting patients' rights in the case of using PVU, therefore, the NPM finds it unacceptable that the provisions of Article 99 of the ZDZdr (ever since the law was introduced) are not fully implemented and do not serve their purpose.** The NPM **recommended that the MZ prepare as soon as possible a uniform form for psychiatric hospitals to report on the restriction of the rights of persons and the use of PVU, and that, based on the findings of the analysis of the data received from the annual reports on the restriction of the rights of persons and the use of PVU, prepare appropriate measures to eliminate the deficiencies in the implementation of PVU or for the effective enforcement of patients' rights.**

58. The Ombudsman asked the MZ for an explanation as to (1) whether all psychiatric hospitals fulfil the obligation from Paragraph 3 of Article 99 of the ZDZdr, and in what way the MZ monitors the fulfilment of said obligation by psychiatric hospitals; (2) whether psychiatric hospitals submit annual reports on the restriction of the rights of persons and the use of PVU in a uniform form that enables the MZ to compare the data provided from the reports or the analysis of the data received; (3) whether the MZ prepares an analysis of the data received from the annual reports on the restriction of the rights of persons and the use of PVU, or how often it prepares such an analysis (every year, for several years in total); (4) what the conclusions or findings of the analyses carried out so far have been; (5) what measures have been taken so far on the basis of the analyses carried out (generally for all psychiatric hospitals, for individual psychiatric hospitals) and in what way the MZ monitors the implementation of these measures. The Ombudsman also asked the MZ to specifically explain what conclusions or findings the MZ made based on the analysis of data from the annual reports of UPK Ljubljana for the years 2021 and 2022 and what measures were taken in this regard.

59. Letter from the MZ no. 170-28/2023/2 of 03/08/2023.





During visits to the wards under the special supervision of psychiatric hospitals, the NPM also made recommendations regarding the improvement of **living conditions in the wards**. During the visit to the EIOAP, the NPM found (similar to previous visits to this ward that **they face problems due to a lack of space** (for example, it is difficult for patients and their relatives to ensure privacy during visits, visits and conversations with patients take place in the dining room, and they also do not have appropriate rooms for visits by representatives of persons with mental health problems or representatives of patients' rights and for conducting court hearings or for the cohabitation of a parent or other entitled person). The NPM therefore **recommended that UPK Ljubljana carefully study the conditions or problems faced at the EIOAP due to lack of space and to provide enough space or suitable spaces for intensive psychiatric treatment or treatment of children and adolescents as soon as possible. UPK Ljubljana did not accept the recommendation** and explained in its response that the expansion or construction of a new ward for intensive psychiatric treatment of children and adolescents is of a systemic nature and falls within the competence of the MZ. Given that the NPM found that the number of patients at the EIOAP has been increasing since its opening and that they have already faced overcrowding in the ward, the NPM recommended that the MZ examine whether another ward should be opened in Slovenia for children and adolescents, which in accordance with the ZDZdr would have the character of a ward under special supervision, and then, if necessary, pursue the opening of such a ward or wards as soon as possible.<sup>60</sup> In response to the recommendation, the MZ stated that they had **already detected an increased need for the treatment of children and adolescents in the ward under the special supervision of a psychiatric hospital, therefore, in the General Agreement for the contractual year 2021, with the aim of increasing the capacity of the EIOAP, UPK Ljubljana had already approved additional financial resources in the amount of EUR 992,221.20 per year. The ministry also agreed with the NPM's recommendation and will examine the need for opening an additional ward or wards for children and adolescents under the special supervision of a psychiatric hospital.**<sup>61</sup> Regarding some of the recommendations made by the NPM regarding the living conditions at the reception ward of the EIP, UPK Ljubljana explained that it will implement them when an extension to the building housing the reception ward is built, and additional rooms are available<sup>62</sup> (for example, regarding the recommendation to ensure that patients who are accommodated in additional beds (even if it is a short-term accommodation) have the same living conditions as other patients, to allow patients to store their personal belongings in a room (near them) that can be locked, and at the same time it allows them to have a key to access things, in order to ensure respect for the privacy and dignity of all patients who are physically restrained with straps, and to prevent other patients from looking at restrained patients, unless they express an explicit desire to be in the company of other patients), or that it took them into account when planning the construction of the new emergency block (recommendation that, when planning additional rooms for the reception ward, it also take into account all previous recommendations of the NPM, which refer to the premises of the ward or plans the premises in such a way that the patients will also be able to enjoy recreation or exercise outdoors).

60. According to the NPM, an additional argument for opening another ward under special supervision for intensive psychiatric treatment of children and adolescents is more even regional coverage of Slovenia with access to intensive child and adolescent psychiatry.

61. Letter from the MZ no. 013-32/2023/26 of 04/09/2023.

62. In a letter dated 15/01/2024, UPK Ljubljana explained that they are waiting for a building permit for the construction of a new emergency block and that they cannot foresee the completion of construction.

63. Of the already mentioned recommendation that UPK Ljubljana should be extremely restrained in its assessment, when the person (who is admitted to the ward under special supervision on the basis of consent) agrees with the implementation of the PVU, and that when in doubt, it is always

During the visit to the reception ward at **EIP in UPK Ljubljana**, the NPM made 23 recommendations. **UPK Ljubljana accepted 22 recommendations**, and 1 **recommendation was not accepted**.<sup>63</sup>



Of the accepted recommendations, **at the time of UPK Ljubljana's response, 10 recommendations had been implemented, while 12 were still awaiting implementation**. In addition to the recommendations already mentioned above, the NPM, when visiting the reception ward at the EIP, UPK Ljubljana, also recommended that the treatment or treatment plan be adopted with the patient's cooperation and that upon admission or after being placed in the ward, the patient should be informed in a way that they can understand and explain in direct contact their treatment plan (treatment); that they install additional beds for patients in rooms only in cases where all other beds in all rooms in the ward are already occupied and the problem of ward overcrowding cannot be solved in another way; to allow patients who express a desire to shower or use the bathroom outside of the hours when they are otherwise open, taking into account and ensuring their safety, the use of the bathroom; unlocking from the outside in case of danger, or perhaps at least placing signs with the words "occupied/vacant" on the doors of the bathrooms or toilets) that will, taking into account and providing patients their safety, also ensure privacy when using the bathroom or toilet; to enable patients (if medical reasons do not dictate otherwise) to wear daytime (own or hospital) clothes and actively encourage them to do so; to provide enough hospital daytime clothes (t-shirts, socks) for those patients who wear such clothes, or to examine the possibilities of washing the patients' own daily clothes during their treatment; to enable patients, taking into account their safety or under appropriate supervision, to spend as much time as possible outdoors (on the terrace, in the park), and to study the possibilities of erecting a fence around the green areas at the exit from the terrace, so that patients have more opportunities to spend time outdoors; that patients who can be expected to use the phone without harming themselves or others are allowed to use their own mobile phone for calls with limited or no staff supervision, or that when making calls from the (ward) phone that is in the room for employees, to ensure as much privacy as possible, and to comply with the provisions of Article 16 of the ZDZdr regarding informing patients of their rights, and to prepare a special leaflet for this purpose and hand it to the patient upon admission.

During the visit to **EIOAP, UPK Ljubljana**, the NPM made 12 recommendations to the clinic. **UPK Ljubljana accepted 8 recommendations, and at the time of its response, 1 had already been implemented, while 7 were still awaiting implementation**. In addition to the above recommendations, the NPM recommended that UPK Ljubljana cover individual cameras in patients' rooms in cases where its use is not absolutely necessary or justified, thereby limiting unnecessary agitation of patients, while at the same time explaining to patients that the camera is not being used. The NPM also recommended that UPK Ljubljana should enable patients to take proper care of their personal hygiene and, for this purpose, repair broken showers or ensure that the water in the showers runs for longer, and to equip bathrooms with (even) more working surfaces if necessary; that in each individual case of the treatment of a minor patient, it is reasonably taken into that in each individual case of the treatment of a minor patient, their greatest benefit it is reasonably



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considered that they do not agree with the implementation of the PVU, and that in the case when they do not agree with the implementation of the PVU, and the implementation of the PVU is absolutely necessary according to the judgment of the authorities, it is considered that the person has revoked their consent for admission to the ward under special supervision and informs the court of its acceptance in accordance with the ZDZdr.



taken into account (also) in the way of enabling them to make several phone calls a day, or to enable them to make phone calls and (or) socialise with other people close to them during visits, and to examine the possibilities of how direct access from the interior spaces to the outside areas of the EIOAP could be enabled so that the patients themselves can access the outside areas. **UPK Ljubljana did not accept the four recommendations given during the EIOAP visit.** In addition to the already mentioned recommendation regarding solving the space shortage at the EIOAP, UPK Ljubljana also did not accept the recommendations to put even more effort into the decoration of the premises, while taking into account the wishes or opinions of the patients, and above all their safety; to additionally equip or decorate the room for performing PVU (for example, by installing a TV, clock, with photo wallpapers) and in this way perhaps contribute to better well-being of patients during the performance of PVU, where, of course, the aspect of ensuring the safety of patients and employees must be taken into account during the use of this room, and should consider the need to employ additional staff at the EIOAP (both doctors and staff from the field of nursing or other staff), in order to take into account the Special Standards and Norms for Psychiatric Hospital Wards and Child and Adolescent Psychiatry Wards, and then arrange for staff reinforcement at EIOAP as soon as possible.<sup>64</sup>



The NPM visited the **geriatric psychiatry ward in PB Vojnik for the first time**<sup>65</sup> and at that time concluded **that the opening of this ward certainly contributed to better conditions and treatment adapted to elderly patients with mental health problems (and at the same time to better conditions in the two other wards under special supervision at PB Vojnik).** During the visit, the NPM gave ten recommendations to PB Vojnik, and the hospital accepted all of the recommendations. At the time of the response to the recommendations, PB Vojnik had **already implemented four recommendations, while six recommendations were still waiting to be implemented.** In addition to the above-mentioned recommendations, the NPM also recommended that PB Vojnik examine the possibilities of installing a suitable call system (for example, wireless) near the beds in order to ensure the safety of patients and better control over the responsiveness of the staff, and to carry out the installation as soon as possible; to examine the possibility that suitably qualified volunteers would also help or participate in (leisure) activities intended for patients at the geriatric psychiatry ward; to place pens and paper (perhaps even forms for compliments and complaints) near the mailbox, which will allow patients and their relatives to submit compliments and complaints anonymously, or at least indicate where the pens and paper are located, and to explore the possibilities of obtaining a suitable a space in which patients and their visitors (i.e. relatives, representatives, lawyers) would be guaranteed a greater degree of privacy during the visit or consultation.



64. The NPM also asked the RSK for Psychiatry and RSK for Child and Adolescent Psychiatry for their opinion on the recommendations from the EIOAP visit. The RSK for Psychiatry adopted the visit report without additional recommendations (minutes of the 10th correspondence session dated 29/08/2023), while the RSK for Child and Adolescent Psychiatry stated that it also supports the views and proposals of the NPM and its views regarding individual recommendations, explained in more detail (minutes of the 29th meeting from 08/24/2023).

65. PB Vojnik opened the geriatric psychiatry ward on 01/01/2022 after several years of efforts.

## 2.6 VISITS TO SPECIAL SOCIAL WELFARE INSTITUTIONS

In 2023, the NPM visited four special social welfare institutions, the purpose of which is to provide institutional care services for adults with mental health problems and intellectual disabilities, namely **Dom na Krasu Dutovlje (25/07/2023)**, **Dom Nine Pokorn Grmovje (01/08/2023)**, **SVZ Hrastovec (03/08/2023)** and **Dom Lukavci (08/08/2023)**.

The NPM visited all four mentioned social welfare institutions as part of thematic visits 66, in which the NPM tried to determine to what extent the residents of these institutions are guaranteed the right to privacy and intimacy, whether they have the possibility of establishing a relationship with a person of the same or a different gender inside or outside the institution, whether such persons are guaranteed the possibility of cohabiting or entering into marriage, what the medical treatment of residents is, whether they are provided with the option of contraceptives, what the procedure is in case of a resident's pregnancy, and who decides on termination of pregnancy and sterilisation. In connection with all the above-mentioned questions, the NPM checked the complaint channels, contact options (visits, phone calls, access to the World Wide Web, etc.) and living conditions. The NPM placed special emphasis on cases of sexual violence and how to deal with such cases, if such cases have occurred or if occur in the future. During the visits, the representative of the Ombudsman and the representative of the non-governmental organisation also spoke with the residents and learned directly from them what the possibilities and limitations are for partnerships, intimate contacts, and cohabiting.

During the visit to **Dom na Krasu**, based on the findings of the visit, the NPM specifically pointed out the fact that not **all residents were provided with a regular gynaecological check-up**, some of them had not had this type of check-up for at least the last six years, since the aforementioned social welfare institution has been keeping computer records of medical check-ups. Since the NPM found certain deficiencies in the provision of gynaecological treatment for female residents in some of the other institutions visited, the NPM **recommended that the visited institutions ensure that the residents choose a personal gynaecologist and that they take care of registering for regular gynaecological examinations of the residents, in accordance with the referral to the selected gynaecologist.**

The NPM also found that, as a rule, **female residents at Dom na Krasu were not included in national preventive programmes for the detection of precancerous and early cancerous changes.** Thus, when reviewing the documentation of the residents

66. In addition to the four special social welfare institutions, within the framework of the mentioned thematic visits, the NPM also visited the unit of the retirement home, which provides institutional care services for adults with mental health problems and disorders in mental development (combined institution), four care and work centres and one centre for guidance, care, and sheltered work.





of the protected ward, the NPM could not determine that any of them had received an invitation for an examination within the framework of the ZORA programme. As part of the aforementioned programme, every woman between the ages of 20 and 64 who has not undergone a cervical smear examination in the last three years is sent a written invitation to their home address to attend an examination. A possible reason emerged when the interlocutors explained that the residents of Dom na Krasu have a registered temporary residence, while their permanent residence is still at their former home address. This means that an invitation under the ZORA programme is most likely also sent to the latter address, but due to various reasons, most likely insufficient diligence of the relatives, it does not reach the social welfare institution. The correctness of such thinking is indicated by the fact that at SVZ Hrastovec, female residents who had arranged permanent residence at the institution regularly received invitations, while for those who only registered with temporary residence at the institution, the question of whether they would receive an invitation or not depends on the diligence of the relatives. Because of the above, the NPM issued the institutions visited with a **recommendation asking them to inform the state prevention programmes at the Ljubljana Institute of Oncology or the National Institute of Public Health of the resident's new address in the case of residents who did not change their permanent residence when they were placed in a social welfare institution.**

During visits to special social welfare institutions, the NPM, within the framework of a thematic visit, generally found that residents make independent decisions regarding contact with other residents, whether of the same or a different gender. In the event that relatives or guardians object to the partnership, the NPM **recommended to the institutions visited that in cases where the wishes of the residents and their relatives or guardians differ regarding the implementation of private contacts and related issues, they should take into account the rights of the residents to shape their own lives according to their wishes, and within their capabilities.** The NPM was able to find out during the visits to special social welfare institutions, as well as in the response to the given recommendation, that **the institutions follow the aforementioned recommendation.** In the event that relatives or guardians object to a specific partnership, they generally take into account the will of the resident, and at most suggest that the relative or guardian present to the resident their own concerns or reservations regarding the actual partnership, and then leave it to the resident to freely decide how to act.

During the visits of all four special social welfare institutions, the NPM received an explanation that the employees provide the residents with **information about partnerships, cohabitation, intimacy, sexuality, and contraceptive options**, either at their request or in the event that the employees notice the need for it. As already mentioned, explanations were only given to individual residents individually if they requested it or if the employees determined that it was necessary. However, since these are topics that can be important for all residents, of course to a certain extent and in a manner adapted to them, the NPM **recommended to the institutions visited that residents (both secure and open wards) who are looking for certain information regarding partnerships, intimacy, sexuality, and other related topics, be offered the possibility of a personal conversation, quality literature that will shed light on an area unknown to them and help them find answers, and also offer them all the necessary help when searching for information on the World Wide Web, and at the same time, in addition to individual counselling, they also prepare general training on these topics, tailored to the target residents.**

In the special social welfare institutions visited, the NPM found that **there were not many cases of sexual violence among residents in the past, and as a rule, the employees took immediate and appropriate action after being notified of the incident.** However, the NPM considered that when reporting sexual (or other) violence, employees may find themselves in a difficult situation regarding how to act, who to inform about the violence, and how to protect the victim. That concern is not unfounded and that inappropriate behaviour by employees can occur is shown by the case from **Dom Nine Pokorn**, in which the representative of an NGO found out in the protected ward that one of the residents of the protected ward, who is developmentally at the level of a three-year-old child, was placed there precisely in order to protect her from residents who groped her in the open ward. The NPM emphasised that they are aware that the resident's maximum safety may indeed be guaranteed in a secure ward due to the constant presence of staff, and at the same time warned that her other rights are limited by keeping her in such a ward. Therefore, before placement in a secure ward, all other options should be sought and exhausted to ensure a safe living environment for the victim (placing the attacker in a secure ward, placing the victim in a ward where there are only persons of the same sex or at least no danger of a new attempt at violence). The NPM gave a **recommendation to the institutions visited to conduct adequate training for employees, residents, and their relatives regarding the inadmissibility of sexual violence, as well as how to act in the event that it occurs (for example, who can be contacted in such a case).** At the same time, it would make sense for the visited institutions to establish a protocol for behaviour in the event of violence, as this would greatly facilitate the behaviour of employees in such a demanding and stressful situation. During the visit, the NPM specifically praised the prepared protocol of this kind in the Dom na Krasu, and it was clear from the responses of SVZ Hrastovec and Dom Lukavci that they had already implemented the recommendation, or at least accepted it and were working towards its implementation.



When checking the complaint channels, which are undoubtedly a very important, if not even the most important, option for expressing a resident's dissatisfaction, the NPM **found several shortcomings in the institutions visited.** Above all, the complaint channels, even if they are properly prepared, are just a dead letter on paper if the residents are not familiar with them. It is undoubtedly important that they are posted on the noticeboard of the secured ward, and that the resident receives a folder upon admission with the stated appeal options and the complaint resolution procedure. Since these are people with mental health problems and mental development disorders, or a combination of these problems, it is even more important that employees inform them directly about the complaint channels in an appropriate way. Although institutions have mailboxes for complaints, compliments and suggestions, mostly in secure wards, there are often no tools with which the resident can write the application, and some of the visited institutions did not even have a notice next to the mailboxes, where the tools can be obtained. If a resident submits a complaint, it is particularly important that the institution receives and deals with it quickly, as this is the only way to ensure that the solution adopted will still be valid when the decision is made. Therefore, it is essential that the mailboxes for complaints are checked regularly, in the shortest possible time intervals, but certainly not longer than 14 days. Due to the deficiencies identified in the individual social welfare institutions visited, the NPM **recommended that the visited institutions ensure an efficient system of complaint channels, both in terms of submitting a complaint (for example, installing a mailbox for complaints, availability of writing aids) as well as its timely con-**





sideration, informing the complainant and registration of complaints. At the same time, they should also make sure that the residents are familiar with the complaint channels (preparation of a leaflet, publication on the noticeboard, etc.). After receiving the responses from the social welfare institutions, the NPM concluded that **some institutions have fully or largely implemented the recommendation, while in some it will still have to be implemented (for example, in the Dom na Krasu).**



During the visits to special social welfare institutions, the NPM also found that many residents have their own mobile phones, which are partly kept by themselves and partly by employees. In the latter case, they are delivered to residents at certain times. The institutions offer residents who do not have their own mobile phones the possibility of making calls from the institution's phone, but in individual cases the time is quite limited. Residents can also receive calls on the institution's phone. Due to the deficiencies identified, which in certain cases could mean an unfounded interference with the right to use the telephone, especially in the case of calls to a lawyer or a representative of rights in the field of mental health, the NPM **recommended to the institutions visited to always give residents access to the phone (mobile phone, if it is kept by the employees, or the phone of the institution), if they want to call someone who takes care of the protection of their rights (lawyer, defence attorney, administrator, Ombudsman), and when accessing the phone, they should also enable overriding a possible time limit, if there are particularities with the resident that justify this.** The NPM was able to establish, during the visits to special social welfare institutions, as well as when responding to the given recommendation, that **the institutions follow the mentioned recommendation.**

# 2.7

## VISITS TO RETIREMENT HOMES

In 2023 the NPM made unannounced visits to **15 retirement homes**, that is, social welfare institutions whose purpose is to provide institutional care services for persons (as a rule) over 65 years of age<sup>67</sup>. It involved **regular visits to 8 retirement homes** (Dom pod Gorco Maribor, Dom starejših občanov Maribor, Dom upokojujencev Podbrdo, enota Petrovo Brdo, Dom upokojujencev in oskrbovancev Impoljca, Dom starejših občanov Hoče – Slivnica, Center starejših Notranje Gorice, Dom upokojujencev Center, enota Roza kocka, and Center starejših Idila), **follow-up visits to 6 retirement homes** (Dom upokojujencev Gradišče, Dom upokojujencev Ljutomer, bivalna enota Stročja vas, Dom počitka Mengeš, Dom starejših občanov Vojnik, Dom starejših občanov Vič – Rudnik, enota Bokalce, and Dom starejših občanov Mavida Radlje, Radlje ob Dravi, formerly Dom Hmelina) and a themed visit to **Dom upokojujencev Idrija, enota Marof**.

During 768 regular visits to the retirement homes, the NPM made a total of **106 recommendations, of which, according to the response of the visited homes to the previous reports, 48 have been implemented, 50 were accepted but have not yet been implemented, 7 recommendations were not accepted**, and for 1 recommendation the response of the competent ministry to the NPM was still pending at the time of preparation of this report (the deadline for the response has not yet expired). The NPM's findings from individual visits, and the recommendations and responses to them can be seen in the tables published on the Ombudsman's website<sup>69</sup>, so only some essential findings from the visits in 2023 are presented below.

In 2023, the retirement homes visited **pointed out the staff shortages** they are facing. According to the information that the NPM obtained in one of the homes visited, there are already a thousand empty beds in retirement homes in Slovenia for this reason. The NPM also learned that some newly opened homes cannot start work for this reason, or at least not fully. Due to better salaries or better working conditions, employees leave retirement homes, medical staff mainly to go health institutions, and social staff, who take care of basic care and care for residents, to go other activities (they are employed, for example, in a shop), where they have better working conditions, as there is no Sunday, holiday or night work. For the aforementioned reason, it happens that no one responds to vacancies in nursing homes, and new hires often turn out to be unsuitable and, faced with the demanding nature of the work, soon end their employment. All of the above means, of course, that **the existing staff in retirement homes are overworked, which leads to burnout, dissatisfaction, sick leave,**



67. Three units of visited (combined) retirement homes are intended for adults with mental health problems and disorders in mental development – Dom upokojujencev Idrija, enota Marof, Dom upokojujencev Podbrdo, enota Petrovo Brdo, and Dom upokojujencev in oskrbovancev Impoljca.

68. In one case (Dom starejših Idila), the report on the visit was still being prepared at the time of preparation of this report.

69. <https://www.varuh-rs.si/o-varuhu/organizacijske-enote-in-svet-varuha/drzavni-preventivni-mehanizem/levi-meni/priporocila-iz-obiskov-preglednice/?categories=>.



**and consequently accelerates the staffing crisis.** Homes are also looking for a solution by employing workers from abroad, for whom the first problem is ignorance or at least insufficient knowledge of the Slovenian language. Since in the case of residents with an advanced form of dementia placed in secure wards (regardless of the form of security), establishing contact with employees is already more difficult, ignorance of the language can represent an insurmountable obstacle to communication and, consequently, the employee's non-acceptance in the eyes of the residents of such a ward.

Also in 2023, during the visits to retirement homes, the NPM **frequently recommended that homes establish contact with the representatives of the rights of persons with mental health disorders** and invite them to come and present to the residents, their relatives, and also the employees the help, support, and representation that they can offer residents of secure wards. In many of the homes visited, the NPM noticed basic information about such representatives, including their contact information, on the noticeboards. However, at the same time, the NPM learned that the representatives in each retirement home have not yet come to introduce themselves, so the residents do not know their role and, as a result, do not contact them when they are in need. Undoubtedly, the issue of the character of the ward for people with dementia is also an obstacle to their arrival in individual retirement homes. The ZDZdr otherwise stipulates that an individual has the right to a representative in proceedings in a ward under special supervision, in a secured ward, and in a supervised hearing. However, a number of retirement homes deny that the ward for persons with dementia meets the conditions of point 17 of Article 2 of the ZDZdr<sup>70</sup>, therefore, the representatives' reluctance to visit is understandable.

During visits in 2023,<sup>71</sup> the NPM heard from the management in most of the retirement homes visited that the home does not have a secured ward, because the residents are protected by personal monitoring<sup>72</sup>. During the visits, both the employees and the residents themselves said that security is provided by employees who, when the resident wishes to leave on their own, stop, turn, persuade, or in some other way influence their will to leave and thereby actually restrict their movement or personal freedom. At the same time, the NPM emphasises (as it has many times in the past) that it is not opposed to the restriction of an individual's personal freedom, if it is necessary to ensure their safety. However, in accordance with the ZDZdr, an appropriate legal basis must be obtained for restriction, i.e. detention in a secure ward. **The majority of retirement homes which assert that they ensure the safety of the residents through personal monitoring (in fact, as was the case in the past, and also during the 2023 visits, it was mostly established with restrictions on the personal freedom of the residents according to the employees) do not have a legal basis for detaining a resident in such a ward.** Sometimes this kind of consent is obtained, but it is difficult to determine whether the resident was even able to express their true will when signing the consent.



70. A protected ward is a ward in a social welfare institution, where persons receive continuous special protection and care due to their needs and cannot leave the institution of their own will.

71. More on this in the NPM Annual Report for 2022, when the NPM made a series of thematic visits specifically to determine the way to ensure the safety of residents in the so-called wards with personal monitoring.

72. More on this in the document Guidelines for Working with Persons with Dementia in the Field of Institutional Care for the Elderly (<https://www.gov.si/teme/httpswww-spomincica-sipage-id85825/>).

In many cases, NPM representatives also found that the guardian signed the consent independently, that they signed on behalf of the resident, or that they signed the resident. The NPM did not find in even a single visit a case where placement in one of the mentioned wards was based on a court decision.

After visiting the Mavida Radlje retirement home in Radlje ob Dravi, the NPM (again) warned the MSP about the unaccepted recommendation, related mainly to the restrictions on the personal freedom of the residents of the so-called wards with personal monitoring, since even in the past, during visits to retirement homes, it was usually found that in the so-called wards, it actually carries out the protection of residents with employees (these were also the findings of the thematic visits to homes with such wards in 2022). **In any case, it is a systemic deficiency that would require appropriate action by the mentioned ministry to prevent the inadmissible restriction of the personal freedom of residents without a legal basis for detention.**



Due to this issue, the NPM also contacted the Social Affairs Inspection Service. The NPM pointed out that in the past, during visits to a number of retirement homes, which define the method of protecting residents with advanced dementia as personal monitoring, it had been found that the protection is actually carried out by staff and thus meets the definition in Point 17 of Paragraph 2 of the ZDZdr. In particular, this finding is highlighted in the report on the thematic visits to retirement homes, which the NPM made in 2022. The NPM called on the Social Affairs Inspection Service to communicate its position and possible measures related to the highlighted findings, as well as the given recommendation. It specifically requested that the Inspection inform it if it has (already) identified any irregularities regarding the restriction of the residents' personal freedom without a legal basis during its inspections and, above all, how it intends to handle this issue in the future. **The Social Affairs Inspection Service announced that it fully agrees with the findings and recommendations of the NPM and believes that it is only possible by changing the legal regulations (in the direction of defining the wards in which the protection of residents is ensured by staff) and by appropriate personnel reinforcement, which would it can actually enable the other party to implement the concept of personal monitoring, to ensure legal and respectful treatment of the residents, which, due to their cognitive peculiarities, will at the same time ensure their personal safety.** The findings of the Social Affairs Inspection Service during its inspections were otherwise similar to the findings of the NPM – in all cases, a more or less subtle diversion of the resident was found, which, without a legal basis, is of course in conflict with the applicable regulations, but in concern for their health and life. At the same time, the Social Affairs Inspection Service concluded that the measures available to the inspector do not enable compliance with applicable regulations, as its orders could not be carried out after consistent personal monitoring in any retirement home due to current staffing levels.

During the visit to **Dom starejših občanov Maribor**, the NPM addressed a systemic recommendation to the MDDSZ, which at the time of the visit was still responsible for the institutional care of the elderly, to ensure adequate staffing of the wards with personal monitoring (which does not mean only a change in staffing norms, but also appropriate incentives in the educational process of young people and adults to ensure a sufficient number of suitable personnel on the labour market and a corresponding change in remuneration of employees) and, at the same time, ensure adequate control over the implementation of this concept, when under no

circumstances should the personal freedom of an individual resident be interfered with (neither physically, nor with employees). The NPM was otherwise informed that amendments and additions to the Guidelines for Working with Persons with Dementia in the Field of Institutional Care for the Elderly are being prepared, which, as far as the NPM was aware, had not yet been adopted at the time of preparation of this document. In its response to the report, the MSP stated that personnel norms in the field of institutional care in retirement homes were adopted in 2022 and, in the opinion of the ministry, the conditions for the recruitment of additional staff were thereby established. The MSP also agrees that it is necessary to ensure adequate control over the implementation of the concepts of work with people with dementia, but emphasises that it is also necessary to ensure a change in personnel norms in the field of nursing care in these institutions. The amendment of these norms is the responsibility of the MZ.

When visiting **Center starejših Notranje Gorice (Center)**, the NPM found that the **protected units had not yet been verified**, although the Center had forwarded to the competent ministry an application for verification at the time immediately after its opening in 2011, but did not receive any response. It applied again eight years ago, but even then, there was no response. In 2023, the Center received a request from the MSP to inform the ministry whether it is still interested in verification. Even after the Center's positive response, the application for verification has not yet been considered. **The behaviour of the MSP, when it calls on retirement homes, which in the past submitted an application for the verification of the protected section and subsequently did not withdraw it, to express their opinion regarding the insistence on the application, surprised the NPM (again). Applications for verification are based on the request made by the competent ministry for all retirement homes that have protected wards (according to the findings of the NPM so far, these are more or less retirement all homes in Slovenia) in the *Rules on Personnel, Technical and Spatial Conditions for Performing tasks in the Field of Mental Health for Providers of Institutional Care and Centres for Social Work* and the procedure for their verification. The NPM therefore gave a (systemic) recommendation to the MSP to process applications for the verification of individual retirement homes in an up-to-date manner, and at the same time consider inquiries or appeals to those retirement homes that have not yet submitted applications for the verification of protected wards.**



In the homes visited, the NPM noticed **a few cases of deficiencies in the maintenance of rooms or devices in the protected wards**, and above all, the transfer of information from the employees of the ward to the maintenance staff was not well organised. As a rule, the homes quickly implemented the recommendations to improve the situation.

The NPM also pointed out again **the need to create a more homely atmosphere with warm colours and appropriate decoration of the residents' rooms and rooms, in accordance with their wishes and safety, as well as the need for an effective emergency call system.**

Furthermore, the homes visited sometimes did not have published on the noticeboard of the protected ward all the documents required by the ZDZdr, the forms with which the residents agree to being placed in the protected ward, and in some of the homes visited, there were still no legal precepts or they were deficient, and the published lists of activities were not always as transparent and clear as they could be.

In the same way, in many cases, there were no tools for writing complaints or at least information on where to get them beside the mailboxes for complaints, praise and suggestions.

The NPM has also repeatedly pointed out the need for care, so that when a resident's wheelchair seat belt is fastened and the wheelchair is turned at the same time, the brake is released as soon as the resident indicates a desire to move.

During **follow-up visits, the NPM specifically checked the implementation of the recommendations made during the visits in previous years** and also made one new recommendation<sup>73</sup>. The NPM praised the implementation of individual recommendations, and at the same time encouraged the efforts of the visited homes to implement the remaining ones, to which the NPM will pay special attention during future visits.

The **thematic visit to Dom upokojecev Idrija, enote Marof**, which is intended to provide institutional care services for adults with mental health disorders and mental developmental disorders, was carried out in the context of determining the extent to which the residents of these institutions are guaranteed the right to privacy.<sup>74</sup> During this thematic visit, the NPM made seven recommendations aimed at all the institutions visited. **Based on the unit's response, Marof found that it had already implemented these three recommendations, while four recommendations were still waiting to be implemented.** During the visit to **Dom upokojecev Idrija, enote Marof**, the NPM specifically pointed out, among other things, **the fact that female residents were generally not included in the Zora preventive programme, and they had not been examined by a gynaecologist for a long time, some since being admitted to the said unit. The NPM also recommended that the Marof unit offer residents who are looking for certain information regarding partnership, intimacy, sexuality, and other related topics the possibility of a personal conversation, high-quality literature that will shed light on an area unknown to them, and help them find answers and also offer them all the necessary help when searching for information on the World Wide Web. During the visit itself, the NPM further suggested that mailboxes should be clearly marked so that both residents and their relatives know what they are for, and a notice should be placed next to them, where the tools for writing a complaint can be obtained. The NPM also warned that employees must be very careful when restraining a resident with straps (even if it is "merely" a lap belt) on the recliner, since this type of action, if it is about eliminating or controlling dangerous behaviour of the resident, in principle represents the implementation of a special protective measure (PVU). Thus, when assessing the character of the measure and its implementation, one must be careful and take into account Article 29 of the ZDZdr.**



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73. During the visit to Dom starejših občanov Vojnik, the NPM recommended that the house rules be attached to the noticeboard of the ward for residents with dementia, placed in a folder next to the noticeboard, or at least an extract of the house rules with the most important information and information as to where the house rules can be obtained in entirety.

74. More about these visits can be found in the chapter on visits to special social welfare institutions, as within the mentioned topic, the NPM also visited four such institutions, one centre for guidance, care, and sheltered work, and four care and work centres.



## 2.8 VISITS TO POLICE STATIONS

In 2023, the NPM **visited 20 police stations (PP) and police stations for compensatory measures (PPIU)**, namely PP Cerknica, PP Ilirska Bistrica and the Unit for State Border Security, 02/03/2023, PP Lendava and PP Murska Sobota, 19/04/2023, PP Kozina, PP Sežana and PP Postojna, 17/05/2023, PP Maribor I, PP Podlehnik and PP Ptuj, 08/06/2023, PP Ravne na Koroškem and PP Velenje, 28/06/2023, PP Slovenske Konjice, PP Rogaška Slatina and PP Šmarje pri Jelšah, 02/10/2023, PPIU Novo mesto, 21/08/2023, PP Ruše, PP Lenart and PP Ljutomer, 05/10/2023, PP Trbovlje and PP Gornja Radgona, 16/11/2023, therefore a total of **21 places of deprivation of liberty due to police detention**.

During the visits, the NPM inspected the premises that are used at PPs and PPIUs for the treatment and accommodation of persons who have been deprived of their liberty, and talked with persons who were in police custody at the time of the visit in order to find out what the police officers' procedures were in relation to them. The members of the NPM also spoke with police officers, and at the same time checked individual (randomly selected) cases of detention procedures. They also regularly checked the implementation of the recommendations from the previous visit to each police station. It is encouraging that the NPM **also found during the visits in 2023 that PPs are implementing the recommendations of the NPM**.

During the PP visits, **119 recommendations were made in 2023, and all of them were general**. The recommendations related to records and documentation (41 recommendations), living conditions (34 recommendations), legal protection and appeals channels (20 recommendations), treatment and forms of work (14 recommendations), other (4 recommendations), nutrition (3 recommendations), staff (2 recommendations) and activities (1 recommendation).



Out of the total of 119 recommendations, **87 were accepted and implemented, 27 were accepted but had not yet been implemented, and 5 were not accepted**.

The above shows that many of the NPM's recommendations have been accepted and have already been implemented, or have remained unimplemented, especially those that require more time to implement or eliminate identified deficiencies, or that require greater financial resources to implement.



Of **the recommendations which were not accepted**, one related to **PP Maribor I**, namely to check the adequacy of the functioning of the ventilation system in the part of the PP where the detention facilities are located (both for short- and long-term detentions). The MNZ stated that this problem is solved by more frequent ventilation of the premises, which, however, is disabled when there are detained persons in the premises. The rooms are ventilated by buoyancy, the ventilation openings are not built diagonally, with the air outlet above the sanitary facilities. The ventilation openings are aligned with the wall so that there are no protruding parts and are closed

with a perforated sheet with holes of a maximum diameter of 6mm. The ventilation openings are in such a place that the detained person cannot communicate with the outside environment through them. The MNZ estimates that, given the building's age, the ventilation system is appropriate and still adequate.

The next unaccepted recommendations related to the installation of video surveillance systems at the visited PPs. During the visit to the **PP Velenje**, the NPM recommended that the possibility of installing video surveillance in the interview rooms marked with numbers one and two should also be examined when the video surveillance system at the PP is renewed. Also, during the visits to **PP Slovenske Konjice**, **PP Rogaška Slatina**, and **PP Trbovlje**, the NPM recommended that the possibilities of providing the PPs with appropriate equipment for audio and video recording of hearings, or that the possibilities of actually providing the PPs with a new, higher quality equipment for audio-video recording of hearings. In all the cases mentioned above, the NPM pointed out, among other things, that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment during visits to Slovenia has already called for measures to be taken to ensure that, in cases of hearings and interviews, electronic equipment for recording police procedures was regularly used as standard practice. Likewise, the United Nations Committee against Torture, when considering the report under the Convention against Torture in 2023, once again emphasised the need to systematically record police interrogations in custody in our country with video equipment, and to strengthen protective measures against torture or ill-treatment. conduct. Despite this, the MNZ informed PP Velenje that renovation of the video surveillance system is not planned, nor is the possibility of installing video surveillance in the interview rooms marked with numbers one and two. Regarding PP Slovenske Konjice, PP Rogaška Slatina, and PP Trbovlje, the MNZ has informed the NPM that police units that need equipment for audio and video recording of interrogations can only get it for use from the nearest police unit that has it at their disposal and that there are currently no activities in the police force to procure better quality equipment.

In most of the police stations visited by the NPM in 2023, it was once again established **that there are still errors or shortcomings regarding the filling in of the forms required to carry out detentions**, although they are somewhat fewer than in the past. The majority of errors or deficiencies occur when filling in the sections of the forms required for the execution of detentions (for example, in the form "Decision on detention", in the form "Performance of tasks during detention/detention – official note" or in the form "Certificate of seized belongings detained/detained" person) and when correctly entering corrections in the forms necessary for the execution of detentions. With regard to the identified errors or shortcomings, which the NPM drew attention to in the visit reports, the MNZ guaranteed that the police officers and also the management of **the police units visited were warned about them, or the police officers were informed about the identified errors at regular work meetings of the police units.**



During the visits to the PPs, the NPM inspected the intervention vehicles, namely the space for the transport of persons deprived of their liberty. At several police stations (PP Murska Sobota, PP Kozina, PP Postojna, PP Ptuj, and PP Ruše) during inspections of the premises for transporting persons deprived of their liberty, it was found that the premises for transporting persons had not been cleaned, that there were objects in them (for example, the plastic mouthpiece of the breathalyser, scraps of paper,



etc.), or they were not ventilated. In these cases, the NPM recommended that the management of the PP ensure that the spaces in the intervention vehicles intended for the transport of persons deprived of their liberty are actually regularly inspected and, if necessary, properly cleaned. In this regard, the MNZ announced that **the police had immediately started to eliminate the identified deficiencies. The message also states that the police officers and the property manager were also warned that the premises and the official vehicle must be monitored daily and cleaned and ventilated if necessary.**



During the examination of randomly selected cases of individual detentions at PP Slovenske Konjice and PP Gornja Radgona, it was found during the examination of the archived copy of the documentation that it contains the report of the doctor who examined the detained person in the premises of the PP, which was not saved in a sealed envelope, which would prevent unobstructed access to the medical documentation. In both cases, the NPM recommended that the police should be warned that the medical documentation – the report issued by a doctor after an examination of a person who has been deprived of their liberty – is kept separately from the rest of the archived documentation of the case in a sealed envelope. **The MNZ announced that the medical documentation – report issued by a doctor after an examination of a person who has been deprived of their liberty – is kept in a sealed envelope, but not separately, but in a related file, as the police believe that the degree of injuries can affect other possible future procedures, therefore it is important that this documentation is kept in the basic file and not separately.**



During the visits to PP Murska Sobota, PP Sežana, PP Postojna, PP Maribor I, PP Ravne na Koroškem, and PP Slovenske Konjice, it was again established with an inspection of the premises for the place of detention (up to 12 hours) that access to running water is not guaranteed to detained persons during detention. In all cases, the NPM recommended once again that the possibility of providing access to running water should also be examined in connection with possible new adaptation works at the visited PPs. In most cases, the MNZ announced that **recommendations on the provision of running water in detention facilities will be included in the investment maintenance plan for facilities for the next budget periods, when major investment maintenance work will be carried out on the facility.**



During the visit to PPIU Novo mesto, it was found that in procedures with foreigners, although interpretation is provided with the help of contracted interpreters, there are problems with this, especially for individual languages (such as Farsi), as a result of which, on the basis of special reasoning, the Police also call other non-contracted interpreters. These interpreters are mostly called when it comes to unaccompanied minors and for proceedings with foreigners who are witnesses in criminal proceedings carried out for the prosecution of criminal offences on the basis of Article 308 of the Criminal Code – KZ1 (Forbidden crossing of the state border or territory), as this is required by the rules of criminal procedure. Due to the described problems, it often takes several hours for the interpreter to arrive at the PPIU, which greatly complicates the timely execution of procedural tasks. Based on this, the NPM recommended to the Ministry of Health that the possibilities of providing a greater number of contract interpreters and also the permanent presence of interpreters for the languages most often spoken by the foreigners in question be studied. The MNZ stated that **there is a much smaller selection of candidates for interpreters in the Republic of Slovenia than in larger countries. Currently, in this connection, a change in the legislation is**

**also being prepared, which would enable remote interpreting, which would shorten the arrival time of translators at police units.**

Also, during the visit to PPIU Novo mesto, it was found that a facility/hall is used for the implementation of procedures or treatment of foreigners/migrants before being transported to the asylum centre in Ljubljana, which is non-functional and completely inappropriate, especially because given the determined large number of foreigners/migrants processed daily, they stay in the facility/hall for a long time (five to six hours). **The facility/hall does not guarantee respect for personal safety and human dignity to foreigners, in the manner of accommodation established during the visit, especially vulnerable persons, such as families with small children and unaccompanied minors. The premises are also not adapted for the physically challenged.**

On the basis of this, the NPM recommended to the MNZ that for PPIU Novo mesto, from the point of view of the large number of foreigners/migrants each day, appropriate rooms for the treatment of foreigners/migrants, especially vulnerable groups, should be immediately found. The MNZ announced that, **in connection with the increase in capacity for processing foreigners in the area of the PPIU Novo mesto facility, activities are already underway to obtain appropriate consents, which will ensure more suitable premises.**



# 2.9 VISIT TO RADEČE CORRECTIONAL HOME

In 2023, the NPM also made an unannounced visit to Prevezgojni dom (PD) Radeče, namely on 10/05/2023. At Radeče PD, the educational measure of sending a minor to a correctional home is carried out, which is imposed by the court on minors due to offences committed for the areas of all judicial districts of the Republic of Slovenia and it is the only such institute in Slovenia. The measure is implemented for a minimum of one year and a maximum of three years (in the case of a re-sentence, it can be longer) for minors between the ages of fourteen and twenty-three.

During the visit, the NPM found that **the spatial capacity of PD Radeče has not changed since the previous visit and that it amounts to 47 places.** Accommodated minors are still involved in work and/or education during their placement in PD Radeče. Unlike prisons, PD Radeče does not face problems due to overcrowding, which is encouraging. Most of the problems of PD Radeče are caused by **the premises for the accommodation of minors, as they are in an old and non-functional building.** Due to the age of the buildings, various problems constantly arise, which are related to installations, various malfunctions, and also the peeling of plaster or the appearance of mould. The management strives to eliminate or remediate all problems as soon as possible, but they are repeated again and again.

During the visit, the NPM made a total of **17 recommendations, all of which were general.** The recommendations were created on the basis of an inspection of living and other premises intended for the accommodation of minors, conversations with the minors who were accommodated who wanted to participate, and the PD Radeče management.

The URSIKS General Office, under the jurisdiction of which PD Radeče belongs, responded to the recommendations from the report on the visit within the deadline set for it, and also agreed with the recommendations. Out of a total of 17 recommendations, **10 were accepted and implemented, while 7 were accepted and not yet implemented.**

**It is also encouraging that several recommendations have been implemented since the previous visit (14/10/2021).** Thus, with the inspection of the sanitary facilities at the metal workshop, it was found that **the recommendation from the previous visit to examine the possibility of repairing the damaged tiles in the sanitary facilities at the metal workshop, where there are also urinals, had been implemented.** On this visit, it was found that the part in which the tiles were damaged during our previous visit had been repaired with glue and that the area had been cleaned. During the inspection of the minors' living spaces, it was also found that **the recommendation that the hole under the toilet bowl in the single room be repaired or, if necessary, a tile or a suitable cover installed, had been implemented.** Furthermore, it was established that **the recommendation from the previous visit was implemented, i.e. that the in premises of the ward the electrical socket pulled out of the wall and the socket for connecting the antenna cable are properly installed in their sockets.**

It was also established that **the recommendation from the previous visit had been implemented, that the renovation of the fitness area would be completed as soon as possible and that the therapy workshop would once again be fully used as a therapy workshop**, as it was established that the work in the fitness area had been completed and was re-equipped with fitness equipment and put to use by minors and that the therapeutic workshop is again fully in use for the needs for which it is intended.



**We would especially like to point out or praise the self-initiative of the employees**, who immediately began to renovate the unoccupied minors' living spaces that needed renovation. In addition, during the inspection of the fourth educational group, in a conversation with the placed minors, it was found that the premises of this and the other educational groups (kitchen area) were equipped with small refrigerators.

Most of the new recommendations **related to living conditions (14 recommendations)**, while one recommendation each related to activities, treatment, forms of work and personnel.


Despite the encouraging finding that many of the recommendations from the previous visit (some from several previous visits) had been implemented, the NPM was able to **again determine that some of the recommendations were not consistently followed, or that the deficiencies were otherwise eliminated after the NPM's visit. and then they start to reappear**. Thus, during this visit, the NPM also found that the instructors in the workshops where minors work are apparently not fully performing their tasks again, or that only a partial improvement of the situation was found during the inspection of the washroom at the metal workshop. **Since during this visit it was once again established that the area in front of the entrance to the dressing rooms, in which there are sinks (washroom), had not been cleaned again**, the NPM again recommended that the PD Radeče management ensure that the instructors in the metal workshop check how the latter have cleaned the area in which the sinks are located before the minors leave after work. In this regard, the URSIKS General Office announced that the head of the education department had held a meeting with all instructors regarding ensuring order and cleanliness in all changing rooms for minors. In the future, the PD Radeče management will ensure that the mentioned premises are clean and tidy.



It was also found that **the recommendation from previous visits to study the possibilities of equipping the isolation rooms with a ventilation system or to study the possibilities of opening the windows in the rooms for ventilation needs was not implemented, since there was no change in ventilation**. Following the previous visit (14/10/2021), URSIKS in response no. 070-4/2020/98 dated 23/10/2021, in this regard, announced that the management, together with an external expert, will examine the possibility of installing suitable fans for accelerated air removal and thereby reducing stuffiness in the room. During this visit, a strong smell of mustiness was once again detected in both isolation rooms, and because, according to the PD Radeče management, the isolation room was used for two hours and 40 minutes, the NPM again recommended **that the possibilities of equipping the isolation rooms with a ventilation system should be studied or the possibilities of opening the windows in the rooms for ventilation needs should be studied**. In response, the URSIKS General Office announced that the two isolation rooms are arranged according to current standards with the aim of providing the placed minor with a safe



place in which he or she can calm down and the possibility of self-harm or suicide is excluded. For this purpose, the windows are also installed in such a way that they cannot be opened. For ventilation, two hatches are installed, which can be closed or opened manually. For the purpose of ventilation, the door is always wide open when the isolation is not in use. Both isolation rooms are in relatively little use, as in 2022 both were used a total of six times with an average length of stay of 7.5 hours, and in 2023, until the NPM's visit, only once for a duration of 2 hours and 40 minutes, and then once more. The PD Radeče management turned to an external professional contractor regarding the ventilation solution, who, after inspecting the premises, gave the opinion that the ventilation of the rooms is sufficient, but in the case of additional ventilation, depending on the time of year, there would be undercooling or overheating of the premises. Finally, the URSIKS general Office announced that the PD Radeče management will take care of regular maintenance of the ventilation flaps.



At the time of the NPM visit, 12 minors had problems with illegal drugs, 1 had problems with alcohol addiction and 1 had problems with an eating disorder. Also, the minor placed there had problems with addiction to illegal drugs. The management also explained that minors do not receive substitution therapy, but individuals receive psychiatric therapy. Juveniles are treated individually by a qualified educator, while according to the PD Radeče management, group treatment does not take place. The NPM considered that, given the number of minors with addiction problems, it might be expedient to consider re-introducing group treatment, as was done in the past. The NPM therefore **recommended that the possibilities of re-introducing group treatment of minors with drug addiction problems, which would also involve an external institution or a suitable expert psychologist, should be examined.**

The URSIKS General Office explained that the main goal of voluntary group therapy, especially when dealing with people with problems in the area of consumption of prohibited drugs and alcohol, is to promote self-awareness through mutual contacts. In the group, an individual can check his perception of himself and others, more easily recognise his patterns of behaviour, thinking and emotions and try to change them with the help of other group participants and treatment professionals. The group is a mirror for him, because the individual learns to constantly observe and control his own behaviour, way of thinking, and feelings with the group, and the therapeutic (joint) environment can soon become safe and confidential enough for the individual to test and improve social skills and communication with other members of the group, learn self-control, take responsibility, and develop reciprocity in mutual relations. URSIKS, however, believes that group treatment of addiction at PD Radeče would not make sense, since it is a mandatory treatment and is part of the minor's personal plan. Minors, especially younger minors, are not and cannot be classified as dependent in the eyes of the profession, therefore only educational-preventive group treatment can be carried out, but therapeutic treatment cannot be carried out. During adolescence, minors are particularly uncritical of drug use and take it lightly – they minimise the problem and are not ready to establish abstinence, as they believe that they have no problems or can control their drug use. Relationships with peers are mostly superficial, they do not form closer connections during their stay, and as a result, they cannot establish a confidential relationship, which is crucial in maintaining the homogeneity of the group. In their storytelling, they are mainly fantasising and rarely sincere, and they like to perform and glorify or distort the truth, especially in front of their peers. They especially like to talk about drugs and encourage each other, which complicates and breaks the therapeutic process. Hierarchical relationships are

established between them, which greatly hinders them from sincere cooperation in the group. They often don't like to be exposed in a group, so they withdraw from it. Because of the above, individual treatment of addiction in PD Radeče is the only real possibility for minors to talk about their problems with psychoactive substances in a safe space, honestly, and without reservations. The PD Radeče management will continue to try to occasionally include external experts from this field in the treatment programme with workshops, lectures, and counselling tailored to the minor population.

Also during this visit, **the NPM reviewed a few randomly selected personal files**, which are kept individually for each minor, both in electronic and physical form. The NPM praised that **the reviewed personal plans were carefully prepared**, with all the components as stipulated in Article 14 of the Rules on the Implementation of the Educational Measure of Sending a Minor to a Correctional Home. It is clear from the many changes and additions to personal plans that PD Radeče responds quickly to the needs of minors. The head of education explained that minors actively participate in the preparation of a personal plan. It was also evident that they were then informed of the written personal plan, as all the personal plans or additions of the minors were signed (or it was written that the minor was aware of the amendment, but did not want to sign it). It was also evident from the files that the PD Radeče respects the deadline of 20 days, during which the reception period should be completed and the minor should be placed in an appropriate educational group.





# 2.10

## VISITS TO PENAL INSTITUTIONS

In 2023 the NPM made 5 visits to penal institutions (ZPKZ) or their wards (wards) and penal institutions for juveniles on remand and serving prison sentences (ZPMZKZ). Four visits were regular and unannounced, namely to ZPKZ Maribor, Rogoza Ward, 23/03/2023, ZPMZKZ Celje, 5–6/04/2023, ZPKZ Dob pri Mirni, Slovenska vas open ward, 14/09/2023, and ZPKZ Ljubljana, Novo mesto Ward, 17/10/2023. The thematic visit to ZPKZ Ig, 21/09/2023 was announced due to its nature. An external expert medical doctor participated in the visit to ZPMZKZ Celje, and an external expert medical doctor, who cooperates with the NPM on the basis of a contract, participated in the thematic visit to ZPMZKZ Ig.



In general, during the current visits, it was found that most of **the visited penal institutions or their wards are faced with overcrowding and a lack of judicial police officers**. It was also established that **the number of incarcerated foreigners may have increased** in the recent period; this was especially noted during the visit to ZPMZKZ Celje and ZPKZ Ljubljana, Novo mesto Ward. The increased number of incarcerated foreigners posed additional problems for the employees in dealing with and basic familiarisation of foreigners with the rules of residence or serving a detention or prison sentence, as many of them do not speak and understand any of the more frequently used languages (for example, English, German...). On the positive side of the visits, despite the great shortage of judicial police officers, it was found that in most cases **the imprisoned persons praised the attitude of the judicial police officers towards them**.



During the NPM's visits to penal institutions in 2023, a total of **76 recommendations** were made, all of which were general. The recommendations related to living conditions (39 recommendations), treatment of imprisoned persons and forms of work (9 recommendations), health care (9 recommendations), opportunities for activities (7 recommendations), staff (4 recommendations), contacts with the outside world (4 recommendations), other (3 recommendations), and nutrition (1 recommendation).



Of the total of 76 recommendations, **36 were accepted and implemented, 37 were accepted and not yet implemented, and 3 recommendations were not accepted**. During the review of the implementation of the recommendations, it was found that **in 2023 many of the NPM's recommendations were implemented, or accepted, but were not yet (fully) implemented**. The still unimplemented recommendations are primarily recommendations that take a bit more time to implement or eliminate identified deficiencies, or require larger financial resources to implement.



During the visits to the ZPKZs, it was again established that all the old worn-out metal furniture (beds) had still not been replaced. **Based on this, the NPM again recommended that the possibilities of replacing the old metal furniture as soon as possible be examined in all living quarters of incarcerated persons in which the old metal furniture still remains or is still installed**. In this regard, the URSIKS



General Office announced that the missing wooden furniture is being ordered and, upon delivery, the old metal furniture is also immediately replaced with new wooden furniture.

During the visit to **ZPKZ Ljubljana, Novo mesto Ward**, some detainees pointed out that the provision of a shower four times a week is insufficient and they especially pointed out that they should be provided with a shower every day, at least during the summer months. Based on this, the NPM made **a recommendation to examine the possibilities of allowing detainees to shower daily, especially in the warm summer months, until the sanitary facilities in the detention rooms are renovated**. The URSIKS General Office has announced that it fully agrees with the provision of daily showers to detainees and is aware that this option is still important. **According to the assurance of the contractor for the renovation works in the Ward, the sanitary facilities will be renovated by July 2024. After the renovation, a shower will be installed in all the sanitary facilities of the detention rooms.**



During the visit to **ZPMZKZ Celje**, the expert doctor concluded that **his recommendation from the previous visit**, to study the possibilities of equipping the general medicine clinic with a bed (trolley) with wheels, which, if necessary, enables movement and thus access to the patient from all sides, **had not been implemented**. **Based on this, the NPM again recommended that the possibilities of implementing the expert doctor's report be examined, that the general medicine clinic be equipped with a bed (trolley) with wheels, which, if necessary, enables movement and thus access to the patient from all sides**. The URSIKS General Office announced that the **trolley for patient examinations has already been ordered and is awaiting delivery to the institution**.



Regarding **the three recommendations that the URSIKS General Office did not accept**, two of the unaccepted recommendations related to **ZPMZKZ Celje**, namely the first, that (taking into account the security aspect) the possibility that in the room marked number 218, the inner metal mesh on the window be removed, thereby enabling better ventilation would be possible. The URSIKS General Office explained that the metal mesh in this area is installed exclusively for security reasons. For better ventilation of the room, it can be unlocked and opened, of course under the supervision of judicial officers, several times a day if necessary. The second unaccepted recommendation for **ZPMZKZ Celje** referred to the examination of the possibility of implementing the proposal of imprisoned persons, so that in the warmer summer months they would be permitted to take soap with them when going for a walk and to take a shower on the promenade/sportsground before the end of the walk. The URSIK General Office announced that showering in the institution's yard is only possible with running water without soap or shower gel, as the use of soap could cause the surface to be slippery and thus risk falls and injuries during sports activities. The shower in this area is only intended for refreshing and cooling down during a walk. All prisoners have the option of showering after a walk in their wards or in shared bathrooms.



**One unaccepted recommendation** also related to **ZPKZ Ig**, namely that the possibility of expanding or supplementing the computer records in the part that refers to the recording of the refusal of replacement clothing from an incarcerated person during a personal examination should be studied so that it will also be possible to write down the reason for rejecting the outer garment. The NPM also recommen-



ded that in cases of refusal of replacement clothing from an incarcerated person, the possibility of preparing an official note or statement, which will show the reason for the refusal of replacement clothing and the signature of the incarcerated person, should be considered. Such a form should be filed in the personal file of the imprisoned person. The URSIKS General Office announced that they will continue with the current practice when conducting personal checks, which means that in case of refusal of replacement clothing, they will (merely) ask the reason for the refusal. If the incarcerated person gives a reason, this will be written on the official record of the event, without the incarcerated person's signature.



**During the visits, the NPM was able to make sure that several recommendations from previous visits had also been implemented.** Thus, during the visit of **ZPKZ Maribor, Rogoza Open Ward**, the NPM found that the recommendation of the NPM from the previous visit **to examine the possibilities of replacing several items of old metal furniture (beds and wardrobes)** was almost fully implemented, as this time the rooms in most (the only exception is one installed metal bed in room number 37) did not contain old metal furniture. It was also established that the NPM's recommendation from the previous visit, that cleaning and disinfecting wipes be placed in a more visible place in the fitness centre, had been implemented, since during this visit they were placed in a visible place, namely on a wide window sill. It was also established that the recommendation of the NPM from the previous visit, that the mailbox, which is intended for submitting complaints, should be properly marked with the purpose for which the mailbox is intended, and that the deposit slot should be reduced accordingly, so that it is not possible to reach inside the mailbox with your hand, as it was found during this visit that the mailbox has been replaced with a new one and has an appropriate slot size, and at the same time is appropriately marked with its purpose.



**ZPMZKZ Celje** also implemented the recommendation of the NPM from the previous visit, that **the damaged floor in the prisoners' fitness room should be repaired as soon as possible and that the possibilities of arranging the floor should be studied in such a way that similar damage does not occur in the future**, since during this visit, it was found that the floor of the large fitness centre had been renovated with a floor covering intended for fitness rooms. It was also established that the NPM's recommendation from the previous visit **to renovate the fitness area in the detention centre as soon as possible** had been implemented, as during this visit it was established that the floor had been painted and repaired, or that floor equipped/lined with a floor suitable for fitness rooms. The NPM's recommendation from the previous visit, **that the imprisoned persons be given hygienic paper napkins at all meals**, was also implemented, as during this visit the NPM did not receive such comments from the prisoners.

Furthermore, the NPM's recommendation from the previous visit regarding the comments of imprisoned persons about the disturbing early morning inspection of bars in the living quarters of imprisoned persons by judicial police officers was implemented, as during this visit the NPM did not receive such complaints from imprisoned persons. The NPM's recommendation from the previous visit was also implemented, namely **that educators work even more actively with convicts in the achievement of plans or goals from their personal plan**, since during this visit the NPM did not receive such complaints, or rather, it mainly received praise regarding the work of educators.

**ZPKZ Dob pri Mirni, Slovenska vas Ward**, implemented the NPM's recommendation from previous visits to **study the possibilities of providing adequate financial resources for the installation of a canopy as soon as possible at the main facility number one**, since during this visit it was found that that a canopy had been installed at the facility.



Furthermore, **ZPKZ Ljubljana, Novo mesto Ward**, implemented the NPM's recommendation from the previous visit or several previous visits **to study the possibilities of installing cable access to TV channels in the remand ward as well, since more and more foreigners are housed there, who in this way would be better acquainted with world news**, as it was established during this visit that the possibility of accessing a cable connection had been arranged for all detention rooms. The NPM's recommendation from the previous visit(s) **to examine the possibilities of providing the Ward with at least a few TV sets for the needs of detention, namely for those detainees who cannot provide a TV set themselves**, as it was found during this visit that all detention rooms (with the exception of one in which, according to the head of the Ward, a prisoner had damaged the TV set) were equipped with TV sets. Also, the recommendation of the NPM from the previous visit(s) **to examine the possibilities of filling the vacant position of educator** had been implemented, since during this visit it was established that the vacant position of educator had been filled by the employment of an educator on 05/12/2022.





# 3.

## ANNEXES

# 3.1 NATIONAL PREVENTIVE MECHANISM (NPM) VISITS IN 2023

20 February 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Srečko Brumen, representative of the Novi Paradoks NGO, made an unannounced visit to <b>Dom upokoencev Gradišče</b> .
2 March 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Urša Regvar, representative of the PIC NGO, made an unannounced visit to <b>Cerknica police station</b> .
2 March 2023	NPM members, Advisor to the Ombudsman Robert Gačnik, and Urša Regvar, representative of the PIC NGO, made an unannounced visit to <b>Ilirska Bistrica police station</b> .
6 March 2023	NPM members, Jure Markič, MA, Ombudsman's Advisor, and Rok Kuster, representative of the Pravo za VSE, and subsequently also by expert Dr. Petra Koprivnik, made an unannounced visit to <b>Dom pod gorco, Maribor</b> .
7 March 2023	NPM members, Sonja Božič Testen, Ombudsman's Advisor, and Aida Hajdarević Novak, representative of the UNICEF NGO, made an unannounced visit to <b>Varstveno delovni center Vrhnika</b> , Vrhnika residential unit.
7 March 2023	NPM members, Ana Polutnik, Ombudsman's Advisor, and Neja Čopi, representative of the UNICEF NGO, made an unannounced visit to <b>Mladinski dom Malči Beličeve</b> , four educational groups in Ljubljana.
8 March 2023	NPM members, Ana Polutnik, Ombudsman's Advisor, and Neja Čopi, representative of the UNICEF NGO, made an unannounced visit to <b>Mladinski dom Malči Beličeve</b> , assertive groups in Ljubljana.
8 March 2023	NPM members, Ana Polutnik, Ombudsman's Advisor, and Neja Čopi, representative of the NGO, made an unannounced visit to <b>Mladinski dom Malči Beličeve</b> , Ljubljana residential group.
9 March 2023	NPM members Ana Polutnik, Ombudsman's Advisor, and Neja Čopi, representative of the Slovenska fundacija za UNICEF NGO, made an unannounced visit to <b>Mladinski dom Malči Beličeve</b> , Brežice residential group.

16 March 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Lili Jazbec, representative of the Zveza društev upokojencev Slovenije NGO, made an unannounced visit to <b>Varstveno delovni center Zasavje</b> , Podvelnarji residential unit.
16 March 2023	NPM members, Sonja Božič Testen, Ombudsman's Advisor, and Lili Jazbec, representative of the Zveza društev upokojencev Slovenije NGO, made an unannounced visit to <b>Varstveno delovni center Zasavje, Ribnik 1 residential unit.</b>
16 March 2023	NPM members, Sonja Božič Testen, Ombudsman's Advisor, and Lili Jazbec, representative of the Zveza društev upokojencev Slovenije NGO, made an unannounced visit to <b>Varstveno delovni center Zasavje, Ribnik 2 residential group.</b>
22 March 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Izidora Koštomaj, representative of the Spominčica NGO, made an unannounced visit to <b>Dom upokojencev Ljutomer, Stročja vas residential unit.</b>
23 March 2023	NPM members, Advisor to the Ombudsman Robert Gačnik, Advisor to the Ombudsman, and Urša Podgoršek, representative of the Društva Pravo za VSE, made an unannounced visit to <b>Zavod za prestajanje kazni zapora Maribor – Odprti oddelek Rogoza.</b>
28 March 2023	NPM members, Ana Polutnik, Ombudsman's Advisor, and Sanja Jablanovič, representative of the PIC NGO, made an unannounced visit to <b>Vzgojni zavod Kranj, Stražišče residential group.</b>
28 March 2023	NPM members, Ana Polutnik, Ombudsman's Advisor, and Sanja Jablanovič, representative of the PIC NGO, made an unannounced visit to <b>Vzgojni zavod Kranj, Valjavčeva assertive group.</b>
29 March 2023	NPM members Ana Polutnik, Ombudsman's Advisor, and Sanja Jablanovič, representative of the PIC NGO, made an unannounced visit to <b>Vzgojni zavod Kranj, Lesce residential group.</b>
3 April 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and David Krivec, representative of the Spominčica NGO, made an unannounced visit to <b>Dom počitka Mengeš.</b>
5 April 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Urša Brinovec, representative of the Pravo za VSE NGO, made an unannounced visit to <b>Varstveno delovni center Postojna, residential group in Postojna.</b>



5–6 April 2023	NPM members Deputy Ombudsman Ivan Šelih, Robert Gačnik Advisor to the Ombudsman, and Katerina Kočkovska Šetinc, representative of the Mirovni inštitut NGO and Aida Hajdarevič Novak, representative of the UNICEF NGO, and subsequently also expert Assist. Dr Milan Popovič, MD, surgery specialist, made an unannounced visit to <b>Zavod za prestajanje mladoletniškega zapora in kazni zapora Celje.</b>
17 April 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Urša Podgoršek, representative of the Pravo za VSE NGO, made an unannounced visit to SeneCura <b>Dom starejših občanov Maribor.</b>
18 April 2023	NPM members Ana Polutnik, Ombudsman's Advisor, and Lili Jazbec, representative of the Zveza društev upokojencev Slovenije NGO, made an unannounced visit to <b>Strokovni center Višnja Gora, educational groups in Višnja Gora.</b>
19 April 2023	NPM members Ana Polutnik, Ombudsman's Advisor, and Lili Jazbec, representative of the Zveza društev upokojencev Slovenije NGO, made an unannounced visit to <b>Strokovni center Višnja Gora, Ljubljana residential group.</b>
19 April 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Primož Križnar, representative of the SKUP NGO, made an unannounced visit to <b>Lendava police station.</b>
19 April 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Primož Križnar, representative of the SKUP, made an unannounced visit to <b>Murska Sobota police station.</b>
24 April 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Mateja Žan Turk, representative of the Zveza Sožitje NGO, made an unannounced visit to <b>Varstveno delovni center Ajdovščina – Vipava</b> , residential unit.
24 April 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Mateja Žan Turk, representative of the Zveza Sožitje NGO, made an unannounced visit to <b>Varstveno delovni center Ajdovščina – Vipava</b> , residential group.
9 May 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Iva Devetak, representative of the ZPMS NGO, made an unannounced visit to <b>Varstveno delovni center Koper, Mimoza v Izoli residential group.</b>
10 May 2023	NPM members Advisors to the Ombudsman Robert Gačnik, Ana Polutnik and Lea Javornik, MA, and Neja Čopi, representative of the UNICEF NGO, made an unannounced visit to <b>Prevzgojni dom Radeče.</b>

11 May 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Izidora Koštomaj, representative of the Spominčica NGO, made an unannounced visit to <b>SeneCura Dom starejših občanov Vojnik.</b>
17 May 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Anuška Podvršič, representative of the PIC NGO, made an unannounced visit to <b>Kozina police station.</b>
17 May 2023	NPM member Robert Gačnik, Advisor to the Ombudsman, and Anuška Podvršič, representative of the PIC NGO, made an unannounced visit to <b>Sežana police station.</b>
17 May 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Anuška Podvršič, representative of the PIC NGO, made an unannounced visit to <b>Postojna police station.</b>
31 May 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Urša Podgoršek, representative of the Pravo za VSE NGO, made an unannounced visit to <b>Varstveno delovni center Šentjur, Podplat residential group.</b>
8 June 2023	NPM members Ana Polutnik, Ombudsman's Advisor, and Petra Zega, representative of the ZPMS NGO, made an unannounced visit to the <b>University Psychiatric Clinic Ljubljana, Unit for intensive child and adolescent psychiatry.</b>
8 June 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Urša Podgoršek, representative of the Društva Pravo za VSE NGO, made an unannounced visit to <b>Maribor I police station.</b>
8 June 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Urša Podgoršek, representative of the Društva Pravo za VSE NGO, made an unannounced visit to <b>Podlehnik police station.</b>
8 June 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Urša Podgoršek, representative of the Društva Pravo za VSE NGO, made an unannounced visit to <b>Ptuj police station.</b>
8 June 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Sanja Jablanović, representative of the PIC NGO, made an unannounced visit to Varstveno delovni center SAŠA, <b>Mozirje residential unit.</b>
12 June 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Urša Brinovec, representative of the Pravo za VSE NGO, made an unannounced visit to <b>Dom upokoencev Podbrdo, Petrovo Brdo Unit.</b>

21 June 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, Lili Jazbec, representative of the Zveza društev upokojencev Slovenije NGO, and Mateja De Reya, representative of the Zveza Sožitje NGO, made an unannounced follow-up visit to <b>Varstveno delovni center Nova Gorica, Stara Gora Unit.</b>
28 June 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Primož Križnar, representative of the SKUP NGO, made an unannounced visit to <b>Ravne na Koroškem police station.</b>
28 June 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Primož Križnar, representative of the SKUP NGO, made an unannounced visit to <b>Velenje police station.</b>
12 July 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and David Krivec, representative of the Spominčica NGO, made an unannounced visit to <b>Dom starejših občanov Vič – Rudnik, Bokalce Unit.</b>
25 July 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Maja Pajk, representative of the Novi Paradoks NGO, made an unannounced thematic visit (right to intimacy and sexuality) to <b>Dom na Krasu, Dutovlje.</b>
26 July 2023	NPM members Ana Polutnik, Ombudsman's Advisor, and Srečko Brumen, representative of the Novi Paradoks NGO, made an unannounced visit to the <b>Vojnik Psychiatric Hospital, geriatric psychiatry ward.</b>
27 July 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Maja Pajk, representative of the Novi Paradoks NGO, made an unannounced thematic visit (right to intimacy and sexuality) to <b>Dom upokojencev Idrija, Marof Unit.</b>
1 August 2023	NPM members Jure Markič, MA, Advisor to the Ombudsman, and Maja Pajk, representative of the Novi Paradoks NGO, made an unannounced thematic visit (right to intimacy and sexuality) to <b>Dom Nine Pokorn Grmovje.</b>
2 August 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Nika Bobek, representative of the PIC NGO (Kaja Paulin, a student on an internship with the Human Rights Ombudsman of the RS, was also present on the visit), made an unannounced visit to <b>Slovenske Konjice police station.</b>
2 August 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Nika Bobek, representative of the PIC NGO (Kaja Paulin, a student on an internship with the Human Rights Ombudsman of the RS, was also present on the visit), made an unannounced visit to <b>Rogaška Slatina police station.</b>

2 August 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Nika Bobek, representative of the PIC NGO (Kaja Paulin, a student on an internship with the Human Rights Ombudsman of the RS, was also present on the visit), made an unannounced visit to <b>Šmarje pri Jelšah police station</b> .
3 August 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Mateja Markovič, representative of the Novi Paradoks NGO, made an unannounced thematic visit (right to intimacy and sexuality) to <b>SVZ Hrastovec</b> .
8 August 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Maja Pajk, representative of the Novi Paradoks NGO, made an unannounced thematic visit (right to intimacy and sexuality) to <b>Dom Lukavci</b> .
17 August 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Lili Jazbec, representative of the Zveza društev upokojenцев Slovenije NGO, made an unannounced thematic visit (right to intimacy and sexuality) to <b>Varstveno delovni center Murska Sobota</b> .
21 August 2023	NPM members Deputy Ombudsman Ivan Šelih, Advisor to the Ombudsman Robert Gačnik, and Katarina Vučko, representative of the Mirovni inštitut NGO, made an unannounced visit to <b>Novo mesto police station for compensatory measures</b> .
21 August 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Mateja De Reya, representative of the Zveza Sožitje NGO, made an unannounced thematic visit (right to intimacy and sexuality) to Varstveno delovni center Tončka Hočevar.
22 August 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Urša Podgoršek, representative of the Pravo za VSE, made an unannounced visit to <b>Dom upokojenцев in oskrbovancev Impoljca</b> .
23 August 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Mateja Žan Turk, representative of the Zveza Sožitje, made an unannounced thematic visit (right to intimacy and sexuality) to <b>Varstveno delovni center Krško – Leskovec</b> .
25 August 2023	NPM members Ana Polutnik, Ombudsman's Advisor, and Rok Kuster, representative of the Pravo za VSE NGO, made an unannounced visit to <b>Krizni center za otroke Palček in Bresternica</b> .
31 August 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Mateja Žan Turk, representative of the Zveza Sožitje NGO, made an unannounced thematic visit (right to intimacy and sexuality) to <b>Center za usposabljanje, delo in varstvo Dobrna</b> .

4 September 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Lili Jazbec, representative of the Zveza društev upokojencev Slovenije NGO, made an unannounced thematic visit (right to intimacy and sexuality) to <b>Center za varstvo in delo Golovec</b> .
14 September 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Katja Piršič, representative of the SKUP, made an unannounced visit to <b>Zavod za prestajanje kazni zapora Dob pri Mirni – Odprti oddelek Slovenska vas</b> .
21 September 2023	NPM members Deputy Ombudsman Ivan Šelih, Robert Gačnik, Advisor to the Ombudsman, and Katarina Vučko, representative of the Mirovni inštitut NGO, and subsequently also doctor – expert Dr. Zdenka Čebašek Travnik, MD, specialist in psychiatry, made (the visit was announced on 20 September 2023) a thematic visit to <b>Zavod za prestajanje kazni zapora Ig</b> .
28 September 2023	NPM members Ombudsman's Advisors Ana Polutnik and Jure Markič, MA, Mateja Markovič and Srečko Brumen, representatives of the Novi Paradoks NGO, and an expert Jure Koprivšek, MD, specialist in psychiatry, made an unannounced visit to <b>University Psychiatric Clinic Ljubljana (reception ward at the Unit for Intensive Psychotherapy)</b> .
3 October 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Rok Kuster, representative of the Pravo za VSE NGO, made an unannounced visit to <b>Medobčinsko društvo Sožitje Ptuj</b> , residential unit.
5 October 2023	<b>NPM members Robert Gačnik, Advisor to the Ombudsman, and Urša Podgoršek, representative of the Društvo Pravo za VSE NGO, made an unannounced visit to Ruše police station.</b>
5 October 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Urša Podgoršek, representative of the Društva Pravo za VSE NGO, made an unannounced visit to <b>Lenart police station</b> .
5 October 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Urša Podgoršek, representative of the Društvo Pravo za VSE NGO, made an unannounced visit to <b>Ljutomer police station</b> .
12 October 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Rok Kuster, representative of the Pravo za VSE NGO, made an unannounced visit to <b>SeneCura Dom starejših občanov Hoče Slivnica</b> .

16 October 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Urša Podgoršek, representative of the Pravo za VSE NGO, made an unannounced visit to the residential group of <b>Medobčinsko društvo Sožitje Maribor</b> .
17 October 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Dr. Maja Ladič, representative of the Mirovni inštitut NGO, made an unannounced visit to <b>Zavod za prestajanje kazni zapora Ljubljana, Oddelek Novo mesto</b> .
18 October 2023	NPM members Ana Polutnik, Ombudsman's Advisor, and Katerina Kočkovska Šetinc, representative of the Mirovni inštitut NGO, made an unannounced visit to <b>Vzgojni-izobraževalni zavod Frana Milčinskega Smlednik</b> , educational groups in Smlednik.
19 October 2023	NPM members Ana Polutnik, Ombudsman's Advisor, and Katerina Kočkovska Šetinc, representative of the Mirovni inštitut NGO, made an unannounced visit to <b>Vzgojni-izobraževalni zavod Frana Milčinskega Smlednik</b> , assertive groups in Kranj.
19 October 2023	NPM members Ana Polutnik, Ombudsman's Advisor, and Katerina Kočkovska Šetinc, representative of the Mirovni inštitut, made an unannounced visit to <b>Vzgojni-izobraževalni zavod Frana Milčinskega Smlednik, residential group</b> in Ljubljana.
23 October 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Dr. Božidar Voljč, representative of the Spominčica NGO, made an unannounced follow-up visit to <b>Dom starejših občanov Mavida Radlje, Radlje ob Dravi (formerly Dom Hmelina)</b> .
8 November 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Amarila Rižnar, representative of the Spominčica NGO, made an unannounced follow-up visit to <b>DEOS, Center starejših Notranje Gorice</b> .
14 November 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Nina Kotnik, representative of the Pravo za VSE NGO, made an unannounced visit to <b>Zavod Karion, Čebelice residential group</b> .
16 November 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Primož Križnar, representative of the SKUP NGO, made an unannounced visit to <b>Trbovlje police station</b> .
16 November 2023	NPM members Robert Gačnik, Advisor to the Ombudsman, and Primož Križnar, representative of the SKUP NGO, made an unannounced visit to <b>Gornja Radgona police station</b> .

23 November 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Sanja Jablanovič, representative of the PIC NGO, made an unannounced visit to podjetja <b>Želva d.o.o., Ig residential unit.</b>
27 November 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Dr. Božidar Voljč, representative of the Spominčica NGO, made an unannounced visit <b>Dom upokoencev Center, Ljubljana, Roza kocka Unit.</b>
28 November 2023	NPM members Ana Polutnik, Ombudsman's Advisor, and Katja Piršič, representative of the SKUP NGO, made an unannounced follow-up visit to <b>Strokovni center Logatec.</b>
4 December 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Ilina Osrajnik, representative of the Pravo za VSE NGO, made an unannounced visit to <b>Zveza Sonček, Pragersko residential group.</b>
6 December 2023	NPM members Ana Polutnik, Ombudsman's Advisor, and Katja Piršič, representative of the SKUP NGO, made an unannounced visit to <b>Krizni center za mlade Kresnička in Radovljica.</b>
12 December 2023	NPM members Sonja Božič Testen, Ombudsman's Advisor, and Mateja Žan Turk, representative of the Zveza Sožitje NGO, made an unannounced visit to <b>Skupnost Barka, Sončna hiša residential group.</b>
19 December 2023	NPM members Jure Markič, MA, Ombudsman's Advisor, and Liana Kalčina Srhoj, representative of the Zveza prijateljev mladine Slovenije NGO, made an unannounced visit to <b>Center starejših Idila, Vukovski Dol.</b> The centre was also subsequently visited by Dr. Vesna Švab.

## 3.2 OVERVIEW OF OTHER NATIONAL PREVENTIVE MECHANISM (NPM) ACTIVITIES IN 2023

16 January 2023	A conversation at the Ombudsman's headquarters with a representative of the MZ on the topic of the ministry's work in the field of mental health. Present: Ombudsman Peter Svetina, Deputy Ombudsman Ivan Šelih, and Jure Markič, MA, Ombudsman's Advisor.
18 January 2023	Deputy Ombudsman Ivan Šelih took part in an online regional consultation workshop organised by the Mirovni inštitut and others on the topic: „Enhancing the Rights of Defendants and Detainees with Intellectual and/or Psychosocial Disabilities: EU Cross Border Transfers, Detention and Alternatives.“
9 February 2023	Deputy Ombudsman Ivan Šelih took part in an online event on the 20th anniversary of the OPCT and the 15th anniversary of the SPT.
14 February 2023	Deputy Ombudsman Ivan Šelih took part in the online workshop “Monitoring mental health in prisons” organised by the Council of Europe and APT.
27 March 2023	On 27 March 2023, the Ombudsman organised a meeting at his premises with representatives of non-governmental organisations that cooperate with the Ombudsman in the implementation of the NPM and were selected in the last public call for cooperation until the end of 2026 – Mirovni inštitut, Novi Paradoks, Pravni center za varstvo človekovih pravic in okolja (PIC), Pravo za VSE, SKUP – skupnost privatnih zavodov, Spominčica, UNICEF, Zveza društev upokojoyencev Slovenije (ZDUS), Zveza prijateljev Mladine Slovenije (ZPMS) and Zveza Sožitje. The representatives of the selected non-governmental organisations were welcomed by Ombudsman Peter Svetina. In the continuation of the meeting, the Ombudsman's Advisors, who are members of the NPM, presented in more detail the methodology of visits to individual institutions, and the meeting concluded with a lecture by the NPM expert doctor Dr. Zdenka Čebašek Travnik on communicating with people with dementia.



28 March 2023	Jure Markič, MA, Ombudsman's Advisor, took part in an (on-line) Alzheimer café organised by Spominčica – Alzheimer Slovenija with the title "Can I get dementia and how can I reduce the risk of developing it?"
11 April 2023	Deputy Ombudsman Ivan Šelih attended a meeting at the Supreme Court of the Republic of Slovenia regarding the issue of providing mental health services with protected wards of social welfare institutions.
13-14 April 2023	Sonja Božič Testen, Ombudsman's Advisor, took part in the expert consultation „Otrok – dokazno sredstvo“ organised by the Judicial Education Centre in Ljubljana.
17 April 2023	Deputy Ombudsman Ivan Šelih attended a working group meeting within the framework of the project at the MP "Improving the juvenile criminal justice system and strengthening the education and training of prison staff".
18 April 2023	Deputy Ombudsman Ivan Šelih participated in the fifth online meeting of the Advisory Group as part of the EU-SE Joint Project Improving the Juvenile Criminal Justice System and Strengthening the Education and Training of Prison Staff Component I – Juvenile Criminal Justice System in Slovenia.
19 April 2023	Deputy Ombudsman Ivan Šelih attended a conference at the Police Academy in Tacno: „Collection of information and interrogation: criminological and criminal law aspects“.
19 April 2023	Deputy Ombudsman Ivan Šelih and Advisor to the Ombudsman Robert Gačnik met with a representative of the Ministry of Health on the topic of planning the expansion of the development of the palliative network, which would also include persons who are seriously ill and have been deprived of their liberty or become ill to such an extent while serving their sentence.
10 May 2023	Sonja Božič Testen, Ombudsman's Advisor, attended the training „Effective communication with the deaf and hard of hearing“ at the Ombudsman's headquarters, which was conducted by an expert worker of the Association of Deaf and Hard of Hearing Associations of Slovenia.
16 May 2023	Deputy Ombudsman Ivan Šelih and Jure Markič, MA, Ombudsman's Advisor, attended a meeting with ZDUS representatives in order to evaluate the cooperation with the NPM so far and look to the future.
23 May 2023	Deputy Ombudsman Ivan Šelih attended a meeting of the network IPCAN and the Police Network, in Strasbourg, France.

1 June 2023	Deputy Ombudsman Ivan Šelih attended the first meeting of the SEE NPM network in 2023 in Thessaloniki, Greece, on the topic „Monitoring Mental Health Units in Correctional Facilities“.
7 June 2023	Deputy Ombudsman Ivan Šelih, and Jure Markič, MA, Ombudsman's Advisor, attended the meeting of the working group for the preparation of <i>Guidelines for working with persons with dementia in institutional care for the elderly</i> at the premises of the Ministry of Solidary-Based Future.
7 June 2023	Jure Markič, MA, Ombudsman's Advisor, attended (online) training organised by Spominčica – Alzheimer Slovenija with the title „Rehabilitation training of dementia-friendly points“.
7 June 2023	Deputy Ombudsman Ivan Šelih and Robert Gačnik, Advisor to the Ombudsman, attended a meeting of representatives of the Ministry of Health, URSIKS and the Ministry of Solidary Future at the headquarters of the Ombudsman on the topic of palliative care in prisons.
7 June 2023	Ana Polutnik, Ombudsman's Advisor, participated in a webinar organised by SPT. Representatives of the European NPMs exchanged experiences regarding the prevention or action in case of compensatory measures and regarding the monitoring of the implementation of recommendations.
9–11 June 2023	Ana Polutnik, Ombudsman's Advisor, took part in the conference „Modern challenges of working with young people from vulnerable groups“, organised by Mladinski dom Jarše.
13 June 2023	Jure Markič, MA, Ombudsman's Advisor, took part in the event marking the 20th anniversary of the founding of the New Paradox association.
16 June 2023	Robert Gačnik, Advisor to the Ombudsman, participated in a roundtable on the perception of radicalism and extreme violence among incarcerated persons within the framework of the „HOPE“ project, organised by the Probation Administration in Brdo pri Kranju.
25 September 2023	Deputy Ombudsman Ivan Šelih and Advisor to the Ombudsman Robert Gačnik met with the State Secretary at the Ministry of the Interior, Mrs. Helga Dobrin and the general director of the Directorate for Police and Other Security Tasks and other DPDVN employees. The meeting took place in the context of preparations for inspections or for the preparation of guidelines and mandatory instructions for the work of the police.

26 September 2023	Jure Markič, MA, Ombudsman's Advisor, attended the (online) Alzheimer's cafe organised by Spominčica – Alzheimer Slovenija with the title „How dementia can be delayed and how we treat it“.
27 September 2023	Jure Markič, MA Ombudsman's Advisor, took part in a roundtable entitled „Challenges of caring for people with dementia in local environments with an emphasis on family caregivers in long-term care for people with dementia“ within the framework of the Faculty for the Third Age in Cankarjev dom in Ljubljana.
3 October 2023	Ombudsman Peter Svetina and his deputies attended the 9th regular session of the Commission for Petitions, Human Rights and Equal Opportunities of the National Assembly of the Republic of Slovenia, which discussed the annual report of the Ombudsman for 2022 and also the report of the NPM for 2022.
4 October 2023	Deputy Ombudsman Ivan Šelih attended the meeting of the Interdepartmental Working Group for the Coordination of the Execution of ECtHR Judgments at the Ministry of Justice.
5 October 2023	Ombudsman Peter Svetina, his deputy Ivan Šelih, and Simona Drenik Bavdek, Assistant Head of the Centre for Human Rights, met with the head of the Council of Europe's department for the enforcement of ECtHR judgments and her colleagues on the subject of the enforcement of ECtHR judgments.
6 October 2023	Deputy Ombudsman Ivan Šelih and Robert Gačnik, Advisor to the Ombudsman, took part in an expert conference in Ljubljana within the framework of the project “Sereny - Krepitev pristopov za preprečevanje radikalizacije mladih v zaporskih in probacijskih”, organised by the Mirovni inštitut NGO.
10 October 2023	Ombudsman's Advisors Ana Polutnik and Jure Markič, MA, attended the presentation of the book „Have you taken tablets today?“ by Tone Vrhovnik Straka and a discussion on mental health at SVZ Hrastovec on Mental Health Day.
11 October 2023	Ombudsman Peter Svetina and his deputies attended the 10th meeting of the Council of State of the Republic of Slovenia, which considered the Ombudsman's report for 2022 and the NPM's report for 2022.

11 October 2023	Robert Gačnik, Advisor to the Ombudsman, held a conversation with the head of the IOM Office for Slovenia, Mrs Adriano Aralica, on the subject of increased migration flows to Slovenia.
12 October 2023	Sonja Božič Testen, Ombudsman's Advisor, took part in an event in Maribor with the premiere of the film „Where are we at home?“ upon the 70th anniversary of Zavod za usposabljanje, delo in varstvo dr. Marijana Borštnarja Dornava.
17 October 2023	Deputy Ombudsman Ivan Šelih took part in the final conference of the joint project of the European Union and the Council of Europe „Improving the juvenile criminal justice system and strengthening the education and training of prison staff“ in Ljubljana.
18 October 2023	Ombudsman Peter Svetina and his deputies attended the meeting of the National Assembly of the Republic of Slovenia, which discussed the 28th Annual Report of the Ombudsman for 2022 and the report on the implementation of the NPM's tasks for 2022.
2 November 2023	Within the framework of a legal clinic, Deputy Ombudsman Ivan Šelih and Advisor to the Ombudsman Robert Gačnik presented to students of the Faculty of Law in Ljubljana the institution of the Human Rights Ombudsman of the Republic of Slovenia in the area of restrictions on the movement of foreigners/migrants and the NPM, as well as the work and findings of the NPM during visits to police stations, the reception areas of the Asylum Home and the Centre for Foreigners.
9–10 November 2023	Deputy Ombudsman Ivan Šelih participated in the sixth regional meeting of the NPM and civil society organisations from the OSCE region, which was held in Copenhagen, Denmark.
13 November 2023	Deputy Ombudsmen Ivan Šelih and Miha Horvat, attended the meeting of the Committee against Torture in Geneva, Switzerland, which discussed Slovenia's report under the Convention against Torture.
16 November 2023	Ombudsman's Advisors Ana Polutnik and Jure Markič, MA, attended a lecture by Prof. Dr. Zvezdana Pirtoška with the title „Shadows of the forgotten world – dementia and the decay of memory“, at Cankarjev dom in Ljubljana.

16 November 2023	Deputy Ombudsman Ivan Šelih participated in the final consultation of the project “Justice for all – Strengthening the rights of defendants and detainees with intellectual and/or psychosocial disabilities: cross-border transfers, detention and alternatives in the EU” organised by the Peace Institute and others in Ljubljana.
24 November 2023	Sonja Božič Testen, Ombudsman’s Advisor, took part in training for professional workers to work on children’s telephone helplines at the Hiša za otroke in Ljubljana.
30 November and 1 December 2023	Deputy Ombudsman Ivan Šelih attended the second SEE NPM Network meeting in Athens, Greece on the topic: “Existing prison education policies and practices, vocational training and skills development as inmates’ rights and as means to support the rehabilitation and reintegration into society”.
5 December 2023	Deputy Ombudsman Ivan Šelih and Jure Markič, MA, Ombudsman’s Advisor, attended a meeting with a representative of the Association of Pensioners’ Associations of Slovenia (ZDUS) with the aim of presenting the work of the NPM.
6 December 2023	Deputy Ombudsman Ivan Šelih participated in the (online) final conference „Enhancing the Rights of Defendants and Detainees with Intellectual and/or Psychosocial Disabilities: EU Cross-Border Transfers, Detention and Alternatives“ organised by the Peace Institute and others.
12 December 2023	Ana Polutnik, Ombudsman’s Advisor, attended the symposium „Forensic expertise in family matters“, organised by the Judicial Education Centre.
14–15 December 2023	At the 6th Mental Health Days, Deputy Ombudsman Ivan Šelih and Jure Markič, MA, Ombudsman’s Advisor, presented the work of the National Preventive Mechanism and the dilemmas it faces during its visits – especially regarding the overcrowding of secured wards of social welfare institutions and individual court decisions on detention. The Mental Health Days event was also attended by NPM members Ombudsman’s Advisors Ana Polutnik and Sonja Božič Testen.

# 3.3

## OTHER ANNEXES

Attachments 3.3.1, 3.3.2, 3.3.3 and 3.3.4 are available on the website of the Human Rights Ombudsman of the Republic of Slovenia [www.ombudsman.si/en](http://www.ombudsman.si/en), while attachment 3.3.5 is provided below.

### **3.3.1 UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

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### **3.3.2 Act Ratifying the Optional Protocol**

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### **3.3.3 About the NPM in the Human Rights Ombudsman**

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### **3.3.4 About the NPM in the Ombudsman's Rules of Procedure**

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**Report of the Ombudsman of the Republic of Slovenia on the implementation of 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 2023

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**Contributors to the publication:**

Peter Svetina, Human Rights Ombudsman; Ivan Šelih, Deputy Ombudsman and the Head of the National Preventive Mechanism; Jure Markič, MA; Robert Gačnik, Specialist; Ana Polutnik and Sonja Božič Testen

**Edited by:** Ivan Šelih, Deputy Ombudsman, Nataša Mazovec, Senior Advisor, Dr Simona Drenik Bavdek, Assistant Head of the Centre for Human Rights

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HUMAN  
RIGHTS  
OMBUDSMAN

**Address:**

Varuh človekovih pravic Republike Slovenije  
Dunajska cesta 56  
1000 Ljubljana  
Slovenia

T: +386 1 475 00 50

W: [www.ombudsman.si/en](http://www.ombudsman.si/en)

E: [info@varuh-rs.si](mailto:info@varuh-rs.si)

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