

**Interim report of the Slovenian Government
in response to the report of the
European Committee for the Prevention of
Torture and Inhuman or Degrading Treatment
or Punishment (CPT) on its visit to Slovenia
from 19 to 28 February 1995**

The Slovenian authorities have requested the publication of their interim report.
The CPT's report on its visit to Slovenia is set out in document CPT/Inf (96) 18.

Strasbourg, 27 June 1996

**Report to the Slovenian Government
on the visit to Slovenia
carried out by the European Committee for
the Prevention of Torture and Inhuman or
Degrading Treatment or Punishment (CPT)
from 19 to 28 February 1995**

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TABLE OF CONTENTS

	<u>Page</u>
INTERIM REPORT OF THE SLOVENIAN GOVERNMENT IN RESPONSE TO THE REPORT OF THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT) ON ITS VISIT TO SLOVENIA FROM 19 TO 28 FEBRUARY 1995	5
SURVEY OF THE HUMAN RIGHTS OMBUDSMAN ACTIVITIES IN THE FIELD OF RIGHTS' PROTECTION OF PRISONERS AND REMAND PRISONERS	31

**INTERIM REPORT OF THE SLOVENIAN GOVERNMENT
IN RESPONSE TO THE REPORT OF THE
EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE
AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT)
ON ITS VISIT TO SLOVENIA**

FROM 19 TO 28 FEBRUARY 1995

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**PRELIMINARY REPORT OF THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA
IN RESPONSE TO THE REPORT OF THE EUROPEAN COMMITTEE FOR THE
PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT, CONCERNING THEIR VISIT TO THE REPUBLIC OF SLOVENIA
BETWEEN 19 AND 28 FEBRUARY 1995**

INTRODUCTION

On the basis of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter, CPT) visited the Republic of Slovenia between 19 and 28 February 1995.

The Government of the Republic of Slovenia acknowledges the spirit of openness and cooperation displayed during the meeting between the CPT and representatives of the government and has expressed this in its report. The Government of the Republic of Slovenia has emphasised the necessity of unambiguousness and transparency in the functioning of the individual establishments visited by the CPT delegation with the aim of providing the basis for an open and constructive discussion of the problems in various sectors.

In accordance with the first paragraph of Article 10 of the European Convention, the CPT endorsed a report about their visit to Slovenia on 13 June 1995 and sent it to the government of the Republic of Slovenia. In this report the CPT described the various phases of their visit and the problems which they observed.

Based on the findings and observations of the persons whom they met during their visit, the CPT provided recommendations for the Slovenian government in their report, demanding additional information and comments and asking the Slovenian government to send a preliminary report within six months and then a supplementary report within twelve months. The CPT expressed the desire that, apart from information on the proposed methods of implementing its recommendations and any already-implemented measures, this preliminary report also include the comments and the requests for information stated in the report.

At its 194. session on 18th of April 1996, the Government of Slovenia decided to make the report public.

II. FACTS DISCOVERED DURING THE VISIT AND RECOMMENDATIONS

A. POLICE ESTABLISHMENTS

2. TORTURE AND OTHER FORMS OF INHUMAN TREATMENT

Paragraphs 11, 12, 14, 15 and 16

The CPT recommends:

- that police officers are reminded about correct treatment during procedures
- that senior police officers deliver to their subordinates a clear message that ill-treatment of detainees is unacceptable and shall be severely punished

The CPT required information:

1. about human rights education and professional training - initial and ongoing - for police officers in Slovenia
2. about the number of complaints of ill-treatment lodged against police officers and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints
3. a report on disciplinary and criminal sanctions against police officers for ill-treatment.

1. EDUCATION, TRAINING AND ONGOING EDUCATION ABOUT HUMAN RIGHTS AND FREEDOMS IN THE POLICE

Pursuant to the modern concept of the Constitution of the Republic of Slovenia, human rights and freedoms have an important place and form an appropriate part of the educational programmes at police educational establishments in Slovenia.

During their education pupils get detailed knowledge of the Constitution in the subject entitled Social Order, with an emphasis on the basic and general provisions on human rights and freedoms, which is the topic of the entire Chapter II of the Constitution and is also mentioned in other chapters (mainly Chapter III). A considerable part of the constitutional provisions is also devoted to other regulations on punishment policies and regulations which involve human rights, including those from key international acts on human rights (most of all the two above-mentioned pacts and the European Convention on Human Rights).

The teaching timetable shows that these issues are referred to in the first classes of all professional and also some general subjects (e.g. psychology), and it is the "fil rouge" of the Internal Affairs subject in the topics concerning police authorisations and practical procedure.

As an example we can state that first grade students learn about the code of police ethics which forms, in the course of training and later while performing the tasks of police work, the basis for the moral and ethical values and standards of the police.

1.2. The College for Police and Security Studies of Ljubljana devotes great attention to this topic, especially in the subjects entitled Police Administrative Law and International Law, where students learn about the regulations of the General Declaration of the UN on Human Rights, the International Pact on Citizenship and Political Rights, the Declaration on the Protection of all People Against Torture and Other Forms of Cruel, Inhuman or Degrading

Treatment or Punishment, the Declaration on Police, and about other international documents, the Constitution, the laws and other regulations of Slovenia which regulate these matters.

1.3. To enable police officers to perform their duties professionally, successfully and in accordance with regulations, they are given further and ongoing training after completing their schooling, with which they broaden their general education and their horizons, train in the use of skills necessary for their work and keep in good physical condition. The ongoing training of police officers is carried out following a uniform programme provided by the Ministry of the Interior and following programmes designed by the Public Safety Administrations (PSA) and police units. To this end regional centres have been set up for training in practical procedures and self-defence.

The implementation of the training programme at police units is supervised by the inspectors of the Ministry of the Interior and the PSA.

1.4. The heads of the police units directly and through mentors attend to training and the ongoing education of police cadets and to their introduction to the work of the unit.

The heads of the police unit also appoint a mentor for work with students of the police high school who have come for practical work to the police unit, for police cadets who are being trained for reserve police units, for young police officers who have come from the police high school and have been accepted by the Ministry of the Interior and for students of the College of the Interior.

The heads of the police unit must see to it that the practical work is done according to the programme which has been drawn up by the Ministry of the Interior.

Police officers have to pass a series of tests from the programme of professional and defence training once a year. These tests can be written, oral or practical.

2. COMPLAINTS AGAINST POLICE OFFICERS

The Ministry of the Interior had been observant of the issue of complaints even before the reorganisations of 1991, since the procedures of addressing such occurrences were defined by the law and made obligatory by the Law on Internal Affairs (Official Gazette SRS, 28/80) and by the Regulations of Police Stations, which precisely define the procedure for dealing with a complaint.

In 1991, after the reorganisation of the Ministry of the Interior, the Complaints and Internal Control Bureau was formed. On the level of regions this task is performed by complaints inspectors at the police heads' offices. The process of dealing with complaints is comprehensively defined in the Instructions for Dealing with Complaints Against law enforcement officers, which was issued by the Minister of the Interior. This type of organisation for dealing with complaints was adapted to the new Constitution of Slovenia, which guarantees, in the chapter on human rights and fundamental freedoms, equality before the law, the inviolability of human life and the right to make a complaint.

In this manner of work, the Bureau , with its inspectors and authorised personnel, has, since 1991, acted in cases of complaint, as shown in the table below:

Year	Founded	%	Un-founded	%	Total
1991	82	23,2	272	76,8	354
1992	154	26,1	435	73,9	589
1993	235	23,5	763	76,5	998
1994	266	21,9	946	78,1	1212
half year	157	20,8	598	79,2	755

The reasons for complaint are divided into two groups. These are:

2.1. The relation between police officer:citizen:

	1993 founded	1994 founded total	(quarter) 1995 founded total	(half year) 1995 founded total
- tactless procedure	43	61 (201)	20 (35)	28 (61)
- insult maltreatment	27	21 (90)	10 (31)	18 (68)
- improper behaviour	30	26 (101)	3 (20)	7 (36)

2.2. Repressive measures undertaken by law enforcement officers:

- mandatory sentence	15	10 (106)	1 (11)	4 (24)
- measures against minor offender	55	48 (308)	16 (65)	41 (174)
- means of force	8	12 (79)	2 (14)	5 (43)
- no action taken	31	51 (209)	6 (43)	12 (90)

The numbers in brackets show the total number of complaints filed and treated in one year. The data for 1995 is given for the first quarter and the first half of the year.

Following founded complaints by citizens, the following measures have been taken against police personnel:

2.3. In 1993:

- 198 police officers were reprimanded
- 27 were proposed for disciplinary procedures
- for 4, proposals for misdemeanour procedures were made
- for 6, criminal charges were filed

2.4. In 1994:

- 216 police officers were reprimanded
- 36 were proposed for disciplinary procedures
- for 8, proposals for misdemeanour procedures were made
- for 6, criminal charges were filed

2.5. In the first half of 1995:

- 109 police officers were reprimanded
- 16 were proposed for disciplinary procedures
- for 2, proposals for misdemeanour procedures were made
- for 2, criminal charges were filed

3. In Paragraph 2 of Chapter II of the report there are general statements about the hypothetical consequences of the abuse of police authorisations. It is impossible to give definite answers to such general suppositions. The use of police authorisations is connected only to cases which are prescribed by law and in a manner prescribed by laws and regulations. There exist, of course, cases where police officers abuse or transgress their authorisations. In all such cases we initiate investigations and take measures against the perpetrator. But we are increasingly focusing on prevention by training and educating the police officers in their units.

Measures against police officers who have transgressed their authorisations are mainly:

- criminal procedures
- disciplinary procedures
- damage claims and lawsuits

We are making an effort to find ways of instructing citizens about various police authorisations and the condition and manner of their application. The citizens' knowledge is a precondition for complaints being made, which we can then solve promptly and correctly. This topic is discussed in public media four times a year.

The Ministry of the Interior notifies the parliament about complaints once a year in the form of an annual report.

We find the general conclusions of the report stating that individual citizens are afraid to complain against police misconduct are irrational and malicious, on the grounds that such accusations stem from the vengeful attitudes of perpetrators of criminal acts towards police personnel, which is most often manifested in various threats and even assaults.

3. CONDITIONS FOR DETENTION IN POLICE ESTABLISHMENTS

a. Introduction

Paragraph 17

In these Paragraphs we discuss the minimal conditions of police custody. We must first precisely define the difference between detention and police custody. Detention is defined exclusively by the Law on Criminal Procedure and is carried out under the supervision of courts of law.

Police custody is defined in Article 157 of the Law on Criminal Procedure (48 hour custody for persons suspected of having committed a criminal offence), the Law on Petty Offences (drunkenness, awaiting further procedures at court or detained in order to ascertain identity, etc.) which can last, at most, 24 hours, and the Law on Internal Affairs (for re-establishing law and order, for determining correctness of identification, for extraditing to foreign legal authorities, etc.) which can last up to 3 days. A special committee will propose examination of the possibilities of temporary use of the appropriate premises now in the hands of the Ministry of Justice.

The Ministry of the Interior will continue its efforts to obtain new premises for police detention and to ensure better conditions for people in police custody, as was proposed by the members of the committee. In the communications which we have had in the second half of this year as part of our cooperation with the British police (Surrey police), we have accepted their offer of assistance. So far, British experts have presented their organisation and arrangements to us. They have also presented details of the technical standards of the European Union, which we would like to follow while refurbishing and building new police detention facilities. Of course, following these standards will depend mainly on obtaining funds which should be available from the budget.

Paragraph 19

At the police station in Kranj, the heating system is installed in the floor and the temperature is high enough, even for drunken persons who are especially prone to suffer from cold. There are no radiators or other heating devices, thus preventing the detainee from inflicting injury on himself.

b. The conditions in establishments visited

Paragraphs 20, 21

The CPT opinion: the conditions in the cells of the Ljubljana-Centre Police Station were, at the time of the delegation's visit, unfit to hold persons for any length of time.

Since the last inspection of the CPT committee, we have installed appropriate heating in the cells and provided blankets at the Ljubljana-Bežigrad Police Station. Thus these facilities are now fit for detaining people. We soon intend to whitewash the cells.

The report particularly emphasised the detention facilities at the Ljubljana-Centre Police Station (Paragraph 21), where the cells were unfit to hold persons at the time of the visit of the delegation. At the time of the visit these premises had already been closed by a ruling issued by the Work Safety Division of the Ministry of the Interior and by the Labour Inspectorate of the Ministry of Labour, Family and Social Affairs. After the visit these premises were thoroughly refurbished and they now meet the regulations and have been rendered fit for detaining persons for sobering up (up to 12 hours).

We are sending you a short report about the refurbishment of the detention facilities at the Ljubljana-Centre Police Station, Trdinova 10.

The detention facilities have been refurbished in the existing premises, and therefore the CPT requirement concerning their location in the basement could not be fulfilled. The cost of the refurbishment was SIT 3,950,000.

Refurbishment of the detention facilities at the Ljubljana-Centre Police Station involved:

- changing the inadequate wooden platform with washable oak boards
- additional power-operated ventilation
- additional adjustable heating of the cells below the platform
- additional adjustable lighting
- refurbished walls: the corners are rounded to prevent injury to the detainee
- completely new plumbing and WC
- whitewashing of all walls in a brighter colour (cream)
- intercom for communication with the duty officer at the police station
- new doors into individual detention units
- clothes lockers for detainees

We herein enclose photographs of the cells before and after refurbishment.

Paragraph 22

At the PSA in Ljubljana persons detained on the basis of Article 157 of the Law on Criminal Procedure were always treated according to this law. It is true that the detainees were often kept for the maximum amount of time allowed, when it was in the interests of the investigation and of finding more evidence, while the time spent in detention very often depends on when the investigating magistrate requests to interview the person. At Povšetova, records are kept of the time a suspect spent at their facility or was being interviewed by crime investigators outside Povšetova.

The PSA uses seven cells at the prison on Povšetova 5 for detention purposes.

The total capacity of the cells at the time of the delegation's visit was 14 persons, but it was very rarely filled to capacity. We therefore claim that there were never more people held in a cell than was prescribed by the norms or internal regulations and as the facilities and equipment allowed.

Persons are always separated according to the reason for their detention (drunkenness, awaiting court procedures, investigation by the investigating magistrate, etc.) and appropriate living standards, medical care and food are assured at all times.

In order to improve safety and humanitarian standards we began the gradual refurbishment of the facilities in July 1995 and by the end of November all the cells had been renovated.

They can now hold up to three persons each; the total capacity is now 21 persons. Supervision of the detainee is carried out round-the-clock by a police officer who is in charge of providing medical assistance for the detainee whenever the latter requires it. In most cases such a person is escorted by police to the Accident and Emergency unit of Ljubljana Medical Centre where he is offered medical assistance and can be taken back to the detention cell only with the doctor's approval.

Refurbishing the facilities at Povšetova 5 involved the following:

- new additional power-operated ventilation
- refurbishment of the sleeping platform with washable oak boards
- new additional heating with adjustable heaters under the platform
- rebuilding and refurbishment of the walls in the detention cells
- renewal of the daylight areas with glass prisms
- fresh air conduits from the hall
- whitewashing all the cells with a brighter colour
- replacement of all the floor mattings
- new inner doors in all the detention cells
- intercom for communication with the duty officer
- furnishing all the halls with lockers for detained persons.

The cost of the refurbishment was SIT 7,600,000.

The wash basin for detainees is outside the cells (washing is supervised). We are willing to accept any recommendations from CPT concerning the recreational activities of the detainees, but we must stress that the maximum detention time is 48 hours (if the investigating magistrate extends the period of detention, the detained person enjoys all the rights from the Law on the Implementation of Punishment), during which time it must be ensured that the detainee does not contact collaborators or escape.

In accordance with the recommendations we will try to provide for continuous recreation, but this depends on available funds and the positioning of the cells.

Paragraph 24

The CPT recommends:

- reviewing the conditions of detention in police establishments that were visited by a delegation
- that Slovenian authorities do everything necessary to bring all police detention facilities in line with prescribed standards.

The CPT's conclusions and recommendations have been included in the police work programme for 1996. We have petitioned to the Ministry of Finance to provide funds from the budget to improve conditions, mainly by refurbishing the detention facilities.

c. Provision of food for persons in police custody

Paragraphs 25, 26

CPT recommends:

- Slovenian authorities should immediately do everything necessary to ensure persons in police custody have meals at appropriate times, with at least one full meal daily.

The Ministry of the Interior has provided the necessary funds from the budget, from which operative services draw the money for buying food for detainees. Detailed instructions for procedures connected to the provision of food for detainees are being prepared.

Paragraphs 27, 28, 29, 30

The CPT observations contained in these Paragraphs have been answered in Paragraphs 31, 33 and 35. All three rights - the right to access to a lawyer, the right of medical examination and the right of notify a relative or third party - are included in the forms which the detainee signs. The answer regarding these forms is answered in Paragraph 37.

4. SAFEGUARDS AGAINST ILL-TREATMENT

a. Notification of custody

Article 31

CPT recommends:

- that notification of custody requested by the detainee is carried out without delay
- that any possibility of delaying notification of custody is clearly circumscribed and made subject to appropriate safeguards and strictly limited in time.

We agree with CPT that we should change the form of the detention order so that the exact time of notification of detention will be written down. We will also adjust the form so that the reasons for delaying notification, which might be necessary in the operative interests of the investigation, will be clearly explained.

c. Access to a lawyer

Paragraph 33

CPT would like to receive information as to whether the detainee has a right to speak in private with a lawyer during detention and to have the lawyer present during interrogation by the police.

Article 19 of the Constitution stipulates that any detained person must be informed in his mother tongue, or any tongue which he understands, about the reasons for detention. He must also be instructed about his right to remain silent, his right of immediate access to a solicitor whom he can freely choose and that the competent body is obliged to inform his relatives if so requested.

The right of immediate access to a solicitor is defined in Article 50a of the Internal Affairs Act (so called Police law) which stipulates that the law enforcement officer who, in performing his rights and duties defined by the Law on Criminal Procedure, the Regulations on Petty Offences and by this law, detains a person, keeps a person in custody and performs a house and bodily search, must immediately after detention or upon entering the person's home instruct the person concerned about his right to find a lawyer and must provide the possibility of doing so if requested. In this case the lawyer has the right to be present at the implementation of the measure while the law enforcement officer must stop all further

measures until the lawyer's arrival for a maximum of two hours after the detainee has been given the possibility of notifying the lawyer.

Also the Law on Criminal Procedure (in force since 1 January 1995) stipulates in Article 4 that the detained person must be immediately informed of his right to remain silent, his right of the immediate legal assistance of a solicitor, whom he can freely choose, and that the competent authority is obliged, upon the person's request, to notify the person's relatives about the detention. The suspect has a right of a lawyer from the moment of detention. This law also stipulates that a detained suspect who cannot afford a lawyer must, upon his request, be allowed a legal representative, which shall be paid for by the state and appointed by the law enforcement agency, if this is in the interests of justice.

If a detainee requests a lawyer, the law enforcement officer shall postpone the investigation until his arrival. This can be done for a maximum of two hours from the time when the detainee person was given the possibility of notifying his chosen lawyer, during which time all investigation work will cease, except for the work that could be dangerous to delay.

The Law on Criminal Procedure does not limit the time a lawyer can spend with the detainee. Articles 4 and 157 of this law do not clarify the manner and time of the lawyer's presence with the detained person. In practice the lawyer is generally not allowed to speak with his client in private, but can be present at all the interviews that are conducted by crime investigators with the detainee.

d. Medical assistance

Paragraphs 35, 36

The CPT would like to be informed:

- whether the practice in Slovenia of access to a doctor is in accordance with their observations

The CPT recommends that a detainee's right to access to a doctor of his choice be formally guaranteed.

1. Access to medical assistance, as the members of the CPT delegation defined it in Paragraph 35, is stipulated in Article 73 of the Regulation for Exercising Authority by law enforcement officers of the Republic of Slovenia.

If the law enforcement officer, on the basis of a detainee's statement or of his own observations, concludes that the detainee is ill or injured, he shall summon the duty doctor to the police premises or see to it that the person is escorted to the nearest hospital, where his medical condition can be examined. An ill or injured person who obviously needs medical assistance shall not be kept at police premises.

For such a person the law enforcement officer shall provide transport to a hospital where medical assistance shall be made available. A detainee shall be appropriately guarded in the hospital so as to prevent escape.

If the detainee shows signs of severe alcohol poisoning or intoxication by other drugs the officer who initiated the procedure shall provide transport to a hospital where the person will get adequate medical attention.

In practice the decision on the place where the medical assistance shall be given is left to the police officers and the doctor and depends mainly on the aggression of the detainee, the threat to medical staff and above all the type of injury and the detainee's medical condition.

e. Information on rights

Paragraph 37

The CPT recommends that from the outset of their period in custody persons detained by the police are given forms which set out, in a straightforward manner, the rights of the detainee, including those referred to in paragraphs 29 to 36. The form should be available in an appropriate range of languages.

We will prepare a form which sets out the rights of the detainees in accordance with Article 4 of the Law on Criminal Procedure in several languages and inform police officers about its obligatory use.

f. Conduct of police interviews

Paragraphs 38, 39

The CPT recommends:

- that Slovenian authorities draw up a code of practice for police interrogations.

We will prepare practical instructions for police interrogations as soon as possible. It is also in our interest (especially in large and important cases) to have records of the statements made by the suspects written immediately and systematically, and not only as official records about the interrogation which are often inaccurate and written by memory and do not include what the CPT recommends. More professional maintenance of such records would undoubtedly strengthen our arguments in the procedures and help us avoid various imputations. For important cases we will provide electronic recording of police interrogations (tape recorders), as proposed by the CPT.

Paragraph 40

The CPT recommends:

- that Slovenian authorities consider introducing a system of electronic recording of police interrogations, which would assure appropriate safeguards.

In Slovenia we have been considering introducing a system for the electronic recording of police interrogation and have actively participated in discussions about the legal issues connected to this topic at the relevant committee of the Council of Europe. Its realisation depends on ensuring the funds for purchasing equipment and training our staff to use them.

g. Custody registers

Paragraphs 41, 42

The CPT recommends:

- taking steps to ensure that whenever a person is detained in a police establishment the fact of his detention is recorded without delay.

Every police station keeps a record of detentions. At the Criminal Investigation Service of the PSA in Ljubljana the Head's secretary keeps records of detentions according to Article 157 of the Law on Criminal Procedure. In these records the files include copies of the orders to detain. Delays of three days at most have occurred in registering detentions, which neither contextually nor legally infringes the procedures or human rights. Each detainee is handed the order within the prescribed time; moreover, the order is immediately filed in the archive of orders. Written records with basic data about the detainee are used by the criminal service only for keeping records for statistical processing. The claim that some high official has stated that detention is not recorded if the person is released within 6 hours of arrest was probably a misunderstanding. Paragraph 6 of Article 157 of the Law on Criminal Procedure stipulates that if the detention from the second paragraph of the same Article lasts more than 6 hours the law enforcement police officer shall inform the detainee with a written order about the reason for his detention. The law therefore does not require a written order for persons detained for up to 6 hours. Nevertheless the Criminal Investigation service of the PSA of Ljubljana always makes an official note of the detention which is entered in the detentions register. This is also the answer to Paragraph 95 on page 37.

Paragraph 44

The answer to this question is partially addressed in the answers to paragraphs 11, 12, 14, 15 and 16. These preliminary answers also mention reporting to the parliament and the competences of the judiciary bodies and the Ombudsman. Given that Slovenia has ratified the Convention on Human Rights of the Council of Europe, persons may send their complaints to the European Court of Human Rights and to the European Commission.

h. Complaints and inspection procedures

Paragraph 45

The CPT requests information on:

- whether inspectors of police stations may enter the premises of government agencies and whether they may inspect the places of detention.
- whether the competent authorities carry out checks.

In connection with recommendations under paragraph 45 we must point out that according to the Law on Human Rights, the Ombudsman has the right to enter and inspect police detention facilities. The precise manner of carrying out such inspection is set out in the Protocol of the Human Rights Ombudsman, which came into force in September 1995.

In Article 35 the protocol stipulates that the Ombudsman may inspect prisons and other places where persons are detained, as well as other establishments which limit freedom of

movement. The Ombudsman also has the right to speak to persons held in these establishments in private. Visits may be made unannounced. Persons who are interviewed may be chosen arbitrarily.

All police stations in Slovenia have been notified about the possibility of such monitoring. For now we do not have any information that the Human Rights Ombudsman has made any such visits.

Monitoring of conduct towards detainees is conducted by the president of the regional court.

The president of the court or a judge appointed by him must visit detainees at least once weekly and may, if he finds it necessary, question the detainee in the absence of prison guards and superintendents about the food and other supplies and how they are treated. He has an obligation to take all necessary steps to correct any anomalies which were detected during the visits. The appointed judge shall not be an investigating magistrate.

The president of the court and the investigating magistrate may visit any of the detainees at any time, speak to them and receive their complaints, in accordance with the Law on Criminal Procedure.

PRISONS AND THE RADEČE RE-EDUCATION CENTER FOR YOUNG PERSONS

1) TORTURE AND OTHER FORMS OF ILL-TREATMENT

Paragraphs 57, 58

The CPT recommends:

that Slovenian authorities should issue clear instructions to the effect that the use of batons as a means of dealing with aggressive behaviour or passive resistance is permissible only when absolutely necessary for the safety of the staff or other inmates or to prevent serious damage to property. It should be unambiguously stated that there can be no justification for using a baton against a prisoner who has already been brought under control. The relevant authorities at the Ministry of Justice and the directors of the prisons and other places of detention under the Ministry's authority should deliver their subordinates a clear message that ill-treatment of inmates is not acceptable and will be dealt with severely.

A new law and new non-statutory regulations concerning punishment are being prepared. Among them is the protocol of work for prison guards which will re-define the use of the baton as a means for dealing with aggressive behaviour or passive resistance more precisely and selectively as it is in the current regulations.

We would like to point out that the use of force against inmates is more limited and more under control in Slovenian penal establishments than the current outdated regulations require (i.e. use of the baton against passive resistance is prohibited). Each time it uses force, including physical force (self-defence holds), the penal establishment must send a detailed report to the Office of the Republic of Slovenia for the Implementation of Punishment, which was established on 3 March 1995. Every use of force is then thoroughly analysed and further

measures are taken if the use of force was not in line with regulations and special instructions. Although the instructions on the use of the baton are detailed and clear, the director of the Office of the Republic of Slovenia for the Implementation of Punishment issued special instructions about following the CPT recommendations in full, about the use of the baton and about more severe sanctions against violators of these regulations and instructions.

The CPT would like to receive information:

About the number of complaints of ill-treatment lodged against staff at prisons and other places of detention under the authority of the Ministry of Justice during 1993 and 1994 and the number of disciplinary and criminal procedures initiated as a result of these complaints.

During 1993 inmates and detainees lodged 57 complaints against the conduct of the establishment's staff. These complaints were addressed directly to the Ministry of Justice or other establishments in Slovenia, which then passed them on to the Ministry of Justice. All the complaints were investigated, but no disciplinary or criminal procedures were initiated.

During 1994 inmates lodged 51 complaints. One disciplinary and one criminal procedure was initiated. A disciplinary measure was taken against the employee against whom the disciplinary procedure was initiated, while the criminal procedure is not yet closed.

Paragraph 59

Comments: Aptitude for communication should be a major factor in recruiting new prison officers; and during the preliminary and in-service training of such officers, considerable emphasis should be placed on acquiring and developing communication skills.

The recruitment of new prison officers is very selective in Slovenia. Apart from the formal requirements which the officers must fulfil (full high school, no previous convictions, appropriate age), there is a strong selection procedure in place as regards their psychological and physical suitability for work in penal establishments. The psychological tests, which every new prison officer must pass, are focused on finding those personal features which are crucial to successful work with prisoners; among them special attention is devoted to communicative ability, emotional balance and tolerance of frustrating behaviour.

The initial training of prison officers involves topics related to the correct mode of communication with inmates.

Here it should be pointed out that the current form of preliminary training of prison officers is limited in duration because of a lack of funds, which will have to be managed somehow.

For 20 years there has been continuing education for penal workers in the form of sensitivity training (seminars in three phases), which also engage prison officers with the basic aim of training them for adequate inter-personal communication.

Detailed information on the provision of human rights education and professional training (including control and restraint techniques) - both initial and ongoing - for prison officers in Slovenia.

In Slovenia we organise regular training for new prison officers. This training lasts one month. It is compulsory for all new prison officers (in 1994 and 1995, 68 prison officers attended these courses).

The contents of the training are: Slovenian legal regulations connected to imprisonment, minimum UN regulations for treatment of prisoners, European prison regulations, Convention on Human Rights and Freedoms and other documents of the European Council, regulations on the conduct of prison officers, the educational and psychological aspects of the treatment of inmates, social assistance for inmates, preventive measures for health protection of staff and prisoners and training in self-defence.

Apart from sensitivity training, special continuing education for prison officers is not organised. They attend seminars on the theme of the treatment of prison inmates, which are also organised for other penal workers.

Paragraph 60

The CPT trusts that effective funds will be found to ensure that the new management of the Radeče Re-Education Centre for Young Persons and the Ministry of Justice hears the concerns of staff at all levels.

After the change of management, the position in the Radeče Re-Education Centre for Young Persons has improved considerably. The social ambience in the establishment has improved, which is reflected in the better attitude of staff of all grades and in better communication on all levels and in all relations in the social micro-structure. As a consequence, some changes have occurred in the strongly repressive and strict disciplinary attitudes of some of the staff, which apparently stemmed from the unbearable situation in the establishment which prevailed before the management was changed. The more permissive attitude recently displayed by these workers has been better received by the Office of the Republic of Slovenia for the Implementation of Criminal Proceedings as well as by the management of the establishment, and of course by the inmates themselves.

Precise information about steps taken by the new management team to ensure that such incidents as the one which occurred on 9 January 1995 are not repeated.

The new management of the Radeče Re-Education Centre for Young Persons first encountered the problem of alleviating the atmosphere of paranoia and solving the severe psychological crisis of the workers and their feeling of helplessness in dealing with young people, relieving their fears and discrediting the stereotype that the situation in the establishment can be kept under control only by strict disciplinary measures. To this end a series of group and individual interviews were made with the staff. First they were given assurance that nobody was going to lose their job, which alleviated the fear which grew from the rumour that, with the change of management, other staff of the establishment would be dismissed. The new management presented their basic guidelines for working with youth with a fundamental emphasis on the requirement that young persons should be supervised primarily by means of professional measures and only secondarily with disciplinary measures or sanctions. Of the series of new measures presented, the following should be highlighted:

- A new programme for dealing with the young has been drawn up.
- Individual professional work with young persons has been intensified, and is now also

more planned, targeted and supervised.

- Sending young people into "isolation" is now conducted strictly according to the provisions of the Regulation of the Work and Duties of Authorised Officers, and a ruling is issued for every case. Immediately after assuming office the new management prevented the arbitrary use of "isolation", which is not in accordance with current regulations.

- Refusal to work or study is now dealt with by means of professional educational methods and not disciplinary measures. In addressing other violations of order, priority is given to professional methods, which does not exclude punishment.

- Severe violations of order, such as physical assault on staff and other citizens, bringing drugs into the establishment and causing major damage to property are consistently punished by locking the culprit in a special cell, but only after a ruling has been issued as part of the disciplinary procedure and with simultaneous intensive professional treatment of the culprit.

The Office of the Republic of Slovenia for the Implementation of Criminal Proceedings constantly supervises the work of the re-education centre and provides the staff with professional assistance.

2) CONDITIONS OF DETENTION IN THE PRISONS VISITED

Paragraph 63

The CPT recommends:

that Slovenian authorities take steps to ensure that cells measuring only 7 m² in Unit III of Dob Prison accommodate only one person (except in cases when it is not appropriate to leave the prisoner alone).

Dob Prison solved this problem immediately after the visit of the CPT delegation, so that only one person occupies each 7 m² cell in Unit III.

Paragraph 65

The CPT comments:

In some cells of Ljubljana Prison the partitioning between the cells and the lavatory was not satisfactory. Furthermore, the state of repair of certain sanitary facilities was inadequate.

In 1996 the establishment will be allotted means to refurbish the sanitary facilities. The places where the detainees are kept and the lavatories are cleaned daily. There is no limit on the quantity of cleaning agents used. The staff at the establishment are making an effort to keep the place clean, but have apparently not been very successful. The Office of the Republic of Slovenia for the Implementation of Criminal Proceedings has explicitly notified the management of Ljubljana Prison about this observation.

Paragraph 66

Taking measures to reduce the number of prisoners in 18 m² cells to a maximum of four and to accommodate only one prisoner in a cell measuring 8 m².

Ljubljana Prison will try to follow this demand by moving part of the prisoners from the semi-open unit to the open unit in Ig, by which they will open new capacities and thus create more suitable conditions for the inmates of this establishment.

Paragraph 67

The outer exercise areas of Ljubljana and Dob prisons should be provided with a means of shelter against inclement weather.

Both Ljubljana and Dob prisons are planning the construction of a sport and exercise facility, but the realisation of these plans has been hampered by a shortage of funds. In 1996 Ljubljana Prison will adapt and equip two rooms in the existing buildings as fitness facilities. Each unit in Dob Prison already has an exercise room with essential exercise equipment.

Paragraph 69

The Slovenian authorities should place more emphasis on safe working practices in the fire extinguishing equipment plant at Dob prison.

This establishment employs a full time safety-at-work supervisor. All the inmates are acquainted with the regulations on safety at work when they begin their job. In the future they will also have to pass an examination on this subject. Protection equipment is made available, but some prisoners refuse them, claiming that it impairs their work. The establishment has tightened up the responsibilities of the instructors in the production unit, who are responsible for making the inmates respect the regulations for safety at work.

Paragraph 70

Developing a wider range of educational programmes which will preferably lead to the acquisition of recognised qualifications.

The CPT delegation was not acquainted with all the possibilities of professional education for inmates at Dob Prison. Apart from the regular programme at elementary school level there were courses being given at the time of the delegation's visit in computer technology, warehouse-keeping, heavy construction machinery and a vocational baking course. All the programmes were checked and carried out by Educational Centre in Trebjne (the municipality in which the establishment is located). The inmates have the possibility of training for other jobs if they show enough interest. These courses are organised if there is a sufficient number of applicants. The inmates who fulfil the conditions (mainly the right to leave from the establishment) may receive education at educational institutions outside the establishment.

Paragraph 71

A thorough examination of the means of improving the activities offered to remand prisoners; the aim should be to ensure that remand prisoners in Slovenia spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activities of a varied nature (work, preferably with a vocational value, education, sport, recreation and association).

Following an assignment set by the Ministry of Justice, the Institute of Criminology of the Faculty of Law of Ljubljana conducted a study titled "Spatial capacities of penal establishments and the conditions (standards) for life and work of the detainees and prisoners in the Republic of Slovenia" in 1994. In it they analysed the objective living and working conditions of detainees and prisoners in Slovenian penal establishments and the initiatives for comprehensive and long-term solutions to this issue in accordance with European standards, which are, due to the functional outdatedness and inappropriateness of the majority of Slovenian penal establishments, connected to ensuring adequate funds.

There exist certain possibilities for following up European standards and for the better realisation of the demand for improving the activities offered to prisoners within the given conditions. These possibilities will be thoroughly investigated in 1996 and introduced to the greatest possible degree.

In connection with activities which are currently available to inmates we must mention that they all have the possibility of at least two hours of fresh air daily and that inmates who wish to work have guaranteed work in their cells or outside, depending on the interests of the investigation, and that they have the possibilities of various activities inside the cells (reading, study, TV, radio, etc.).

3. MEDICAL ISSUES

Paragraph 72

The CPT recommends: steps to ensure the strict confidentiality of medical data.

The Office of the Republic of Slovenia for the Implementation of Criminal Proceedings shall ensure compliance with the provisions of the Law on the Protection of Personal Data, and especially the confidentiality of medical data of detained persons, as stipulated by Article 47 of the Law on Medical Activities.

To this end the Office of the Republic of Slovenia for the Implementation of Criminal Proceedings shall issue instructions for procedures for ensuring the confidentiality of such medical data.

Paragraph 73

The Slovenian authorities should ensure that mentally-ill prisoners are kept and cared for in an appropriately-staffed hospital setting, be it a general psychiatric hospital or a specially-equipped psychiatric unit within the prison system.

All mentally-ill prisoners in Slovenia are kept in general psychiatric hospitals. Prisoners with severe psychoreactive problems which cannot be appropriately treated in prisons can be kept in such hospitals for a shorter period. This also holds for the particular prisoner, to whom the CPT has drawn attention and about whom the CPT has received an extensive report from the Head of the Mental Health Clinic Centre of the Ljubljana Psychiatric Clinic.

Displacement from detention or prison, for those persons for whom it is found out that they are mentally ill, to the psychiatric hospital will settle the new Law on Mental Health which is in readiness.

Paragraph 74

The Slovenian authorities should take the necessary steps to ensure that practice is consistent with the requirements of the second paragraph of the report as regards medical examinations of newly-admitted prisoners and later examinations.

In 1993 a contract was made between the Ministry of Justice and the Health Insurance Institute of the Republic of Slovenia, which guarantees voluntary and additional insurance for all inmates. In 1995 the healthcare service of penal establishments integrated with the public health network by a decree of the Ministry of Health.

Among all Slovenian penal establishments only Dob Prison has a permanent doctor. All the other establishments have doctors who are bound by contract to make two to three visits per week. In cases where a large number of new inmates arrives simultaneously it happens that some of them are not medically examined immediately upon arrival. In these cases the prison medical staff (nurses) perform the examinations. In emergency cases (somatic diseases, injuries, evident drug addiction) the inmates are sent for a medical examination to external institutions within 24 hours upon arrival at the prison. The detainees have access to their health documentation in accordance with the Law on the Protection of Personal Data.

Regardless of the above, Slovenian penal establishments have been alerted to the CPT recommendations and will endeavour to follow them.

Paragraph 75

Slovenian authorities should take steps to ensure that healthcare services at penal establishments provide regular information to prisoners and prison staff about transmissible diseases (in particular, hepatitis, AIDS, tuberculosis and skin diseases). With particular reference to AIDS, appropriate counselling and support should be provided before and after an HIV test. Prison staff should be trained in preventive measures and attitudes towards HIV positive inmates, and should be given appropriate instructions on non-discriminatory behaviour and confidentiality.

Slovenian penal institutions have received detailed instructions for conduct in the case of transmissible diseases, which were prepared by a committee of the Ministry of Health and which comply with global professional and ethical standards. The Office of the Republic of Slovenia for the Implementation of Criminal Proceedings will, together with the Ministry of Health and the Institute for Health Protection, supervise the implementation of these instructions.

4. OTHER ISSUES OF RELEVANCE TO CPT'S MANDATE

Paragraph 76

The CPT recommends:

that Slovenian authorities should ensure that, unless it is clearly in the interests of the young person concerned, a minor should not be detained in a cell or in dormitory accommodation

which is also used by adult prisoners (minors should preferably be kept in a different detention facility). Young persons in custody should be provided with a range of educational, recreational and other purposeful activities. Physical education should constitute a significant element of the regime. Moreover, the staff assigned to units accommodating juveniles should be carefully chosen and, more specifically, should be persons capable of guiding and motivating young persons.

Slovenian penal establishments, despite difficulties with space, do follow ratified international agreements and general principles of international law on the treatment of minors in custody. Minors are accommodated in cells with adult persons only in cases where this is in accordance with their interests or when this could prevent worse damage. This also holds for the fourteen-and-a-half-year-old detainee in Ljubljana Prison to which the CPT drew attention. Because of the larger number of accessories who were detained while the CPT was making its visit and because of a lack of space, these detainees could not be accommodated separately. After a recommendation of the President of the Senate for Juveniles and after an evaluation by the establishment's professional staff and at his own request the minor was accommodated in a room with adults whom, it was assessed, would not have a damaging influence. The measure was in accordance with Article 473 of the Law on Criminal Procedure which stipulates that the juvenile magistrate can decree that a minor may be detained together with adult detainees when the minor's isolation would otherwise last too long, and when the possibility that a minor is detained together with adult prisoners will not have a negative influence. The Human Rights Ombudsman has forwarded this provision of the Law on Criminal Procedure to the Constitutional Court of the Republic of Slovenia, claiming that it is in contradiction with international conventions, which the Republic of Slovenia ratified. The Constitutional Court of the Republic of Slovenia refuted this claim, stating that the provisions of Article 473 of the Law on Criminal Procedure and the second sentence of the second paragraph of Article 16 of the Regulation on Implementing Detention are not in contradiction with the international pact on citizen and political rights and the provisions of the UN Convention on Children's Rights.

In Slovenia we cannot envisage the possibility of accommodating juvenile detainees in a separate institution in the near future. Juvenile detainees are given special attention. Their best possibilities for education, sports and recreation and other leisure activities are at Radeče Re-Education Centre (the possibilities of professional training in several professions, therapeutic workshop, gymnasium, playgrounds for handball, basketball and soccer). Celje Juvenile Detention Centre has much fewer possibilities, but they are trying to make use of the existing spatial conditions and to organise activities (table tennis, fitness, five-a-side football and basketball).

Slovenian penal institutions employ specialised staff for dealing with juveniles - educators, psychologists, therapists and social workers. The work instructors who work with juveniles must pass a special educational qualification. Newly-admitted officers who work with juveniles undergo a stricter psychological selection, with special emphasis on their capacity to work with young people.

Paragraph 78

Request for information: about home leave for non-Slovenian prisoners resident in Slovenia.

Slovenian penal institutions grant leave from prison, which includes home leave. They do this selectively, according to the inmate's behaviour during imprisonment, the gravity of the criminal offence, the duration of the sentence already served, intentions to escape and assessed danger of abuse of leave from the establishment.

Since independence the practice of granting leave has changed only for those prisoners of non-Slovene origin who do not have Slovenian citizenship and who were, in addition to the sentence, expelled from the country. All prisoners against whom this additional measure was not taken can earn the right to leave regardless of their nationality or citizenship, providing that they fulfil the above conditions.

Paragraph 79

The CPT recommends:
that the visiting entitlement for remand prisoners be substantially increased.

According to the Regulation on Prison Visits, visits to remand prisoners should last at least half an hour. All Slovenian remand prisons, except the remand prison in Ljubljana, have abided to this provision and even extended it in some places, where visits last up to two hours.

Of all the remand prisons in Slovenia the remand prison in Ljubljana has the worst conditions, which makes organisation of visits difficult. We must point out, however, that the Ljubljana establishment has heeded the CPT recommendations and visits are now organised twice a week, which exceeds the recommendations.

Paragraph 80

Comments: Slovenian authorities should ensure that prisoners' correspondence is not subject to undue delay and that they have access to a telephone.

Slovenian penal establishments will do their best to fulfil this recommendation.

Paragraph 81

An agitated or violent prisoner shall be placed in a padded cell upon the instructions of a doctor, or such a placement shall be immediately brought to the attention of a doctor for his approval.

Slovenian penal establishments place only such agitated or violent prisoners into padded rooms as cannot be controlled in a milder and less restrictive manner. In such cases it is often impossible to wait for a doctor's instruction, but the doctor is immediately notified of the measures and visits the inmate as soon as possible and gives further instructions. Written decisions are issued for such placements and complaints are made possible. The implementation of the measure is strictly supervised.

Paragraph 83

A note from the Slovenian authorities to the effect that there are different regimes concerning lying in bed during the day for inmates undergoing solitary confinement at Dob and Ljubljana prisons.

A variety of practices concerning solitary confinement at penal establishments is not acceptable.

Immediately after the CPT's visit, Dob Prison changed its solitary confinement regime and the prisoners now undergoing this disciplinary measure may lie in bed during the day. Each inmate is instructed about this before being subjected to solitary confinement. He is also instructed about other conditions which he must observe during the confinement.

Paragraph 84

Comment of the Slovenian authorities concerning Dob Prison inmates who are segregated against their will:

- obviously the inmates have not been given sufficient information about the reasons why they are subject to such a regime and about their possibilities of returning to normal status.

- there appears to be no formal procedure for revision (apart of the ongoing assessment of the treatment team) which would allow the prisoner to state his own views.

The reasons for the segregation of certain prisoners from others against their will are matters of security. When separating an inmate from his home unit and placing him in a unit with intensive supervision, the latter is informed about the reasons for this placement and about the regime he will undergo (individual work with the inmate, participation at group consultations in his home group, education, employment, use of the telephone, manner of visits, hours in the open, purchases in the canteen, watching TV programmes, going to eat, seeing events organised in the establishment, etc.). In order to avoid criticisms from inmates claiming that they were not informed of the reasons for the placement, each inmate will have to confirm, with his signature, that he has been advised about the special regime he shall undergo and at the same time have an opportunity to write his comments, which will be kept in the prisoner's personal file. The same will be done in determining the possibilities of his return to his home unit.

Dob Prison has, in accordance with the CPT's comments, changed the practice of monitoring the condition of the inmates undergoing a special regime. Analysis of the condition of these inmates is performed regularly at conferences, with special emphasis on the possibilities of returning such inmates to their home groups.

Paragraph 86

Confirmation that written complaints by prison inmates addressed to the management of the establishment, the Ministry of Justice, the Human Rights Ombudsman or the supervising magistrate are transmitted by confidential letter.

Slovenia penal establishments meet this requirement.

Slovenia authorities should add the President of the CPT to the list of authorities with whom the prisoners can communicate by confidential letter.

The recommendation has been implemented.

Paragraph 87

The Slovenian authorities should encourage all competent district court judges to regularly visit the places of detention falling under their jurisdiction. As regards remand prisoners, similar encouragement should be given to judges responsible for such prisoners. During the visits the judges should make themselves "visible" to prison authorities, staff and prisoners. They should not limit their activities to seeing people who have expressly requested to meet them, but should take the initiative by visiting the establishment's detention areas and entering into contact with inmates.

The Law on Criminal Procedure burdens the president of the court and the investigating magistrate with the obligation to perform these duties.

Nevertheless the Ministry of Justice has sent a note to the courts appointed to supervise penal establishments, with the order that they should be consistent in implementing the CPT's recommendations.

Paragraph 88

An account of the activities of the Human Rights Ombudsman concerning his inspection of prisons since his appointment in 1994.

The Human Rights Ombudsman has already sent his inspection report to the CPT.

Paragraph 90

All newly-admitted prisoners should be supplied with written information about the regime of the establishment and about their rights and duties, in a language which they understand.

All newly-admitted prisoners get oral information about the current regime of the establishment in a language which they can understand. They do not get written information, but these are available in Slovene. Translations into foreign languages will be made after the issuing of the new Law on the Implementation of Criminal Proceedings and the regulations thereof, including the new house regulations of individual establishments.

It would be useful if a description of the main features of the prison's regime, a list of prisoner's rights and duties and an outline of avenues of appeal open to them were posted on the prison notice boards. This information should be available in an appropriate range of languages.

The Office of the Republic of Slovenia for the Implementation of Criminal Proceedings will see to the implementation of this recommendation.

**SURVEY OF THE HUMAN RIGHTS OMBUDSMAN ACTIVITIES
IN THE FIELD OF RIGHTS' PROTECTION OF PRISONERS
AND REMAND PRISONERS**



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A SURVEY OF THE HUMAN RIGHTS OMBUDSMAN ACTIVITIES IN THE FIELD OF RIGHTS' PROTECTION OF PRISONERS AND REMAND PRISONERS

(1) The Slovenian Parliament elected the Human Rights Ombudsman (hereinafter: the Ombudsman) in September 1994, and appointed Deputy Ombudsmen in December 1994. Following the Article 57 of the Human Rights Ombudsman Act, the Ombudsman shall start his work when all necessary personnel, premises, facilities and other material conditions of work have been provided. These conditions have gradually been fulfilled only after January 1, 1995, when the Ombudsman Bureau began to function. The Council of Human Rights and Fundamental Freedoms operated until December 31, 1994.

(2) Petitions by three prisoners and one remand prisoner were addressed to the Ombudsman already in 1994. In 1995 (i.e. by November 13, 1995), the Ombudsman received petitions by 21 prisoners and 23 remand prisoners from various prisons or places of detention in Slovenia. In October 1995, a group of 74 prisoners from the Prison of Dob pri Mirni, sent to the Ombudsman, too, a copy of their petition, addressed to the Petition Commission at the Slovenian Parliament.

To illustrate the situation: by November 1995, 2,071 petitions were lodged with the Ombudsman, of which 46 by prisoners or remand prisoners, which means that about 2.5% of the lodged petitions rank in the field of prisoners' and remand prisoners' problems. Pending in this field are seven matters. All complaints by remand prisoners and prisoners are given priority handling. We do act very fast in these matters (e.g. frequent use of telephone).

VISITS TO PRISONS

(3) The Ombudsman and his assistants visited the Dob Prison on March 23, 1995. The purpose of this visit was not to inspect the prison but, above all, to see the rooms and facilities of the Prison and to talk with the director and other authorities of the Prison (representatives of educators and wards). We had talks in private with seven prisoners who wished so. After hearing their complaints against and comments on the conditions in the Prison, we immediately warned the management of the Prison and, later on, directed and followed the procedure of solving the open and disputable questions.

The Ombudsman with his assistants visited the Ljubljana Prison on May 31, 1995. The purpose of this visit, too, was to get acquainted with the conditions in the prison, particularly the place of detention. We called attention to poor dwelling conditions of remand prisoners. Together with the management and respective educators and wards we discussed certain complaints by the prisoners and, separately, we had talks with five prisoners and remand prisoners.

On September 6, 1995, the Ombudsman visited the Radeče Reformatory for minors. During our seeing the rooms of the Reformatory, and after the talks with the director and the responsible workers of the Reformatory, we also talked to several boys who were then in the Reformatory. After changes were made in the management, conditions and the atmosphere in the Radeče Reformatory have improved. This has been confirmed by the fact that no complaint against the treating or conditions in the Reformatory has been received ever since.

On September 13, 1995, the Ombudsman with his assistants visited the Maribor Prison. Besides viewing the prison and having talks with the management, we also had talks with four remand prisoners.

Besides the above mentioned visits, we also had the previously agreed talks in the Ljubljana Prison with the director, as well as the prisoners and remand prisoners in relation to petitions lodged by them with the Ombudsman.

WORK IN RELATION TO THE LODGED PETITIONS

(4) Connected with petition solving were also our frequent telephone contacts with the directors of prisons and detention centers of Ljubljana, Maribor, Celje, Murska Sobota, Novo mesto, Koper, Radovljica and also Dob pri Mirni. A permanent telephone and information connection has also been agreed upon with the Administration for the Execution of Sanctions at the Ministry of Justice of the Republic of Slovenia. We strive to solve all, and especially the urgent cases currently. Thus, we assumed an active role in seven cases in which the prisoners or remand prisoners decided on hunger strike. It should be mentioned at this point that the hunger-strikers declared the court decisions (i.e. the fact of their being detained) above all as the main reason of their hunger strike, and not the conditions in the prisons or places of detention.

(5) The majority of remand prisoners complain against the decision on their remand prison or prolonged remand prison. On this point, we call attention of the respective courts to the fact that, due to its exceptional character, remand prison can only last for the shortest possible time required since it represents a severe interference in human rights and fundamental freedoms. We regularly call attention of the courts to their duty of immediate and priority-rate handling of the matters related to remand prison.

(6) Numerous prisoners express dissatisfaction in their complaints with the final judgements by which they are sentenced to imprisonments. We advise such prisoners of the legal remedies that can still be applied by them, and simultaneously inform them about their rights as prisoners (including the possibility of probation).

(7) When individual convicts are released from prisons, we inform the respective Centers of Social Work in urgent cases, to help the ex-convicts after the completed imprisonment.

The majority of prisoners' complaints refer to prisoners' privileges, such as free exit from the institution, a greater number of visits, and the spending of the annual leave outside the institution. Our special attention is paid to petitions criticizing the handling by educators or wards, or referring to

the taking revenge and violence among the prisoners themselves. In five cases, at least, we intervened upon a complaint by a prisoner or a remand prisoner against the unsatisfactory health care. In one case, the prisoner was, upon our intervention, taken to hospital after we had obtained additional medical documentation for him. Our interference was also successful in the case of a younger prisoner who wished to continue his training at the secondary (vocational) school.

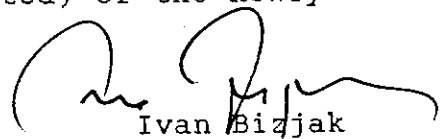
REQUEST FOR THE ASSESSMENT OF CONSTITUTIONALITY

(8) During our visiting the Ljubljana Prison, we noticed that a minor, a boy aged 15, was kept detained together with adults in the same room. We contacted his parents and required from the court to handle his criminal case as a matter of priority. Further in dealing with this particular matter, we submitted a request to the Constitutional Court of the Republic of Slovenia for the assessment of constitutionality of the first and second paragraphs of the Article 473 of the Law on Criminal Procedure, and of a part of the second paragraph of the Article 16 of the Rules of Procedure for the execution of detention. In our opinion, the latter two provisions enable an all too easy possibility that a minor be detained together with adults without a satisfactory respect for and guarantee of the child's benefits.

PLACES OF DETENTION AT POLICE STATIONS

(9) On the basis of the provision from the Article 42 of the Human Rights Ombudsman Act, the Ombudsman may carry out an inspection of a police station, including the inspection of detention places at a police station. Due to our enormous work we have not succeeded yet to pay enough attention to the places of detention at police stations. However, the respective bodies (i.e. the Ministry of Internal Affairs) have already been notified about the unbearable conditions in the places of detention at the Ljubljana-Center Police Station. At the opening of a new police station at Tržič, the Ombudsman called attention to the inadequacy (no daylight, poorly aerated) of the newly built rooms of detention.




Ivan Bizjak

the Human Rights Ombudsman