



CPT/Inf (2008) 7

**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 31 January to 8 February 2006

The Slovenian Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2008) 8.

Strasbourg, 15 February 2008

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Copy of the letter transmitting the CPT's report

Strasbourg, 27 July 2006

Dear State Secretary,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Slovenian Government drawn up by the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) after its visit to Slovenia from 31 January to 8 February 2006. The report was adopted by the CPT at its 60th meeting, held from 3 to 7 July 2006.

The various recommendations, comments and requests for information formulated by the CPT are listed in Appendix I. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the Slovenian authorities to provide **within six months** a response giving a full account of action taken to implement them. The CPT trusts that it will also be possible for the Slovenian authorities to provide, in the above-mentioned response, reactions to the comments formulated in this report which are listed in Appendix I as well as replies to the requests for information made. The CPT would be grateful if it were possible, in the event of the response forwarded being in Slovenian, for it to be accompanied by an English or French translation. It would also be most helpful if the Slovenian authorities could provide a copy of the response in a computer-readable form.

I am at your entire disposal if you have any questions concerning either the CPT's visit report or the future procedure.

Yours faithfully,

Silvia CASALE
President of the European Committee for
the prevention of torture and inhuman
or degrading treatment or punishment

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I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT visited Slovenia from 31 January to 8 February 2006. The visit formed part of the Committee’s programme of periodic visits for 2006, and was the third visit to Slovenia to be carried out by the CPT¹.

2. The visit was carried out by the following members of the CPT:

- Pétur HAUSSON, Head of the delegation
- Latif HÚSEYNOV
- Asya KHACHATRYAN
- Mauro PALMA
- Olivera VULIĆ

who were supported by Edo KORLJAN and Johan FRIESTEDT of the CPT's Secretariat.

They were assisted by:

- Eric DURAND, medical doctor, former Head of medical services at Fleury-Mérogis Prison, France (expert)
- James McMANUS, Professor of Criminal Justice at Glasgow Caledonian University, United Kingdom (expert)
- Helena BIFFIO-ZORKO (interpreter)
- Branka BOŽIČ (interpreter)
- Ksenija LEBAN (interpreter)
- Nevenka LJESKOVAC (interpreter)
- Adrijana ŠTEFANČIČ (interpreter)
- Špela URBAS (interpreter)
- Katja ŽUMER (interpreter).

¹ The first visit took place in February 1995 and the second in September 2001. The CPT’s reports on these visits, as well as the responses of the Slovenian Government, have all been made public at the request of the Slovenian authorities (cf. CPT/Inf (96) 18, CPT/Inf (96) 19, CPT/Inf (2002) 36 and CPT/Inf (2002) 37).

B. Establishments visited

3. The delegation visited the following places of deprivation of liberty:

Establishments under the authority of the Ministry of the Interior

Ljubljana Police Directorate

- Ljubljana-Bežigrad Police Station, Posavskega street*
- Ljubljana-Centre Police Station, Trdinova street*
- Ljubljana-Šiška Police Station, Podutiška street
- Ljubljana-Vič Police Station, Tbilisijska street*
- Police Holding Facility at Ljubljana – Moste Police Station, Tovarniška street
- Premises of the Police Special Unit, Podutiška street

Brnik Airport

- Brnik Airport Police Station

Celje Police Directorate

- Celje Police Station, Ljubljanska street*
- Rogaška Slatina Police Station, Izletniška street*

Koper Police Directorate

- Piran Police Station, Portorož, Obala street

Krško Police Directorate

- Brežice Police Station, Svobode street
- Obrežje Border Police Station (border check-point)

Holding facilities for aliens

- Postojna Centre for aliens*
- Closed section at Ljubljana Home for asylum seekers
- Brnik Airport holding premises for aliens

Establishments under the authority of the Ministry of Justice

- Ig Prison for women
- Koper Prison
- Ljubljana Prison (remand section)*
- Radeče Re-education Centre

Establishments under the authority of the Ministry of Labour, Family and Social Affairs

- Fužine Home for Elderly Persons, Ljubljana

* Follow-up visit.

C. Consultations held by the delegation and co-operation encountered

4. As had been the case during the CPT's previous visits to Slovenia, the co-operation received by the delegation, both from the national authorities and from staff at most of the establishments visited, was very good.

5. The CPT's delegation held fruitful discussions with Robert MAROLT, State Secretary in the Ministry of Justice, Dušan VALENTINČIČ, Acting Director General of the Prison Administration, Ministry of Justice, Bojan TRNOVŠEK, Director General in the Ministry of the Interior, Dorjan MARUŠIČ, State Secretary in the Ministry of Health, Janez REMŠKAR, Director General in the Ministry of Health, and Štefan KOCIPER, Director General in the Ministry of Labour, Family and Social Affairs, as well as with a number of senior officials from those ministries. The delegation also appreciated the opportunity to meet Matjaž HANŽEK, Parliamentary Ombudsman.

Further, the delegation held consultations with representatives of international and non-governmental organisations active in areas of concern to the CPT.

A list of the national authorities and organisations consulted during the visit is set out in Appendix II to this report.

6. On the whole, the delegation enjoyed immediate access to the places of detention visited (including ones which had not been notified in advance) and was provided with the information necessary for carrying out its task. It was also able to speak in private with persons deprived of their liberty, in compliance with the provisions of the Convention.

However, there were several exceptions with respect to the Ministry of the Interior. The delegation had to wait for 45 minutes before being granted access to the premises of the Police Special Unit in Ljubljana. Further, it was not possible for the delegation to have access to certain files held in the Ljubljana Criminal Police Directorate. Subsequent to the visit, by letter of 29 March 2006, the Minister of the Interior, Dragutin MATE, provided information concerning interrogations carried out by the staff of the Criminal Police Directorate and expressed readiness to co-operate with the CPT on this matter.

Moreover, as had been the case during the 2001 visit, the list of places where persons may be deprived of their liberty by the police was not exhaustive: the Obrežje border police station and the Brnik Airport police station and holding premises for aliens were not mentioned in the list.

The CPT trusts that the Slovenian authorities will take appropriate steps to ensure that during future visits, the Ministry of the Interior provides the Committee's delegations with all the facilities required under Article 8, paragraph 2 (b), (c) and (d) of the Convention.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Establishments under the authority of the Ministry of the Interior

1. Preliminary remarks

7. The legal framework governing detention by the police has remained basically unchanged since the 2001 visit (cf. paragraphs 9 and 10 of CPT/Inf (2002) 36). It should be recalled that criminal suspects may be held by the police for up to 48 hours (in this regard, if the detention lasts for more than six hours, the suspect must receive a formal written decision which specifies the grounds of deprivation of liberty).² The information gathered by the CPT's delegation during the 2006 visit suggests that this time-limit is respected in practice.

As regards foreign nationals who are illegally present in Slovenia, they may be placed for a maximum of six months in a centre for aliens. This period may be prolonged by another six months if, for objective reasons, it is not possible to effect deportation in the meantime. The police may additionally place a foreign national under "stricter police supervision" while being held at the centre for aliens if his identity has not been determined or if there is suspicion that he will try to avoid deportation. Decisions on asylum applications are taken in the first instance by the Asylum Sector of the Ministry of the Interior, and may be appealed to the Administrative Court and further to the Supreme Court. Such appeals have a suspensive effect.

2. Ill-treatment

8. As had been the case during previous visits to Slovenia, the majority of the persons met by the delegation who were, or had recently been, held by the police indicated that they had been treated in a correct manner, both at the time of apprehension and during questioning. Further, no allegations were received of ill-treatment of detained persons by staff working in detention facilities for aliens. In this context, the Committee is pleased to note that, at the Postojna Centre for Aliens, the general attitude of staff to foreign nationals had changed for the better since the 2001 visit. It is noteworthy that supervisory staff were no longer carrying firearms and truncheons inside accommodation areas.

9. Nevertheless, the delegation heard a few allegations of physical ill-treatment of detained persons by police officers, mainly at the time of apprehension and, on occasion, during subsequent questioning. The ill-treatment alleged mainly concerned slaps, kicks, punches and truncheon blows, including after the person concerned had been handcuffed.

² As regards other categories of persons, under Section 43 of the Police Act, a person handed over by foreign law-enforcement agencies may also be detained for up to 48 hours. According to the same provision, the police may hold a person who disrupts or threatens public order for a maximum of 24 hours. Under Section 109 (2) of the Administrative Offences (Misdemeanours) Act, the police may hold a person under the influence of alcohol/psychoactive substances for up to 12 hours.

Specific reference should be made to one case in which medical evidence consistent with allegations of ill-treatment was found during the visit. A detained person interviewed by the delegation at Ljubljana Prison alleged that, five days previously, he had received truncheon blows on the head at the time of his apprehension by nine officers of the Police Special Unit. Upon examination by one of the delegation's doctors, the person concerned displayed a conjunctival haematoma of the left eye (red in colour), with periorbital haematoma (red-purple in colour). The medical examination performed at a local hospital soon after his apprehension revealed: "a contusion on the head, a periorbital injury and a contusion on the ear". Further, the person's file contained a statement made by his lawyer, according to which the injuries were the result of apprehension.

The CPT is also concerned by the number of complaints received by its delegation of physical ill-treatment of juvenile detainees by the police. Although many cases dated back to a couple of years before, the ill-treatment alleged (slaps, punches, kicks and twisting the detained person's arm) was apparently usually inflicted during the initial questioning in order to obtain confessions or other information.

Further, some allegations were received from detained persons of threats (including of a sexual character), excessive psychological pressure and verbal abuse during interrogations.

10. In the light of the findings from the 2006 visit, **the CPT recommends that the Slovenian authorities remind police officers, through appropriate means and at regular intervals, that the ill-treatment of detained persons (whether of a physical or verbal nature) is not acceptable and will be the subject of severe sanctions.**

Police officers should also be reminded that no more force than is strictly necessary should be used when effecting an apprehension. Even if the person concerned resists arrest, actions such as those described in the second sub-paragraph of paragraph 9 would never represent an appropriate response. Further, once apprehended persons have been brought under control, there can never be any justification for their being struck.

11. Several allegations were received of detained persons being placed in a cell for several hours in the so-called "banana" position (i.e. a hyper-extended position with hand and ankle cuffs linked together behind the back), apparently to "calm them down". The Committee would like to stress that the practice of restraining a person in a hyper-extended position, with hand and ankle cuffs linked together behind the back, is unacceptable; **it recommends that police officers receive a clear message in this respect.**

Staff should be trained to use other, less hazardous, methods for controlling detained persons who represent a danger to themselves or to others, such as manual control techniques. If recourse is had to instruments of physical restraint vis-à-vis such a detainee, they should be removed at the earliest opportunity and each recourse to them should be duly recorded in a specific register, indicating, at the very least, the instruments employed, the reason for and the duration of their use; instruments of physical restraint should never be applied, or their application prolonged, as a punishment. **The CPT recommends that the Slovenian authorities issue instructions in the light of the above remarks.**

12. Adequate professional training for police officers is an essential component of any strategy for the prevention of ill-treatment. In its report on the 2001 visit, the CPT noted that the training curriculum for police recruits sought to link theoretical courses on human rights with practical training in the handling of high-risk situations (such as the apprehension and interrogation of suspects). **The Committee invites the Slovenian authorities to ensure that police officers already in service benefit from systematic ongoing training based on this approach.**

In this context, the CPT was informed during the visit that a handbook on police interrogations had been prepared and made available to police staff through the Ministry of the Interior's intranet site. However, hardly any police officers interviewed by the delegation were aware of the new guidelines. **The Committee recommends that the Slovenian authorities take the necessary steps to integrate the handbook on police interrogations into ongoing training programmes.**

13. In the course of the visit, a few police officers met by the delegation indicated that in cases where they might have information indicative of ill-treatment, they would not report it as they did not consider such steps to be part of their duties. In this context, the CPT considers that an atmosphere must be created, within the police, in which the right thing to do is to report ill-treatment by colleagues; there must be a clear understanding that culpability for ill-treatment extends beyond the actual perpetrators to anyone who knows, or should know, that ill-treatment is occurring and fails to act to prevent or report it. **The CPT invites that the Slovenian authorities establish, within the police, a reporting line for information indicative of ill-treatment (which implies the obligation for staff to immediately forward such information to the competent authorities and services), in the light of the above remarks.**

14. During the 2006 visit, the delegation met a few detained persons (including juveniles) who alleged that their complaints of ill-treatment had not been taken seriously or had been ignored by judges before whom they had been brought shortly after apprehension.

The CPT reiterates its recommendation that whenever a detained person brought before a judge alleges ill-treatment by police officers, these allegations be recorded in writing, a forensic medical examination immediately ordered, and the necessary steps taken to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries. Moreover, even in the absence of an express allegation of ill-treatment, a forensic medical examination should be requested whenever there are other grounds to believe that a detained person could have been the victim of ill-treatment.

15. In its 2001 report, the CPT indicated that, in order for a complaints procedure to be fully effective, it must be, and be seen to be, independent and impartial. During the 2006 visit, the Slovenian authorities informed the Committee that the police complaints mechanism had been revised in July 2003³. In this context, a specific Complaints Section had been set up at the Ministry of the Interior's Police and Security Directorate. Complaints are subjected to a two-stage review: (i) the head of the police unit in which the officer who is complained of is working establishes the facts pertaining to the complaint, and (ii) in cases where the complainant does not agree with the findings, the complaint is forwarded to the Ministry of the Interior's Complaints Section. A representative is appointed by the Minister of the Interior to review the case and the complaint is subsequently examined by a special panel (chaired by a person appointed by the Minister and including two members of the public⁴).

In the CPT's view, it is important to ensure that the persons responsible for investigating complaints against the police are not from the same service as those who are the subject of the investigation. Ideally, those entrusted with the operational conduct of the investigation should be completely independent of the agency implicated. **The Committee recommends that the Slovenian authorities adopt measures consistent with the above remarks.**

16. In order to obtain a full view of the situation concerning the treatment of persons detained by the police, **the CPT would like to receive the following information for 2005 and 2006:**

- **the number and type of complaints of ill-treatment lodged against police officers;**
- **the outcome of the investigations into those complaints.**

3. Safeguards against ill-treatment of persons detained by the police

17. In previous visit reports, the CPT examined in detail the formal safeguards against ill-treatment which are offered to persons detained by the police and their operation in practice. The Committee has placed particular emphasis on three fundamental rights, namely the right of detained persons to inform a close relative or another third party of their situation, to have access to a lawyer, and to have access to a doctor of their own choice. It should be underlined that these rights should be enjoyed by all categories of persons⁵ from the very outset of their deprivation of liberty (i.e. from the moment the persons concerned are obliged to remain with the police). It is equally fundamental that persons detained by the police be informed without delay of their rights, including those mentioned above, in a language they understand.

18. As regards the right of notification of deprivation of liberty, the overwhelming majority of detained persons interviewed during the 2006 visit confirmed that they had been informed of this right and placed in a position to exercise it soon after apprehension. However, a few detainees (including juveniles) complained that their relatives had been informed of the fact of their detention only after some delay (up to one day).

³ Cf. Section 28 of the Police Act, as amended.

⁴ For example, an NGO representative and a representative of a police trade union.

⁵ Cf. paragraph 7.

In their response to the report on the 2001 visit, the Slovenian authorities indicated that there is no provision in law allowing exceptional delays in the exercise of the right of notification of custody. **The CPT recommends that appropriate steps be taken to ensure that, in practice, all detained persons effectively benefit from the right of notification of custody from the very outset of their deprivation of liberty.**

19. Pursuant to Section 4 (1) and (2) of the Code of Criminal Procedure (CCP)⁶, a person deprived of his liberty should be immediately informed of his right of access to a lawyer; this right applies as from the moment of apprehension. During the 2006 visit, most detained persons interviewed by the delegation indicated that they had been informed of their right of access to a lawyer. However, in many cases, this information had apparently been provided several hours after apprehension (e.g. up to eight hours) or after the first questioning. In this regard, the CPT recalls that in its experience, it is during the period immediately following the deprivation of liberty that the risk of intimidation and ill-treatment is at its greatest. **The CPT recommends that steps be taken to ensure that information on the right of access to a lawyer for persons detained by the police, as guaranteed by law, is provided in practice as from the very outset of deprivation of liberty.**

20. According to Section 4 (4) of the CCP, when a suspect is not able to pay for a lawyer, the police should ensure, if the person so requests, that an *ex officio* lawyer is appointed “if this is in the interests of justice”. It appeared in the course of the 2006 visit that indigent persons in police custody generally did not benefit from access to a lawyer before being brought to a judge. The CPT would like to stress that, for as long as there is not an effective system of free legal aid for indigent persons at the stage of police custody, any right of access to a lawyer will remain, in most cases, purely theoretical. **The CPT recommends that a fully-fledged and properly funded system of legal aid for persons in police custody who are not in a position to pay for a lawyer be developed as a matter of urgency, and be applicable from the very outset of police custody. If necessary, the relevant legislation should be amended.**

21. The CPT is pleased to note that, on 26 October 2005, the Slovenian authorities introduced a formal provision guaranteeing access to a doctor (as recommended in the 2001 visit report). Pursuant to the new Section 44.a of the Police Act, emergency medical assistance should be provided to detained persons when required; further, they have the right of access to a doctor of their own choice at their own expense. However, a number of detained persons claimed that they were unaware of this particular safeguard. In this regard, **the CPT refers to its recommendation in paragraph 22.**

According to the above-mentioned provision, medical examinations should be carried out without the presence of police officers, unless the doctor requests otherwise. This is a significant step towards ensuring medical confidentiality. Nevertheless, in the course of the 2006 visit, the delegation observed that the results of medical examination were attached to the personal file of the detained person and were thus accessible to police officers.

⁶ As concerns persons detained under the Police Act in particular (as mentioned in footnote 2), cf. paragraph 22 of the present report.

As regards the content of the certificate prepared after medical examination, it should be noted that no conclusion was drawn by the doctor as to the consistency between objective medical findings and allegations made by the person concerned.

The CPT recommends that the Slovenian authorities take appropriate steps to ensure that:

- (i) the confidentiality of medical data is strictly respected;**
- (ii) the certificate drawn up by doctors concerning injuries observed on persons in police custody contain the doctor's conclusions as to the degree of consistency between any allegations made by the detained person concerned and the objective medical findings.**

22. As for information on rights, an amendment made to Section 44 of the Police Act stipulates that a person should be informed of his rights from the moment he is considered to be in police custody⁷.

The findings from the 2006 visit suggest that persons deprived of their liberty by the police were most often informed of their rights when the official detention form was being drawn up (which could happen up to six hours after apprehension). **The CPT recommends that steps be taken to ensure that information on rights is systematically given to persons held by the police as from the very outset of their deprivation of liberty.**

The delegation observed that the new detention forms – issued after the CPT's 2001 visit – made reference to the detained person's rights of notification of custody, access to a lawyer and access to a doctor. This is a welcome development. However, the information sheets given to detainees or displayed inside detention areas did not make specific reference to the last right; **the CPT recommends that this omission be rectified.**

23. As regards specific issues related to young persons, a matter of concern for the Committee was that a number of juveniles – sometimes as young as 14 – were allegedly interrogated by the police and made to sign legal documents without benefiting from the presence of either a trusted person or a lawyer. The CPT must stress that juveniles detained by the police constitute a particularly vulnerable group of detainees due to their age; in this context, they should be provided with adult support so that they do not have to make decisions with important legal implications on their own. **The CPT therefore recommends that steps be taken to ensure that juveniles do not make any statement or sign any document related to the offence of which they are suspected without the benefit of a lawyer and/or a trusted person being present and assisting them. Further, access to *ex officio* legal aid should be secured as from the very outset of deprivation of liberty.**

⁷ By an amendment of 12 August 2003, the words "apprehended person" were replaced by "detained person".

It also appeared during the 2006 visit that juvenile detainees were not properly informed of their rights during police custody. **The CPT recommends that a specific version of the information sheet, setting out the particular position of detained juveniles and young persons, be developed and given to all such persons taken into custody. For this age group especially, the information sheet should be made easier to understand. Special care should also be taken to explain the information carefully to ensure it is fully understood. In this respect, the Slovenian authorities should take into account Recommendation Rec (2003) 20 of the Council of Europe's Committee of Ministers concerning new ways of dealing with juvenile delinquency and the role of juvenile justice.**

24. The electronic (i.e. audio and/or video) recording of police interviews represents an important additional safeguard against the ill-treatment of detainees, which can provide a complete and authentic record of the interview process, thereby greatly facilitating the investigation of any allegations of ill-treatment. This is in the interest both of persons who have been ill-treated by the police and of police officers confronted with unfounded allegations that they have engaged in physical ill-treatment or psychological pressure. Electronic recording of police interviews also reduces the opportunity for defendants to later falsely deny that they have made certain statements.

In this respect, the delegation noted that many police rooms used for questioning had audio/video recording equipment. However, police officers indicated that this equipment was generally not used, apparently because there was no special requirement in law to do so. In the rare cases when it was used, the objective was to record the final statement of the detained person and not the questioning itself. **The CPT invites the Slovenian authorities to take measures to ensure that electronic equipment for recording police interviews is used on a regular basis. Further, police officers should receive specific training for conducting electronically recorded interviews.**

25. As regards custody registers, in the year preceding the CPT's 2006 visit, the Slovenian authorities introduced a computerised system for recording information related to detention by the police. The delegation observed that certain aspects of the detainee's custody were recorded in this system (e.g. time of and reason(s) for the arrest; when informed of rights; signs of injury), while other information (e.g. time of arrival at a police station, placement in a cell, time of transfer to another police establishment) was missing. As a result, in several instances, police officers could not ascertain whether certain persons had been physically brought to the police station (e.g. at Ljubljana-Vič or Ljubljana-Centre police stations). **The CPT recommends that the new computerised system for recording detention by the police be expanded in order to cover all relevant aspects of detained persons' custody** (in this context, cf. paragraph 41 of CPT/Inf (96) 18).

Further, at Brnik Airport police station, staff indicated that the detention of persons awaiting deportation was not recorded at all. **The Committee recommends that this be rectified without delay.**

4. Conditions of detention

a. police stations and holding facilities

26. The CPT's delegation found that the cells in some police establishments visited had been refurbished in the previous two years. Further, a new holding facility had opened at Ljubljana-Moste police station in January 2006, replacing the police holding facility in Povšetova street. The CPT welcomes these positive developments.

27. Most of the police establishments visited were equipped with two types of cells: "sobering-up" cells, designed for detention of up to 12 hours, and cells for police custody of up to 48 hours.

The best conditions of detention were observed at Ljubljana-Moste police holding facility. It had ten double-occupancy cells (measuring some 14 m²) for custody of up to 48 hours and ten single cells (measuring 7 m²) for custody of up to 12 hours. The equipment consisted of beds with full bedding, a partially partitioned toilet, washbasin and call system. In-cell lighting and ventilation were of a good standard. Further, suitable arrangements were made for the provision of food and outdoor exercise.

28. In the other police establishments visited, single cells designed for police custody of up to 48 hours measured at least 6 m², and cells intended for double occupancy measured some 8-9 m². However, at Ljubljana-Centre police station, a cell measuring some 8 m² could accommodate up to five persons. **Such a cell should not accommodate more than two persons.** In the various police establishments visited, the size of the cells for 12-hour detention was adequate.

The cell equipment generally consisted of beds with full bedding (or wooden platforms in the "sobering-up" cells, with mattresses and blankets given to detainees when needed), a partially screened toilet and call system. Many cells were also equipped with closed-circuit television monitoring systems (which did not cover the toilet areas). Ventilation was, on the whole, acceptable. However, access to natural light was deficient at Celje, Ljubljana-Centre, Ljubljana-Šiška, Ljubljana-Vič, Piran and Rogaška Slatina police stations, and artificial lighting was dim in Piran police station and almost non-existent at Ljubljana-Šiška police station.

29. **The CPT trusts that the Slovenian authorities will pursue their efforts to improve conditions of detention in police cells; the objective should be to provide in all police cells conditions equivalent to those observed at the new Ljubljana-Moste holding facility.**

Further, **the Committee recommends that access to natural light in the cells at Celje, Ljubljana-Centre, Ljubljana-Šiška, Ljubljana-Vič, Piran and Rogaška Slatina police stations be provided and that artificial lighting in the cells at Piran and Ljubljana-Šiška police stations be improved.**

b. holding facilities for aliens

30. The CPT's delegation visited three police establishments which served for the detention of different categories of foreign nationals, namely the Postojna Centre for aliens, the Closed section of the Ljubljana Home for asylum seekers and Brnik Airport holding premises for aliens.

The Postojna Centre, which was first visited by the CPT in 2001⁸, accommodates foreign nationals illegally present in Slovenia. As already indicated (cf. paragraph 7 above), such persons may be placed for a maximum of six months in a detention centre for aliens⁹, a period which may be prolonged by another six months. With an official capacity of 220 places, the establishment was accommodating 71 foreign nationals at the time of the visit. It had four distinct parts: a unit for "vulnerable persons" (mainly families), accommodating 38 persons at the time of the visit; a unit for single men, with 20 persons present; a unit for unaccompanied juveniles, holding no one at the time of the visit; and a unit for foreign nationals subject to "strict police supervision" (cf. paragraph 7). Since mid-2005, the last unit has been used for the accommodation of asylum seekers (there were 13 of them at the time of the visit)¹⁰.

The newly-built **Ljubljana Home for asylum seekers**¹¹, located on the outskirts of the city, provides accommodation for asylum seekers. The vast majority of the persons held at the centre were free to leave the premises. However, a small number of asylum seekers were placed in the closed section; their freedom of movement was limited in order to establish their identity, prevent the spread of contagious disease, filter abusive or fraudulent claims and/or if they posed danger to themselves or others¹². Such a restriction could last up to three months, with a possible extension of one month¹³. With an official capacity of 20 places, the closed section was accommodating four foreign nationals at the time of the visit.

Brnik Airport holding premises for aliens, located in the vicinity of the main airport terminal, was used to accommodate foreign nationals whose entry into Slovenia had been refused and who were to be expelled with the next available flight. No one was detained there at the time of the visit (in this connection, cf. paragraph 32).

31. The CPT's delegation noted with satisfaction the improvement of the living conditions for foreign nationals at the **Postojna Centre**. With the exception of the unit for strict supervision, the establishment had benefited from extensive refurbishment since the 2001 visit and offered a high standard of accommodation (e.g. very good access to natural light and artificial lighting, proper heating and ventilation).

However, the strict supervision unit was in a rather neglected condition, as illustrated by its dilapidated state of repair. **The CPT recommends that this unit be refurbished in the near future.**

⁸ Cf. paragraphs 25-37, CPT/Inf (2002)36.

⁹ There was another centre of this kind, in Prosenjakovci, with a capacity of 45 places.

¹⁰ Their applications were being examined by the Slovenian authorities.

¹¹ The construction of the establishment was co-funded under the EU Phare project.

¹² Cf. Article 27 of the Asylum Act.

¹³ Such a decision might be appealed to the Administrative Court within three days of being served; the appeal does not have a suspensive effect.

32. The **Brnik Airport holding premises for aliens** occupied a two-storey building. The ground floor contained toilets, a shower room and a common room equipped with a TV set. On the first floor, there was a dormitory for men, measuring 24 m² and equipped with 6 bunk beds, and a room for women which measured 14.5 m² and contained 6 beds. The two rooms were well lit and heated. The CPT's delegation was informed that foreign nationals were detained at the establishment for up to 48 hours. Further, it appeared from the registers that the maximum number of foreign nationals held at this establishment at any given moment rarely exceeded five. Nevertheless, **the CPT recommends that the Slovenian authorities review the official capacities of the rooms and apply the standard of at least 4m² of living space per person.**

33. The four rooms in the closed section of the **Ljubljana Home for asylum seekers** were well equipped (with tables, bunk beds, chairs, cupboards and a shelf), and were adequately heated, lit and ventilated. Each room had its own sanitary annexe, with a toilet and shower. Although living space per person was rather limited, the establishment's population spent most of the day out of their rooms. **The CPT's recommendation from paragraph 32 applies with equal force here.**

34. In respect of food, the delegation's findings from the visit suggest that it was provided in sufficient quantity and the foreign nationals' specific dietary requirements were fully taken into account at all the establishments visited. The delegation was pleased to note that, contrary to what had been observed during the 2001 visit, the Postojna Centre was providing vegetarian food and that, during Ramadan, the food for Muslims was delivered in the evening.

35. The CPT is concerned by the fact that all foreign nationals detained at the Postojna Centre (except for children) were obliged to wear prison-like uniforms. This created a certain amount of tension, and many foreign nationals met by the delegation indicated that they found the practice to be degrading. A number of them claimed that they had clean and appropriate clothing among their personal belongings. **The CPT recommends that the current practice concerning clothing of foreign nationals held at the Postojna Centre for Aliens be revised; all persons arriving at the establishment with clean clothes should be entitled to wear them during their stay and, when necessary, to have them cleaned and repaired.**

36. The closed section of the Ljubljana Home for asylum seekers and Postojna Centre had adequate outdoor facilities; however, complaints were heard to the effect that outdoor exercise was not always granted on a daily basis. **The CPT recommends that steps be taken to ensure that all persons detained at the Ljubljana Home for asylum seekers and the Postojna Centre are offered at least one hour of outdoor exercise every day.**

37. The CPT is also concerned by the shortage of activities offered to foreign nationals at both the Postojna Centre and the closed section of the Ljubljana Home for asylum seekers. In their letter of 8 November 2005, addressed to the President of the CPT, the Slovenian authorities indicated that foreign nationals at Postojna were offered "...activities such as painting, pottery, etc. Foreigners have access to the news through television and internet".

However, at the time of the visit, the CPT's delegation did not observe any of the above-mentioned activities, apart from watching television in the communal room¹⁴. However, juveniles were offered nothing which remotely resembled a regime of activities. Similarly, at the closed section of the Ljubljana Home for asylum seekers, apart from having ample opportunities for sports (basketball, table tennis), foreign nationals had no organised activities. **The CPT recommends that concerted efforts be made to provide a proper programme of activities, including organised recreation, leisure and sports, for foreign nationals held at both the Postojna Centre and the closed section of the Ljubljana Home for asylum seekers. The longer the period for which persons are detained, the more developed should be the activities offered to them. Children of school age should be provided with suitable educational activities.**

38. The detention of unaccompanied juveniles at the Postojna Centre is a matter of concern to the CPT. The Slovenian authorities informed the delegation that minors were placed at Postojna mainly due to the absence of appropriate foster facilities. The CPT considers that it is preferable for this category of persons to be placed in residential homes and/or foster care. **The Committee would like to receive the comments of the Slovenian authorities on this issue.**

39. The CPT welcomes the fact that the Slovenian authorities have filled a number of vacant posts at the Postojna Centre and have taken steps to develop staff training. However, it would appear that the training of police officers carrying out custodial duties is limited to tasks involved in forcible removals. **The CPT recommends that the Slovenian authorities pursue their efforts to further develop staff training, particularly in respect of all staff working in direct contact with foreign nationals.**

40. Health care had improved at the Postojna Centre; it was provided by four general practitioners who attended the establishment in turns. Medical screening on admission was carried out within 24 hours of arrival. Further, in accordance with the CPT's previous recommendation, foreign nationals had access to a psychiatrist. It is noteworthy that the establishment reported a much lower incidence of hunger strikes, suicide attempts and acts of self-harm than in 2001. In addition, the establishment had been equipped with a small, but well-appointed health-care facility.

Medical care at the Ljubljana Home for asylum seekers was provided by three part-time physicians (two general practitioners and an epidemiologist), who were present five days a week. A full-time nurse was also employed and foreign nationals had access to a psychiatrist and a dentist.

¹⁴ Some activities were sporadically organised by certain NGOs.

41. In respect of contact with the outside world, foreign nationals held at the Postojna Centre were allowed to receive letters. **The CPT would like to receive confirmation that foreign nationals can also send correspondence.**

Visits were possible every working day from 2.30 to 5 pm and could last for half an hour.

Foreign nationals at Postojna were also entitled to make one free-of-charge phone call upon admission and could subsequently use a pay phone. However, there was only one pay phone, which inevitably led to long queues. **The CPT invites the Slovenian authorities to install additional pay phones and explore the possibility of offering assistance to detainees who do not have the means to purchase a phone card.**

42. At both the Postojna Centre and the Ljubljana Home for asylum seekers, the delegation heard complaints from foreign nationals that mobile phones were systematically confiscated upon admission. In this context, the CPT wishes to recall that the foreign nationals concerned are neither convicted nor suspected of a criminal offence. Bearing this in mind, as well as the above-mentioned difficulties in making phone calls, **the Committee invites the Slovenian authorities to reconsider their policy of systematically confiscating foreign nationals' mobile phones.**

B. Establishments under the authority of the Ministry of Justice

1. Preliminary remarks

43. In the course of the third periodic visit to Slovenia, the CPT's delegation carried out a targeted follow-up visit to the remand section of Ljubljana Prison¹⁵, and visited for the first time Ig Prison for women and Koper Prison. The delegation also returned to Radeče Re-education Centre for young persons, which had been briefly visited in 1995.¹⁶

44. In its 2001 visit report, the CPT commented that the introduction of a new legal and regulatory framework¹⁷ for the Slovenian penitentiary system was an important move towards complying with international standards. At the time of the 2006 visit, the delegation was informed that the use of alternatives to imprisonment by the courts and the increased use of the probation system have had a positive effect, and the prison population has remained static since the previous visit. At the same time, the Slovenian authorities have taken steps to increase the capacity of the prison estate, including the construction of a new prison in Koper and the reconstruction of existing establishments. Nevertheless, overcrowding continues to be an issue in some prison establishments, in particular at the remand section of the Ljubljana Prison, where virtually none of the recommendations made in the context of previous visits have been implemented.

The CPT trusts that the Slovenian authorities will continue to implement a range of measures to combat prison overcrowding and, in so doing, will be guided by Recommendation Rec(99)22 of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation, as well as Recommendation Rec(2003)22 on conditional release (parole).

2. Ill-treatment

45. Most prisoners interviewed during the 2006 visit considered that prison staff treated them humanely. Further, no allegations of ill-treatment of young persons by staff were received at the Radeče Re-education Centre.

However, the CPT's delegation heard several allegations of physical ill-treatment of prisoners by staff at Koper and Ljubljana prisons (e.g. punches, kicks). In addition, allegations were received at Koper Prison to the effect that prisoners had on occasion been placed in the so-called "banana" position (cf. paragraph 11). Prison officers confirmed that this method of restraint was being used. The delegation found that in one such case in October 2005, the inmate's arm had been broken. The judicial authorities had started an investigation of this case, at the instigation of the prisoner concerned.

¹⁵ Ljubljana Prison was previously visited in 1995 and 2001 (cf. paragraphs 48 and 65-71 of CPT/Inf (96) 18 and paragraphs 47 and 59-60 of CPT/Inf (2002) 36).

¹⁶ The 1995 visit to the Radeče Re-education Centre aimed at following up information received relating to a very serious incident which had taken place there a few weeks earlier (cf. paragraphs 49, 52-56 and 60 of CPT/Inf (96) 18).

¹⁷ Cf. paragraph 48 of CPT/Inf (2002) 36.

Further, at Ljubljana Prison, a number of prisoners drew the delegation's attention to the case of an inmate with psychiatric disorders who had apparently attempted several times to commit suicide. Following an attempt to hang himself in March 2005, he reportedly died in hospital six days later. Several prisoners interviewed by the delegation stated that, approximately a week before his last suicide attempt, the prisoner concerned had requested to be transferred to a psychiatric hospital, had become agitated and had been placed in an empty cell. The following day, he reportedly displayed physical injuries and alleged to other inmates that he had been kicked by staff after being placed in the empty cell. The delegation was told that an investigation had been carried out into this case.

46. A few instances of inter-prisoner violence were found in Koper and Ljubljana prisons. In the latter establishment, several prisoners met by the delegation refused to take outdoor exercise apparently because they had received threats from other prisoners. One case deserves particular attention. At Ljubljana Prison, an inmate alleged that, a few days before the CPT's visit, his four cellmates had repeatedly struck him with metal objects on the knees and the back, poured cologne water on him and burnt him with cigarettes. The prisoner concerned was subsequently brought by staff to the prison doctor, taken to hospital and transferred to another cell. An examination by a medical member of the delegation of the person concerned revealed various bruises (ranging approximately 2 x 2 cm to 6 x 3 cm, yellow-purple in colour) and burns (size of a cigarette), more specifically: a bruise on the right side of the chest and two burn traces on the right iliac area; bruises and burns on both elbows; one burn on the first phalange of the fifth finger of the left hand; two bruises on the anterior aspects of both knees; to the back, one bruise with burn traces in the centre; one burn trace covered by scab in the lumbar area. The delegation was informed that an investigation into this case was under way.

47. In the light of the above findings, **the CPT recommends that the management of Koper and Ljubljana prisons remind custodial staff at regular intervals that the physical ill-treatment of prisoners is not acceptable and will be dealt with severely. Staff should also receive a clear reminder that force should only be used as a last resort and that when force is required to control violent and/or agitated prisoners, such force must not be more than strictly necessary. In this connection, the recommendations made in paragraph 11 also apply here. In addition, prison staff should call in a medical doctor whenever it is found necessary to restrain a violent and/or agitated prisoner, and act in accordance with the doctor's opinion.**

Further, **the management of Koper and Ljubljana prisons should exercise continued vigilance and make use of all the means at their disposal to prevent inter-prisoner violence and intimidation. In addition to effectively investigating complaints made by prisoners, this will involve the regular presence of prison managers in the detention areas, their direct contact with prisoners, and the improvement of prison staff training.**

In this context, **the CPT would like to receive the results of the investigations referred to in paragraphs 45 and 46.**

3. Conditions of detention in the establishments visited

a. follow-up visit to Ljubljana Prison (remand section)

48. The objective of the 2006 follow-up visit to the Ljubljana Prison was to examine measures taken by the Slovenian authorities aimed to implement the CPT's recommendations with respect to remand prisoners. It should be stated from the outset that the CPT is concerned by the lack of progress as regards remand prisoners' conditions of detention.

49. With an official capacity of 73, the remand section of the Ljubljana Prison was accommodating 123 persons (including three juveniles) at the time of the visit¹⁸. Prisoners continued to be accommodated under cramped conditions, with generally five persons in 18 m² cells and two persons in cells measuring 8 m² (including the sanitary annexe). Naturally, this situation had negative repercussions for all aspects of life, both for prisoners and staff. **The CPT calls upon the Slovenian authorities to implement its long-standing recommendation to reduce cell occupancy rates at Ljubljana Prison. Cells measuring 18 m² should not accommodate more than four prisoners, and the 8 m² cells should preferably not accommodate more than one prisoner.**

The delegation also received a number of complaints in respect of food; it was alleged that official norms and announced menus were not observed for remand prisoners. **The Committee invites the Slovenian authorities to verify the quality and quantity of the food actually served to remand prisoners.**

50. At the time of the 1995 and 2001 visits, Ljubljana Prison was not in a position to offer remand prisoners anything which remotely resembled a programme of activities. Apart from two hours of daily outdoor exercise and access to a fitness room twice a week, the vast majority of those prisoners spent up to 22 hours a day confined to cramped cells, their only distraction being watching television, listening to the radio or reading books or newspapers. Regrettably, the situation observed in 2006 was hardly any different. The only positive developments concerned increased access to the fitness room (one-hour sessions three times a week) and the installation of a table tennis table in the exercise yard. Only five prisoners were provided with work and two had access to education. **The CPT reiterates its recommendation that the Slovenian authorities intensify their efforts to develop a programme of activities for remand prisoners at Ljubljana Prison. As stressed by the Committee in previous visit reports, the aim should be to ensure that those prisoners are able to spend a reasonable part of the day outside their cells engaged in purposeful activities of a varied nature (work; education; sport; recreation/association). In this context, juvenile prisoners require particular attention and should be offered regimes tailored to their needs.**

¹⁸ The whole establishment was accommodating 238 prisoners (with an official capacity of 128).

b. Ig Prison for women

51. Ig Prison is the main establishment for sentenced women in Slovenia¹⁹. Located in the town of Ig, near Ljubljana, it occupies an old castle, which was transformed into a prison establishment in 1956. With an official capacity of 79, Ig Prison was accommodating 44 women on the first day of the visit: 11 on remand (including three juveniles) and 33 serving sentences (including one juvenile).²⁰ Four of the prisoners were foreign nationals.

i. *material conditions*

52. The material conditions observed at Ig Prison were, on the whole, satisfactory. Prisoners benefited from an adequate amount of living space in the dormitories, which were well equipped (beds, lockers, cupboards, tables, chairs, fully partitioned toilet, washbasin). Access to natural light, artificial lighting and ventilation were generally of a good standard.

However, the CPT has reservations about the practice of accommodating prisoners in large-capacity dormitories (e.g. a dormitory measuring 54 m² and equipped with eight beds; a 108 m² dormitory equipped with twelve beds). Such accommodation facilities inevitably imply a lack of privacy for prisoners in their everyday lives. In addition, the risk of internal conflicts or tensions is high, and proper staff control is rendered more difficult, if not impossible. In this context, the delegation observed that one dormitory had been divided into three double-occupancy rooms measuring approximately 20 m² each, and was informed that the management had plans to divide another dormitory into smaller structures.

It should also be noted that the section for remand prisoners and the reception section were in a poor state of repair and cleanliness, and access to natural light in the reception section left much to be desired.

53. Prisoners enjoyed daily access to a shower room, which was equipped with six shower cubicles. A few prisoners indicated that the supply of hot water had not always been guaranteed in the past due to problems with the boiler. However, the issue had apparently been resolved following the September 2005 visit of the Ombudsman. **The CPT trusts that hot water supply problems will not be encountered in the future at Ig Prison.**

54. Food was served in a spacious dining room and the delegation did not receive any complaints about its quality or quantity.

55. **The CPT recommends that efforts be made to refurbish the remand and reception sections. Further, the Committee invites the Slovenian authorities to pursue their plans to divide large-occupancy dormitories into smaller living units.**

¹⁹ Women serving short prison sentences (i.e. up to three months) may also be accommodated in other establishments (e.g. Koper Prison).

²⁰ Among the sentenced prisoners, 7 were under closed regime, 10 under semi-open regime, 12 under open regime and 4 were accommodated in the reception unit.

ii. *programme of activities*

56. At the outset, the CPT would like to welcome the open door policy within the detention units for sentenced prisoners at Ig Prison. The degree of freedom of movement within the premises and during outdoor exercise varied according to the security regime under which the inmates had been placed (i.e. closed, semi-open and open regimes). Prisoners had access to two hours of outdoor exercise per day (three hours for the juveniles). Sentenced prisoners under closed regime (as well as remand prisoners) took exercise in the inner court yard, and other sentenced prisoners had access to a more spacious area outside the prison premises.

57. As regards sentenced prisoners, participation in work activities was essential for progressing towards a less restrictive security regime and benefiting from further privileges (e.g. extra visits, home leaves)²¹. The majority (20) of sentenced prisoners had work (twelve in the prison's workshops, the remainder in the kitchen, laundry and other services)²². A few of them had worked in a private company outside the prison before the visit; however, those prisoners indicated that they were frequently verbally abused by the company's managers, which prompted most of them to give up the job. **The CPT would like to receive the comments of the Slovenian authorities on this matter.**

Education and vocational activities were organised outside the prison (five prisoners had participated in such activities in 2005 and one was attending school at the time of the visit). Prisoners also had access to a sports room, equipped with a table tennis table and fitness equipment. In addition, the establishment had a library with some 4,000 books.

58. In addition to the two hours of daily outdoor exercise, remand prisoners were allowed periods of association in a common room (two hours and 15 minutes per day). However, they did not benefit from any organised activities. It is noteworthy that juveniles on remand were not given any particular care (apart from an extra hour of outdoor exercise) and did not benefit from any activities suitable for their age group.

59. In the light of the above, **the CPT invites the Slovenian authorities to pursue their efforts to offer a broader range of activities to sentenced prisoners at Ig Prison, in particular as regards opportunities for education and vocational training. As regards remand prisoners, the recommendation made in paragraph 50 above applies equally here.**

²¹ Except for foreign nationals, who were as a rule under closed regime because they were considered to represent a higher risk of escape.

²² Among the 13 non-working sentenced prisoners, five could not work for medical reasons and several others were over the retirement age.

c. Koper Prison

60. In service since January 2004, the newly-built Koper Prison has an official capacity of 110 places²³. Located near the town centre, this three-storey establishment has replaced the nearby old prison which used to occupy a 15th century monastery. The prison specialises in the holding of inmates serving sentences of up to a year (exceptionally longer) and may also accommodate misdemeanour offenders. On the first day of the visit, it was holding 116 inmates (68 sentenced men and 48 prisoners on remand²⁴, five of whom were women).

i. *material conditions*

61. Material conditions of detention were of a high standard. Inmates were accommodated in 30 single cells (measuring 9 m²) and 40 double cells (measuring 14 m²). All cells had their own sanitary annexes (with a lavatory, washbasin and shower) and were well-furnished (bed, cupboard, desk, stool, shelf and a TV set). They were also equipped with call and temperature control systems. Further, cells enjoyed good access to natural light (with some limitations described below) and had sufficient artificial lighting.

However, the establishment's design had certain deficiencies. In particular, all inmates' cells were facing the inner yard and other inmates' cells. In order to ensure some privacy, most of the inmates covered their windows with blankets and towels, thus severely limiting access to natural light in the cells.²⁵ Inmates in the female section were particularly exposed in this respect. **The CPT invites the Slovenian authorities to seek ways to rectify this situation; one possibility might be to install blinds which can be controlled by prisoners.**

In addition, complaints were heard that ventilation did not always function properly in the summer. **The CPT trusts that any deficiency in this regard will be remedied.**

62. The establishment's kitchen was well-appointed and in an impeccable state of hygiene. Further, there were a number of well-equipped communal rooms, a room for religious services, as well as rooms for education, group work and leisure activities. As for the premises for outdoor exercise and sports, they were of an ample size and good quality.

²³ In addition, the establishment has a department for remand prisoners in Nova Gorica, with 24 places, which was not visited by the CPT's delegation.

²⁴ Sentenced prisoners were classified under closed, semi-open and open regimes (24, 35 and 9 prisoners respectively). The establishment could also hold female prisoners sentenced to up to three months.

²⁵ A number of inmates had their lighting switched on during the day.

ii. *programme of activities*

63. As in the case of Ig Prison, the CPT welcomes the open door policy within the detention areas for sentenced prisoners at Koper Prison.

Outdoor exercise took place in three yards, accessible from 6 a.m. to 10 p.m. Further, sports activities were organised in a big sports hall which could be used three times a week by working prisoners and twice a week by those who did not work. In addition, each floor had a fitness room. However, the fitness room within the closed section had inadequate ventilation. **The CPT trusts that this shortcoming will be rectified.**

64. The delegation was informed that every sentenced prisoner who wanted to work (and who had negative urine tests) was offered a job. At the time of the visit, some 29 sentenced prisoners were employed by a commercial company reprocessing plastic products. Employment brought a number of benefits: apart from wages, an extra snack in the morning, additional time in the sports hall, as well as more visits. In addition, only workers could progress into the semi-open and open regime and be considered for early release. It should be mentioned in this regard that the regime under which prisoners were held, and the possibility of early release, were determined by administrative decisions which were not fully transparent. **Steps should be taken to rectify this situation.**

The establishment had a well-stocked library. However, no education or vocational training was provided to prisoners.

The CPT invites the Slovenian authorities to develop the range of activities provided to prisoners at Koper Prison, in particular as regards education and vocational training.

65. As regards remand prisoners, 12 of them had a job. The remainder could spend up to four hours a day outside their cells (from 8 to noon), using the fitness rooms, taking outside exercise or associating with other remand prisoners. The CPT welcomes this approach and **hopes that efforts will continue to be made to develop the regime of activities for remand prisoners at Koper Prison.**

d. Radeče Re-education Centre for young persons

66. The Radeče Re-education Centre for young persons is located on the outskirts of the small town of Radeče. Its buildings had previously served as a hunting lodge, subsequently transformed into a monastery and finally assuming their current function in the early 1950s. Radeče is the only establishment under the authority of the Ministry of Justice which accommodates young persons aged between 14 and 21 years (exceptionally up to 23) who have been subjected to an “educational measure” by a court. They have either committed a criminal offence or presented challenging behaviour in a social care home, and have been placed at the institution for one to three years. Release is decided by the court on the basis of reports received from the institution about the individual’s response to treatment and educational programmes.

The establishment has an official capacity of 68 and was accommodating 28 persons on the first day of the visit (including one girl). The management explained to the delegation that the low occupancy level partly constituted a response to the 1995 incident (cf. footnote 16).

i. *material conditions*

67. Young male persons were held in different types of accommodation, which corresponded to different stages of the treatment and educational process: living units of the three Educational Groups, a drug-free unit and an open unit. Further, there was a female unit located, together with the open unit, in a separate building next to the main premises. The drug-free unit was also in a separate wing, connected to the main building.

Young persons who were “unable to adjust to work and life under the programme of the Educational Group”²⁶ were placed in the cells of the Special Educational Group (“PVS”), which were close to the disciplinary cells.

68. Material conditions were, on the whole, of a good standard and gradually got better as one moved from the units of the Educational Groups to other units. The single cells of the Special Educational Group were of a satisfactory size (i.e. 10 m² each) and adequately equipped. However, they were identical to the establishment’s disciplinary cells. The windows were very narrow and did not offer adequate access to natural light and ventilation. Further, the young persons detained there did not have access to artificial lighting during the night, including in the in-cell sanitary facilities.

The three Educational Groups were accommodated in apartments equipped with two bedrooms (measuring some 20-25 m² each and furnished with two to three beds, as well as cupboards, desks and chairs), a day room, kitchen and sanitary facilities. One such apartment served as a “reception” unit where young persons were placed pending their (re-)integration into an educational group, for periods of up to 20 days.

²⁶ Cf. Section 195 of the Penal Sanctions Enforcement Act.

The female, drug-free and open units had a similar layout and were generally more spacious and better furnished (with the exception of the open unit) than the Educational Groups units. However, they were not equipped with a call system and their location posed a significant challenge for the young persons concerned to attract staff's attention (generally by shouting through the window or banging on the door). This situation creates obvious risks for the safety of the persons in question and may generate a feeling of isolation when assistance is needed (cf. paragraph 80).

69. The delegation heard hardly any complaints about food. The latter was served in a spacious dining room, except for those undergoing the early regime of the Special Educational Group, who received their meals in their cells.

70. In the light of the above, **the CPT recommends that the Slovenian authorities take immediate steps to install a call system in the female, drug-free and open units.**

Moreover, **the Committee recommends that measures be taken to ensure that all the cells of the Special Educational Group enjoy adequate access to natural light and ventilation. Appropriate arrangements should also be made to provide access to artificial lighting at night.**

More generally, **the CPT recommends that the cells of the Special Educational Group only be used for short-term administrative segregation purposes.**

ii. programme of activities

71. Participation in activities was used as an incentive to make progress between the different regimes and eventually to obtain release. Young persons placed in the Educational Groups and the female, drug-free and open units could have access to outdoor exercise at any time during the day and were offered a number of activities. Work (e.g. metal or wood work, cooking) or vocational training constituted the major part of the daily activities (6 hours 45 minutes per day). The delegation was informed that primary education was also provided. However, a few young persons, including ones apparently experiencing problems with reading, claimed that they were strongly encouraged to favour work activities or vocational training to the detriment of educational activities.

After working hours, the young persons could associate in a club and participate in a 'therapy' group with a pedagogue. They also had access to a gym and other sports activities (e.g. football, table tennis).

72. Persons placed in the Special Educational Group were offered a “more intensive programme”²⁷, according to which the range of activities was increased if they actively participated in the initial regime proposed (in the second week, drawing or similar activities as well as three hours of outdoor exercise per day, followed by access to television and later to the club, ‘therapy’ group and finally the gym). However, the delegation’s findings during the visit suggest that the activities offered were generally limited in value and any educational or therapeutic effect would be minimal.

Progress was assessed by a pedagogue who regularly met the persons in question and who reported to the Expert Group which decided on additional activities and eventual re-integration into the Educational Groups. Records of the decisions were well maintained, but **the level of accountability left something to be desired.**

73. In the light of the above remarks, **the CPT invites the Slovenian authorities to review the programme of activities offered to young persons at the Radeče Re-education Centre.**

4. Health-care services

74. The health-care staff resources at Ljubljana Prison were practically unchanged compared to the situation observed at the time of the 2001 visit²⁸. In their response to the report on that visit, the Slovenian authorities indicated that the presence of a doctor would be extended to at least 30 hours a week, as recommended by the CPT, at the earliest opportunity. However, during the 2006 visit, the attendance time of the general practitioner was only 15 hours per week.

At Koper Prison, the health-care team consisted of one part-time general practitioner (who was present at the establishment twice a week, each time for several hours), a part-time psychiatrist (carrying out a weekly visit) and two full-time nurses.

The doctor responsible for the health-care services at Ig Prison was a general practitioner who was present once a week. There was also a full-time nurse. A gynaecologist was visiting the establishment once a month, and a psychiatrist and a dentist once every two weeks.

The Radeče Re-education Centre was visited twice a week by a medical doctor and twice a month by a dentist. Further, a nurse attended the establishment twice a week and could be called in case of need.

At all of the above-mentioned establishments, no health-care staff were present at night and at weekends. This resulted in medication being distributed by custodial staff during these periods.

75. The health-care staff resources at Ig Prison and the Radeče Re-education Centre can be considered sufficient, in particular bearing in mind the number of inmates actually being held in these establishments. However, the attendance hours of doctors at Ljubljana and Koper prisons were not adequate to meet the needs of the respective populations. It is not surprising that the Committee’s delegation received some complaints concerning access to a doctor at both establishments during the 2006 visit.

²⁷ Cf. Section 195 of the Penal Sanctions Enforcement Act.

²⁸ Cf. paragraph 67 of CPT/Inf (2002) 36.

The CPT reiterates its recommendation that steps be taken to provide for the presence of a general practitioner for at least 30 hours per week at Ljubljana Prison. Further, it recommends that:

- the hours of attendance of a general practitioner at Koper Prison be increased; preferably, there should be the equivalent of a half-time post;
- measures be taken to ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present on the premises at night and weekends, in particular at Ljubljana and Koper prisons.

76. The level of psychiatric and/or psychological care offered to inmates remains a cause for concern to the CPT. At Ljubljana Prison, the situation observed by the delegation was identical to the one described in the 2001 visit report²⁹. At Koper Prison, the high demand for consultations with the psychiatrist and the lack of a psychologist were problematic.

At Ig Prison, some prisoners felt that they could not fully trust the psychologist due to his involvement with various decision-making processes (e.g. allocation of prisoners to different security regimes, granting of privileges, etc.). **The CPT would like to receive the comments of the Slovenian authorities on the potential conflict of interest between the psychologist's therapeutic activities and his involvement in decision-making processes.**

Further, although a full-time psychologist was said to work at the Radeče Re-education Centre, hardly any of the young persons interviewed had actually met her.

The CPT reiterates its previous recommendation that the Slovenian authorities strengthen psychiatric/psychological care at Ljubljana Prison. The same recommendation applies to Koper Prison. In this context, the hours of attendance of a psychiatrist at both establishments should be increased. Further, the CPT recommends that steps be taken to provide effective and regular access to psychological care for persons detained at the Radeče Re-education Centre.

77. As concerns medical screening of newly-arrived prisoners, the information gathered during the visit confirmed that prisoners were generally examined by a doctor or a nurse reporting to a doctor within a few hours of arrival or, at the latest, on the following day.

78. It appeared during the 2006 visit that the recording of medical data had improved. However, as regards the recording of injuries (be it on admission or later in the course of imprisonment), the observations made by the CPT's delegation suggest that doctors, as a rule, did not draw a conclusion as to the degree of consistency between the descriptions of injuries observed and any allegations of ill-treatment made by the person concerned. **The CPT recommends that this shortcoming be remedied.**

²⁹ Cf. paragraph 69 of CPT/Inf (2002) 36.

79. With respect to transmissible diseases, it is noteworthy that the previous recommendation of the CPT that more information be provided to prisoners and staff on tuberculosis had been implemented: an information leaflet on tuberculosis was available at the establishments visited. However, certain inmates at Ig Prison had hepatitis C and it was clear from the delegation's interviews with prisoners that this was a source of concern to them, in particular as regards possible transmission. **The Committee trusts that the Slovenian authorities will pursue their efforts to provide both prisoners and staff with information on transmissible diseases (including hepatitis C), especially as regards methods of transmission and means of protection.**

5. Other issues

a. prison staff

80. At the time of the visit, there were very few vacant posts in the establishments visited. However, at Koper Prison only three custodial staff were present at night, which is clearly insufficient. It would appear that the number of staff had remained the same as in the old prison, while the number of inmates was almost twice as high. A shortage of staff was also observed at Radeče, where, in addition, no call system was available in the female, drug-free and open units (cf. paragraph 68).

The CPT recommends that the Slovenian authorities take steps to improve staffing levels at Koper Prison and the Radeče Re-education Centre. This may to some extent be achieved by redeploying existing staff within the establishments.

81. Further, the CPT's delegation observed that the number of female custodial staff was insufficient in Koper Prison and the Radeče Re-education Centre. By way of example, there were only three female custodial staff at Koper (as two had recently left), which meant that female staff cover could not be ensured at all times. Despite the proclaimed goal of having a female prison officer always accompanying male officers when they entered the female section, this was not possible. Similarly, at Radeče there was a marked shortage of female custodial staff (only one staff member), which was particularly problematic in the female unit, which meant that female staff cover could not be ensured.

In this context, the CPT wishes to stress that the presence of both male and female staff can have a beneficial effect in terms of both the custodial ethos and in fostering a degree of normality in a place of detention. Mixed-gender staffing also allows for appropriate staff deployment when carrying out gender-sensitive tasks, such as searches. However, in units for female inmates, there should always be a preponderance of female staff. **The CPT invites the Slovenian authorities to increase the number of female staff deployed in detention areas at Koper Prison and the Radeče Re-education Centre.**

b. discipline and segregation

82. The 2006 visit did not reveal an excessive recourse to disciplinary sanctions. In fact, it appeared that very little use was made of the formal disciplinary procedures³⁰.

However, the CPT is concerned by the situation observed at the Radeče Re-education Centre, where young persons who failed to comply with the regime in the Educational Groups were moved to cells in the Special Educational Group ("PVS"). Because of the cells' location (close to the disciplinary cells), material conditions (i.e. the same as in the disciplinary cells), and a more restrictive regime, placement in the Special Educational Group was perceived by juveniles as a punishment for violations of internal regulations. However, no formal disciplinary proceedings were initiated against juveniles placed in that group and the persons concerned could not benefit from the safeguards offered to those who received a formal disciplinary punishment.

Another matter of concern was the practice observed at Koper Prison of preliminary segregation of prisoners pending the outcome of disciplinary proceedings. This involved placing inmates in the so-called "specially protected department" (also known as Unit 250) for up to one month. Some cells in that department had windows on the ceiling with no view to the outside. The regime was stricter than in the closed section, with less frequent access to telephones, visits and the gym; however, the cell doors were unlocked from 8 a.m. to 6.30 p.m.

At both establishments, an Expert Group was responsible for deciding whether or not to apply this measure. Nevertheless, the delegation received the impression that placement in these special units often replaced the formal disciplinary procedures altogether.

83. In the CPT's view, it is in the interest of both inmates and staff that clear disciplinary procedures be formally established and applied in practice: any grey zones involve the risk of an unofficial (and uncontrolled) system developing. There should be a clear distinction between administrative segregation and the disciplinary sanction of isolation. Administrative segregation should not be used to replace or completely circumvent the formal disciplinary procedures. **The CPT recommends that the Slovenian authorities ensure that formal disciplinary procedures are adhered to systematically whenever a disciplinary offence is alleged and that strict deadlines for holding disciplinary hearings are introduced.**

In addition, **the Committee recommends that remand prisoners in Slovenia be offered the same safeguards as sentenced prisoners during disciplinary procedures, including the right to be heard in person by the deciding authority.**

84. Before a prisoner is placed in disciplinary confinement, doctors are still required to certify that the inmate concerned is able to sustain it. In the report on the 2001 visit, the CPT recommended that the Slovenian authorities re-examine the existing legal arrangements and practice regarding such a role for doctors. From the response of the Slovenian authorities, it would appear that the issue being raised by the CPT has not been fully grasped.

³⁰ At the Radeče Re-education Centre, there had been 42 disciplinary proceedings in 2005; none of the punishments imposed concerned placement in a disciplinary cell. At Koper Prison, resort to formal disciplinary proceedings was even less frequent (one to five cases per year). There had been no disciplinary proceedings initiated at Ig Prison in 2005.

Medical practitioners working in prisons act as the personal doctors of prisoners, and ensuring that there is a positive doctor-patient relationship between them is a major factor in safeguarding the health and well-being of prisoners. Obliging prison doctors to certify that prisoners are fit to undergo punishment is scarcely likely to promote that relationship. This point was recognised in the recently adopted Committee of Ministers' Recommendation Rec (2006) 2 on the European Prison Rules; indeed, the rule in the previous version of the Rules, stipulating that prison doctors must certify that a prisoner is fit to sustain the punishment of disciplinary confinement, has now been removed.

The CPT must therefore reiterate its recommendation that existing legal arrangements and practice concerning the role of prison doctors in relation to disciplinary matters be reviewed. In so doing, regard should be had to the new version of the European Prison Rules and the comments made by the CPT in paragraph 53 of its 15th Annual Report (CPT/Inf (2005) 17).

c. contact with the outside world

85. The information gathered during the 2006 visit confirmed that sentenced prisoners have satisfactory possibilities for maintaining and developing their contacts with the outside world through visits and arrangements for leave from the establishments.

86. In respect of remand prisoners, the CPT is pleased that the Slovenian authorities have implemented its recommendation made in the 2001 visit report, enabling remand prisoners to receive "open" visits from their relatives (e.g. without a glass partition). However, material conditions in the visiting facilities at Ljubljana Prison remained unsatisfactory; especially, they offered little privacy to inmates and visitors and were insufficient for the number of prisoners held. Further, the visiting facilities at Koper Prison were rather austere, in particular when compared with the rest of the establishment. **The CPT reiterates its recommendation that the Slovenian authorities take steps to increase the capacity and improve the layout of the visiting facilities at Ljubljana Prison. The Committee also invites the Slovenian authorities to create more congenial surroundings in the visiting facilities at Koper Prison.**

87. The delegation was informed that Dob Prison could provide male sentenced prisoners with possibilities for conjugal visits. The possibilities for such visits were not offered to male prisoners at the other establishments visited or to female prisoners at Ig Prison (as well as other establishments holding female prisoners). **The CPT invites the Slovenian authorities to offer the possibility of conjugal visits to a larger number of inmates; female prisoners should be offered the possibility of such visits on an equal footing.**

88. At all the establishments visited, sentenced prisoners had adequate access to telephones. The situation was less favourable in respect of remand prisoners. Although entitled to a 10-minute conversation every week, a number of them complained that their calls were in practice shorter. **The CPT reiterates the recommendation made in the 2001 visit report (paragraph 93, CPT/Inf (2002) 36) that the Slovenian authorities seek ways of improving opportunities for telephone contact for remand prisoners.**

d. complaints and inspection procedures

89. As during previous visits, the complaints and inspection mechanisms appeared on the whole to be operating satisfactorily.

In Radeče, the main method of raising complaints was through an interview with the Director, which inmates could ask for at any time. All complaints were dealt with properly and expeditiously.

However, there were significant gaps in meeting inmates' requests to meet the Director of Ljubljana Prison³¹. **There should be strict time targets for answering prisoners' complaints/requests.**

At Ig Prison, each complaint received a prompt answer from the Director. However, it appeared that reactions to complaints addressed to the Central Prison Administration were not recorded in the register of complaints, which made it difficult to establish the follow-up given to them. **The CPT invites the Slovenian authorities to remedy this lacuna.**

e. placement of juveniles in adult prisons

90. During the 2006 visit, the delegation met a few juvenile remand prisoners who had been placed in cells together with adults at Ljubljana and Ig prisons. A similar situation was observed by the CPT at the time of the 1995 visit to Ljubljana Prison; the Committee recommended in the report on that visit that the Slovenian authorities take appropriate measures to ensure that, unless it is in the interest of the young person concerned, a juvenile is not detained in cellular/dormitory accommodation which is also used by adult prisoners. In their response, the Slovenian authorities referred to Section 473 of the CCP. The latter stipulates that juveniles should be accommodated separately from adults; however, the judge may exceptionally decide that a juvenile remand prisoner be held together with adults if this is in his/her best interests, taking into account the juvenile's personality and other circumstances.

That being said, the CPT continues to entertain doubts as to whether the placement of juveniles together with adults is always effected in their interest. By way of illustration, one juvenile at Ig Prison was held in a cell together with four adults, most of whom were drug-addicts. The Committee accepts that there may be exceptional situations in which it is in the best interests of juveniles not to be separated from particular adults³². At the same time, to accommodate juveniles and unrelated adults together brings with it the possibility of domination and exploitation. Consequently, **in those exceptional cases where it is considered to be in the best interests of a juvenile remand prisoner to be accommodated together with adults, the CPT recommends that particular care be taken in selecting the adult prisoners in question.**

³¹ By way of example, one prisoner had submitted such a request on 4 January 2006 and had been released on 25 January 2006, without being seen.

³² In this context, cf. also Rule 35.4 of Recommendation (2006) 2 of the Committee of Ministers to Member States on European Prison Rules, which provides that "where children are detained in a prison they shall be kept in a part of the prison that is separate from that used by adults unless it is considered that this is against the best interests of the child".

f. transport of prisoners/means of restraint

91. In its 2001 visit report, the CPT recommended that the Slovenian authorities review the arrangements for the transport of prisoners (paragraph 95, CPT/Inf (2002) 36). In their response, the authorities informed the Committee that “the technical possibilities will also be studied for adapting the existing vehicles in line with the requirements (seat belts, armrests, ventilation, lighting, the possibility of communication between guard and prisoner).”

However, the vehicles used for prisoners’ transport seen during the 2006 visit displayed the same shortcomings (no natural light, poor artificial lighting, almost no ventilation, no seatbelts, etc.). **The Committee calls upon the Slovenian authorities to improve arrangements for prisoners’ transport.**

92. In its 2001 visit report, the CPT welcomed the adoption of a general rule according to which prisoners “who are not considered likely to use an accompanied journey to make an escape should not be restricted”. Further, in their response to that report, the Slovenian authorities indicated that “Article 63 of the new rules on prison officer duties provide that hands should not be handcuffed behind the back during transport of prisoners on long journeys outside the area of the main prison establishment” (pages 49-50, CPT/Inf (2002) 37).

The delegation which carried out the 2006 visit encountered a variety of situations in this regard. At Ljubljana Prison, all remand prisoners were handcuffed whenever they were being transported outside the establishment. Some prisoners alleged that handcuffs were only removed in the courtroom. Depending on the security considerations, prisoners were handcuffed in front or behind the back. Further, three juveniles on remand were always subject to body belts when moving outside the prison. The situation was similar at Radeče, where young persons were even handcuffed on their way to the workshops outside the establishment’s premises.

Handcuffs were not applied at Ig Prison routinely, but on the basis of an individual risk assessment. However, it would appear that the use of handcuffs was not always proportionate to the risk which the prisoners concerned represented. For example, the delegation noted that the three female juveniles on remand were always handcuffed when they left the prison and, in addition, two of them wore a body belt. This measure was reportedly taken because the persons concerned had not complied with the restriction on leaving their homes in the context of house arrest at some time in the past.

The CPT understands that it is necessary on occasion to resort to means of restraint in a prison setting or during transfers to other establishments. However, there can be no justification for routinely handcuffing detained persons outside their cells. **The CPT recommends that the Slovenian authorities carry out a further review of the use of means of restraint during the transport of prisoners, so as to ensure that they are applied in a proportionate way.**

93. In Koper Prison, the delegation learned of a case when a prisoner suffered a broken arm while being restrained. Prison officers in that establishment used the “professional grip of strangulation”, a technique which involves tackling the prisoner from behind and applying a baton across his throat. The CPT has serious misgivings about the use of this technique.

More generally, the information gathered during the 2006 visit indicates that prison staff throughout Slovenia might usefully benefit from a comprehensive course in control and restraint techniques. Such training should be organised on a nationwide level and should aim to reconcile legitimate security concerns with the well-being and human dignity of restrained persons. **The CPT invites the Slovenian authorities to organise such training courses.**

g. agitated or violent prisoners

94. Apart from Ig Prison, each of the establishments visited had padded cells in which agitated or violent inmates could be placed for a maximum of 12 hours. Placements in such cells were well-documented. Prisoners or young persons placed in the padded cells were seen by a nurse or doctor as soon as possible.

The padded cell at Koper Prison was used 14 times in 2005; in contrast, the two padded cells at Radeče were used much more frequently (6 times in the first five weeks of 2006). Given the small population of this establishment, this appears at first sight to be excessive. More generally, the CPT has reservations as concerns the use of padded cells in juvenile correctional institutions. In this context, **the Slovenian authorities are invited to review the recourse to padded cells at the Radeče Re-education Centre.**

95. During the 2001 visit, the CPT recommended that the deficiencies of the padded cell in Ljubljana Prison be remedied (i.e. poor lighting and ventilation, absence of a call system). Despite the firm assurances of the Slovenian authorities in their response (page 45, CPT/Inf (2002) 37), this cell continued to offer unsatisfactory conditions. Consequently, **the CPT reiterates the recommendation made in paragraph 83 of its 2001 visit report.**

The padded cell at Koper Prison calls for no particular comments.

h. drug-related issues

96. The increasing proportion of prisoners with drug-related problems has prompted the Slovenian authorities to adopt measures to prevent the entry of drugs into prisons. During the visit, the CPT's delegation was informed that the Slovenian authorities were preparing different pilot projects in this area. **The Committee would like to be informed of these projects.**

97. Slovenian legislation is quite detailed in respect of urine testing of prisoners for drugs. It stipulates that a prisoner shall be tested in a suitable room and in a manner that does not violate his personal dignity³³. The use of such a test is only allowed when a prisoner has concluded a therapeutic agreement to treat his addiction or when he gives written consent for the test to be carried out. However, if the prisoner refuses the test, he is considered to be under the influence of illicit drugs or to have been in contact with them³⁴.

In practice, the delegation observed that urine testing was systematically applied to all prisoners. Further, there was no record of prisoners' consent.

³³ Section 17 of the Regulations on the implementation of the tasks of prison officers of 5 September 2001.

³⁴ Section 55, *ibid.*

98. At Koper Prison, the procedure (the aim of which was apparently to avoid the substitution of samples) took place in the dentist's toilet, in the presence of one or two male prison officers and a female nurse.³⁵ An inmate suspected of drug abuse would be obliged to lower his pants to his knees, lean forward, lift up his scrotum, turn around a full circle in front of the officer(s) and the nurse, and then urinate. Not surprisingly, many prisoners found such arrangements to be humiliating. Some inmates indicated that they had problems urinating in such conditions and certain of them preferred to refuse testing. Both categories were subsequently considered to be drug users and were placed in the closed section.

At Radeče, urine tests were carried out on a regular basis. In the event of a refusal to give samples or positive tests, the inmate gradually regressed to the lowest level of regime (i.e. Special Educational Group). **As in Koper, urine testing at Radeče Re-education Centre had become an excessively dominant factor in determining access to a less restrictive security regime and in the granting of privileges.**

99. The Committee is concerned about the existing arrangements for urine tests at Koper Prison and about the role played by health-care staff in respect of urine sample collection and testing. It is of the opinion that this essentially non-medical task can affect the therapeutic relationship between health-care staff and patients. Medical staff working at Koper Prison should therefore not be involved in the collection and testing of urine samples for repressive purposes (i.e. drug abuse).

The CPT recommends that the existing arrangements for urine testing at Koper Prison be reviewed, in the light of the above remarks. Other means could and should be found to reconcile the legitimate aim of combating drug abuse with the inherent dignity of the persons concerned.

Further, staff carrying out urine tests should receive appropriate training, and such tests should be carried out in a place which is distinctly different from the premises utilised by prison medical staff.

³⁵ The rules concerning the enforcement of prison sentences of 24 December 2000 stipulate that a member of staff of the medical service or other suitably qualified member of staff shall perform such testing.

C. Establishments under the authority of the Ministry of Labour, Family and Social Affairs

1. Preliminary remarks

100. The CPT's delegation paid a visit to one establishment under the authority of the Ministry of Labour, Family and Social Affairs: the Fužine Home for Elderly Persons in Ljubljana.

At the time of the visit, this newly-opened establishment³⁶ was operating at its full official capacity (169 residents). Residents were suffering from a range of mental and physical disabilities and/or mental disorders. Some 80 of them were incontinent and 10 were bed-ridden. They were allocated to eight sections, each of them accommodating 21 or 22 residents. The delegation focused its attention on the two closed sections which were accommodating 42 residents in total, most of whom were suffering from dementia and/or impaired mobility and therefore required increased attention.

101. At the outset, it should be stated that the CPT's delegation did not receive any allegations of ill-treatment of residents by staff working at the establishment. On the contrary, it was impressed by the relaxed staff-resident relations and the commitment of staff to provide the best possible care.

2. Living conditions

102. Throughout the establishment, living conditions were of a very high standard. Each section had the same layout and included a number of single, double and four-bed rooms, measuring 16, 25 and 38m² respectively. The rooms were personalised, well equipped (with beds, chairs, desk, armchairs, cupboards, lockers and TV sets) and had spacious balconies. Moreover, each room had its own partitioned toilet and bathroom. Access to natural light and artificial lighting were adequate. Further, the premises were well heated and ventilated.

The communal areas were also spacious and decorated with paintings and plants. In addition, each section had its own kitchenette and an inner courtyard used for outdoor exercise, which was equipped with a means of shelter from inclement weather.

The CPT's delegation was also impressed by the overall state of cleanliness and hygiene in the establishment, including in the sanitary facilities.

³⁶ The Fužine Home for Elderly Persons commenced its activities on 14 February 2005.

3. Treatment and care

103. Genuine efforts were being made to involve as many residents as possible in a wide range of therapeutic and rehabilitative activities. These activities included occupational therapy (sewing, knitting, weaving), group therapy, reading and singing classes, creative workshops and outdoor activities, including walks in a well-kept park. Even the least mobile residents were often taken on half-day excursions. Moreover, patients had access to newspapers and books from the neighbouring well-stocked library. The communal room was open throughout the day and hosted various socio-cultural events.

Each resident had an individual treatment plan. Residents' medication was reviewed on a regular basis by the visiting psychiatrist. Residents received the psycho-pharmacological medication required by their state of health and no indication of overmedication was found. Further, residents whose mental condition so required were transferred to the nearby psychiatric hospital.³⁷ However, **the medical files kept for each resident were quite succinct and sometimes incomplete.**

4. Staff

104. The establishment had 73 employees, including a physiotherapist, an orthopaedist, two occupational therapists, a social worker, 14 full-time nurses, 3 intern nurses and 13 nursing assistants. A general practitioner was present five days a week (4 hours per day) and the establishment was visited by a psychiatrist once a week (for 4-5 hours). Having regard to both the number of residents and their mental health status (by way of example, some 120 residents were receiving psychoactive medication), **the CPT invites the Slovenian authorities to increase the attendance hours of a psychiatrist at the Fužine Home for Elderly Persons (preferably to the equivalent of at least one half-time post).**

Further, given the importance of therapeutic and other activities for residents' rehabilitation, the CPT invites the Slovenian authorities to increase the number of staff responsible for the provision of such activities.

105. Nursing staff levels appeared to be adequate during the day. However, they posed serious problems at night, when only one nurse and one nursing assistant were expected to care for all of the Home's 169 residents, some of whom presented a challenge due to their state of health. As stated in the CPT's report on the 2001 visit (paragraph 111, CPT/Inf 2002)36), low staffing levels tend to generate highly stressful work conditions and increase the risk of disproportionate reactions towards challenging residents. **The CPT recommends that the Slovenian authorities ensure, as a matter of priority, a higher nursing staff attendance during the night.**

³⁷ There had been only two such transfers.

5. Seclusion and other means of restraint

106. According to information provided by staff, the first response to an agitated or violent resident was dialogue and persuasion followed, if necessary, by manual control, on the order of a doctor. The CPT's delegation was informed that there had been no cases of fixation in the establishment since its creation. Further, no seclusion was used.

Contrary to the situation observed at the Hrastovec-Trate Institution in 2001 (cf. paragraphs 130-131, CPT/Inf 2002)36), no net-beds were used at the Fužine Home to manage agitated and/or violent residents. Residents at risk of falling from their beds had been provided with movable cot sides. In their response to the 2001 visit report, the Slovenian authorities indicated that the use of net-beds was gradually being abandoned. **The CPT would like to receive confirmation that net-beds have been taken out of use in social care homes and psychiatric establishments throughout Slovenia.**

107. One point of concern was that there was no register for recording the use of means of restraint. Irrespective of their infrequent use, **the CPT recommends that such a register be created, in accordance with the requirements set out in paragraph 125 of the report on the CPT's 2001 visit.**

6. Safeguards

108. The legal framework for placement in social care homes in Slovenia is provided by the Law on Social Assistance (1992, with subsequent amendments) and the Law on Non-Contentious Procedure (1986). Persons with physical disabilities, mental disorders and/or behavioural disorders can themselves apply for placement in such establishments. In the case of persons declared incompetent by a court, a guardian may initiate the placement procedure. The application process involves a medical opinion assessing the health condition and needs of the person concerned. The admission decision is taken by a commission composed of the home's Director, the head of the local social service, the head of the medical service and an additional expert. On admission, residents (or their legal guardians) sign an agreement stipulating the rights and responsibilities of all parties involved.

Residents can be discharged at their request or that of their legal guardian if the initial reasons for placement have ceased to exist or in the case of a violation of the House Rules, drug abuse or breach of the agreement concluded with the institution. The delegation was informed that nobody had been discharged from the home since its opening and there were currently 700 candidates on the waiting list for admission.

109. Unlike the situation observed at the Hrastovec-Trate Institution in 2001, the placement of residents at the Fužine Home was not subject to court review. The home's Director informed the delegation that, at the beginning, admissions were systematically brought to the attention of the relevant court. However, the court's response invariably was that there were no grounds for judicial involvement as the home was not a psychiatric establishment and admission to it could not be considered as involuntary placement³⁸.

110. As already noted (cf. paragraph 100), the residents accommodated in the two closed sections of the Fužine Home were suffering from dementia and had other health problems which required increased care and protection. Most of them had a legal guardian (a family member or third person appointed by the social work centre of the Ministry of Labour, Family and Social Affairs). These residents could exit the closed sections when escorted by a staff member or their guardians, or on their own, provided they could remember the four-digit door code (apparently, only nine residents were able to do that).

From the facts found during the visit, it would seem that placement in the closed sections of the Fužine Home can in certain cases amount to de facto deprivation of liberty. It follows that the placement procedure must be surrounded by appropriate safeguards. In particular, such persons should have the right to bring proceedings by which the lawfulness of their placement could be decided speedily by a court. The delegation's observations from the visit indicated that at present such a right is not ensured in practice. **The Committee recommends that steps be taken to ensure that persons placed in closed sections of social care homes in Slovenia have an effective right to bring proceedings to have the lawfulness of their placement decided and regularly reviewed by a court.**

111. In the report on the 2001 visit (paragraph 139, CPT/Inf(2002)36), the CPT stressed that the exercise of residents' rights could be enhanced if provision were made for the designation of an independent adviser to assist them in legal matters. **The Committee would like to be informed whether residents at the Fužine Home have access to legal aid.**

112. Contact with the outside world was adequate in all respects. Residents could correspond without limitation and a pay phone was available to all of them; in addition, many of them had direct phone lines in their rooms. Visits were also possible from 8 a.m. to 9 p.m. every day. The CPT welcomes this state of affairs.

113. The delegation noted the high quality of the information booklet provided to residents, which described in straightforward language the treatment offered, the house rules and the rights and duties of residents. **The CPT recommends that this booklet be also distributed to the residents' legal guardians and families, and that it include information on the right referred to in paragraph 110. A similar booklet should be introduced in social care homes throughout Slovenia.**

³⁸ In the meaning of the Law on Non-Contentious Procedure.

114. The Fužine information booklet advised residents that they could lodge complaints internally (there was a register where such complaints were entered); however, no information was provided on avenues of complaint to outside bodies. **The CPT recommends that residents be informed of the possibility to lodge formal complaints, on a confidential basis, with clearly designated outside bodies.**

115. The home received regular inspection visits from bodies responsible for ensuring compliance with the health, labour, financial and safety regulations. However, as far as the delegation could ascertain, there were no visits by independent outside bodies (e.g. Ombudsman, supervisory committee) responsible for the inspection of residents' care and authorised to talk privately with residents, receive complaints and make recommendations. **The CPT recommends that the Fužine Home for Elderly Persons be visited by independent outside bodies on a regular basis.**

APPENDIX I

LIST OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION

A. Establishments under the authority of the Ministry of the Interior

Ill-treatment

recommendations

- police officers to be reminded, through appropriate means and at regular intervals, that the ill-treatment of detained persons (whether of a physical or verbal nature) is not acceptable and will be the subject of severe sanctions (paragraph 10);
- police officers to be reminded that no more force than is strictly necessary should be used when effecting an apprehension. Even if the person concerned resists arrest, actions such as those referred to in the second sub-paragraph of paragraph 9 would never represent an appropriate response. Further, once apprehended persons have been brought under control, there can never be any justification for their being struck (paragraph 10);
- police officers to receive a clear message that the practice of restraining a person in a hyper-extended position, with hand and ankle cuffs linked together behind the back, is unacceptable (paragraph 11);
- instructions on the use of restraints to be issued, in the light of the remarks made in paragraph 11 (paragraph 11);
- the necessary steps to be taken to integrate the handbook on police interrogations into ongoing training programmes (paragraph 12);
- whenever a detained person brought before a judge alleges ill-treatment by police officers, these allegations to be recorded in writing, a forensic medical examination immediately ordered, and the necessary steps taken to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries. Moreover, even in the absence of an express allegation of ill-treatment, a forensic medical examination should be requested whenever there are other grounds to believe that a detained person could have been the victim of ill-treatment (paragraph 14);
- the Slovenian authorities to adopt measures consistent with the remarks made in paragraph 15 concerning the investigation of complaints against the police (paragraph 15).

comments

- the Slovenian authorities are invited to ensure that police officers already in service benefit from systematic ongoing training based on the approach mentioned in paragraph 12 (paragraph 12);
- the Slovenian authorities are invited to establish, within the police, a reporting line for information indicative of ill-treatment (which implies the obligation for staff to immediately forward such information to the competent authorities and services), in the light of the remarks made in paragraph 13 (paragraph 13).

requests for information

- for 2005 and 2006:
 - the number and type of complaints of ill-treatment lodged against police officers;
 - the outcome of the investigations into those complaints (paragraph 16).

Safeguards against ill-treatment of persons detained by the police

recommendations

- appropriate steps to be taken to ensure that, in practice, all detained persons effectively benefit from the right of notification of custody from the very outset of their deprivation of liberty (paragraph 18);
- steps to be taken to ensure that information on the right of access to a lawyer for persons detained by the police, as guaranteed by law, is provided in practice as from the very outset of deprivation of liberty (paragraph 19);
- a fully-fledged and properly funded system of legal aid for persons in police custody who are not in a position to pay for a lawyer to be developed as a matter of urgency, and to be applicable from the very outset of police custody. If necessary, the relevant legislation should be amended (paragraph 20);
- appropriate steps to be taken to ensure that:
 - (i) the confidentiality of medical data is strictly respected;
 - (ii) the certificate drawn up by doctors concerning injuries observed on persons in police custody contain the doctor's conclusions as to the degree of consistency between any allegations made by the detained person concerned and the objective medical findings (paragraph 21);

- steps to be taken to ensure that information on rights is systematically given to persons detained by the police as from the very outset of their deprivation of liberty (paragraph 22);
- the information sheets given to detainees or displayed inside detention areas to make specific reference to the right of access to a doctor (paragraph 22);
- steps to be taken to ensure that juveniles do not make any statement or sign any document related to the offence of which they are suspected without the benefit of a lawyer and/or a trusted person being present and assisting them. Further, access to *ex officio* legal aid should be secured as from the very outset of deprivation of liberty (paragraph 23);
- a specific version of the information sheet, setting out the particular position of detained juveniles and young persons, to be developed and given to all such persons taken into custody. For this age group especially, the information sheet should be made easier to understand. Special care should also be taken to explain the information carefully to ensure it is fully understood. In this respect, the Slovenian authorities should take into account Recommendation Rec (2003) 20 of the Council of Europe's Committee of Ministers concerning new ways of dealing with juvenile delinquency and the role of juvenile justice (paragraph 23);
- the new computerised system for recording detention by the police to be extended in order to cover all relevant aspects of detained persons' custody (paragraph 25);
- steps to be taken without delay to ensure that the detention of persons awaiting deportation at Brnik Airport police station is recorded (paragraph 25).

comments

- the Slovenian authorities are invited to take measures to ensure that electronic equipment for recording police interviews is used on a regular basis. Further, police officers should receive specific training for conducting electronically recorded interviews (paragraph 24).

Conditions of detention

recommendations

- access to natural light to be provided in the cells at Celje, Ljubljana-Centre, Ljubljana-Šiška, Ljubljana-Vič, Piran and Rogaška Slatina police stations, and artificial lighting in the cells at Piran and Ljubljana-Šiška police stations to be improved (paragraph 29);
- the strict supervision unit at the Postojna Centre for aliens to be refurbished in the near future (paragraph 31);
- the Slovenian authorities to review the official capacities of the rooms at Brnik Airport holding premises for aliens and in the closed section of the Ljubljana Home for asylum seekers, applying the standard of at least 4 m² of living space per person (paragraphs 32 and 33);

- the current practice concerning clothing of foreign nationals held at the Postojna Centre for aliens to be revised; all persons arriving at the establishment with clean clothes should be entitled to wear them during their stay and, when necessary, to have them cleaned and repaired (paragraph 35);
- steps to be taken to ensure that all persons detained at the Ljubljana Home for asylum seekers and the Postojna Centre are offered at least one hour of outdoor exercise every day (paragraph 36);
- concerted efforts to be made to provide a proper programme of activities, including organised recreation, leisure and sports, for foreign nationals held at both the Postojna Centre and the closed section of the Ljubljana Home for asylum seekers. The longer the period for which persons are detained, the more developed should be the activities offered to them. Children of school age should be provided with suitable educational activities (paragraph 37);
- the Slovenian authorities to pursue their efforts to further develop staff training, particularly in respect of all staff working in direct contact with foreign nationals (paragraph 39).

comments

- a cell measuring some 8 m² should not accommodate more than two persons (paragraph 28);
- the CPT trusts that the Slovenian authorities will pursue their efforts to improve conditions of detention in police cells; the objective should be to provide in all police cells conditions equivalent to those observed at the new Ljubljana-Moste holding facility (paragraph 29);
- the Slovenian authorities are invited to install additional pay phones at the Postojna Centre and explore the possibility of offering assistance to detainees who do not have the means to purchase a phone card (paragraph 41);
- the Slovenian authorities are invited to reconsider their policy of systematically confiscating foreign nationals' mobile phones (paragraph 42);

requests for information

- the comments of the Slovenian authorities on the current practice of placing unaccompanied juveniles at the Postojna Centre instead of in residential homes and/or foster care (paragraph 38);
- confirmation that foreign nationals held at the Postojna Centre can send correspondence (paragraph 41).

B. Establishments under the authority of the Ministry of Justice

Preliminary remarks

comments

- The CPT trusts that the Slovenian authorities will continue to implement a range of measures to combat prison overcrowding and, in so doing, will be guided by Recommendation Rec(99)22 of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation, as well as Recommendation Rec(2003)22 on conditional release (parole) (paragraph 44).

Ill-treatment

recommendations

- the management of Koper and Ljubljana Prisons to remind custodial staff at regular intervals that the physical ill-treatment of prisoners is not acceptable and will be dealt with severely. Staff should also receive a clear reminder that force should only be used as a last resort and that when force is required to control violent and/or agitated prisoners, that force must not be more than strictly necessary. In this connection, the recommendations made in paragraph 11 also apply here. In addition, prison staff should call in a medical doctor whenever it is found necessary to restrain a violent and/or agitated prisoner, and act in accordance with the doctor's opinion (paragraph 47);
- the management of Koper and Ljubljana Prisons should exercise continued vigilance and make use of all the means at their disposal to prevent inter-prisoner violence and intimidation. In addition to effectively investigating complaints made by prisoners, this will involve the regular presence of prison managers in the detention areas, their direct contact with prisoners, and the improvement of prison staff training (paragraph 47).

requests for information

- the results of the investigations referred to in paragraphs 45 and 46 (paragraph 47).

Conditions of detention in the establishments visited

recommendations

- the Slovenian authorities to implement the CPT's long-standing recommendation to reduce cell occupancy rates at Ljubljana Prison. Cells measuring 18 m² should not accommodate more than four prisoners, and the 8 m² cells should preferably not accommodate more than one prisoner (paragraph 49);

- the Slovenian authorities to intensify their efforts to develop a programme of activities for remand prisoners at Ljubljana and Ig Prisons. The aim should be to ensure that those prisoners are able to spend a reasonable part of the day outside their cells engaged in purposeful activities of a varied nature (work; education; sport; recreation/association). In this context, juvenile prisoners require particular attention and should be offered regimes tailored to their needs (paragraphs 50 and 59);
- efforts to be made to refurbish the remand and reception sections at Ig Prison for women (paragraph 55);
- the Slovenian authorities to take immediate steps to install a call system in the female, drug-free and open units at the Radeče Re-education Centre for young prisoners (paragraph 70);
- measures to be taken to ensure that all the cells of the Special Educational Group at the Radeče Centre enjoy adequate access to natural light and ventilation. Appropriate arrangements should also be made to provide access to artificial lighting at night (paragraph 70);
- the cells of the Special Educational Group to be only used for short-term administrative segregation purposes (paragraph 70).

comments

- the Slovenian authorities are invited to verify the quality and quantity of the food actually served to remand prisoners at Ljubljana Prison (paragraph 49);
 - the CPT trusts that hot water supply problems will not be encountered in the future at Ig Prison (paragraph 53);
 - the Slovenian authorities are invited to pursue their plans to divide large-occupancy dormitories at Ig Prison into smaller living units (paragraph 55);
 - the Slovenian authorities are invited to pursue their efforts to offer a broader range of activities to sentenced prisoners at Ig Prison, in particular as regards opportunities for education and vocational training (paragraph 59);
 - the Slovenian authorities are invited to seek ways to rectify the situation described in paragraph 61 concerning the lack of privacy in prisoners' cells at Koper Prison; one possibility might be to install blinds which can be controlled by prisoners (paragraph 61);
- the CPT trusts that any deficiency as regards the proper functioning of ventilation at Koper Prison will be remedied (paragraph 61);
- the CPT trusts that ventilation in the fitness room within the closed section at Koper Prison will be improved (paragraph 63);
 - steps should be taken to ensure that administrative decisions in respect of the regime under which prisoners were held at Koper Prison and the possibility of early release are fully transparent (paragraph 64);

- the Slovenian authorities are invited to develop the range of activities provided to prisoners at Koper Prison, in particular as regards education and vocational training (paragraph 64);
- the CPT hopes that efforts will continue to be made to develop the regime of activities for remand prisoners at Koper Prison (paragraph 65);
- the level of accountability of decisions made by the Expert Group at the Radeče Re-education Centre left something to be desired (paragraph 72);
- the Slovenian authorities are invited to review the programme of activities offered to young persons at the Radeče Re-education Centre (paragraph 73).

requests for information

- the comments of the Slovenian authorities on the complaints that prisoners working in a private company outside the prison were frequently verbally abused by the company's managers (paragraph 57).

Health-care services

recommendations

- steps to be taken to provide for the presence of a general practitioner for at least 30 hours per week at Ljubljana Prison (paragraph 75);
- the hours of attendance of a general practitioner at Koper Prison to be increased; preferably, there should be the equivalent of a half-time post (paragraph 75);
- measures to be taken to ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present on the premises at night and weekends, in particular at Ljubljana and Koper Prisons (paragraph 75);
- the Slovenian authorities to strengthen psychiatric/psychological care at Ljubljana and Koper prisons. In this context, the hours of attendance of a psychiatrist at both establishments should be increased (paragraph 76);
- steps to be taken to provide effective and regular access to psychological care for persons detained at the Radeče Re-education Centre (paragraph 76);
- the Slovenian authorities to take appropriate steps to ensure that medical data recorded by doctors concerning injuries observed on prisoners (be it on admission or late in the course of imprisonment) contain the doctor's conclusions as to the degree of consistency between any allegations made by the prisoner in question and the objective medical findings (paragraph 78).

comments

- the Committee trusts that the Slovenian authorities will pursue their efforts to provide both prisoners and staff with information on transmissible diseases (including hepatitis C), especially as regards methods of transmission and means of protection (paragraph 79).

requests for information

- the comments of the Slovenian authorities on the potential conflict of interest between the therapeutic activities of the psychologist at Ig Prison and his involvement in decision-making processes (paragraph 76).

Other issues

recommendations

- steps to be taken to improve staffing levels at Koper Prison and the Radeče Re-education Centre. This may to some extent be achieved by redeploying existing staff within the establishments (paragraph 80);
- the Slovenian authorities to ensure that formal disciplinary procedures are adhered to systematically whenever a disciplinary offence is alleged and that strict deadlines for holding disciplinary hearings are introduced (paragraph 83);
- remand prisoners in Slovenia to be offered the same safeguards as sentenced prisoners during disciplinary procedures, including the right to be heard in person by the deciding authority (paragraph 83);
- existing legal arrangements and practice concerning the role of prison doctors in relation to disciplinary matters to be reviewed. In so doing, regard should be had to the new version of the European Prison Rules and the comments made by the CPT in paragraph 53 of its 15th Annual Report (CPT/Inf (2005) 17) (paragraph 84);
- steps to be taken to increase the capacity and improve the layout of the visiting facilities at Ljubljana Prison. (paragraph 86);
- the Slovenian authorities to seek ways of improving opportunities for telephone contact for remand prisoners (paragraph 88);
- in those exceptional cases where it is considered to be in the best interests of a juvenile remand prisoner to be accommodated together with adults, particular care to be taken in selecting the adult prisoners in question (paragraph 90);
- the Slovenian authorities to improve arrangements for prisoners' transport (paragraph 91);

- the Slovenian authorities to carry out a further review of the use of means of restraint during the transport of prisoners, so as to ensure that they are applied in a proportionate way (paragraph 92);
- the deficiencies observed with regard to material conditions in the padded cell in Ljubljana Prison to be remedied (paragraph 95);
- the existing arrangements for urine testing at Koper Prison to be reviewed, in the light of the remarks made in paragraphs 98 and 99. Other means could and should be found to reconcile the legitimate aim of combating drug abuse with the inherent dignity of the persons concerned (paragraph 99).

comments

- the Slovenian authorities are invited to increase the number of female staff deployed in detention areas at Koper Prison and the Radeče Re-education Centre (paragraph 81);
- the Slovenian authorities are invited to create more congenial surroundings in the visiting facilities at Koper Prison (paragraph 86);
- the Slovenian authorities are invited to offer the possibility of conjugal visits to a larger number of inmates; female prisoners should be offered the possibility of such visits on an equal footing (paragraph 87);
- there should be strict time targets for answering prisoners' complaints/requests at Ljubljana Prison (paragraph 89);
- the Slovenian authorities are invited to remedy the lacuna observed at Ig Prison as regards the recording of reactions to prisoners' complaints addressed to the Central Prison Administration in the register of complaints (paragraph 89);
- the Slovenian authorities are invited to organise comprehensive training courses in control and restraint techniques for prison staff throughout Slovenia (paragraph 93);
- the Slovenian authorities are invited to review the recourse to padded cells at the Radeče Re-education Centre (paragraph 94);
- at Koper Prison and the Radeče Re-education Centre, urine testing had become an excessively dominant factor in determining access to a less restrictive security regime and in the granting of privileges (paragraph 98);
- staff carrying out urine tests should receive appropriate training and such tests should be carried out in a place which is distinctly different from the premises utilised by prison medical staff (paragraph 99).

requests for information

- information on pilot projects being prepared by the Slovenian authorities in the area of drug prevention in prisons (paragraph 96).

C. Establishments under the authority of the Ministry of Labour, Family and Social Affairs

recommendations

- the Slovenian authorities to ensure, as a matter of priority, a higher nursing staff attendance during the night at the Fužine Home for Elderly Persons (paragraph 105);
- a register for recording the use of means of restraint to be created, in accordance with the requirements set out in paragraph 125 of the report on the CPT's 2001 visit (paragraph 107);
- steps to be taken to ensure that persons placed in closed sections of social care homes in Slovenia have an effective right to bring proceedings to have the lawfulness of their placement decided and regularly reviewed by a court (paragraph 110);
- the information booklet available at the Fužine Home to be also distributed to residents' legal guardians and families, and to include information on the right referred to in paragraph 110. A similar booklet should be introduced in social care homes throughout Slovenia (paragraph 113);
- residents of the Fužine Home for Elderly Persons to be informed of the possibility to lodge formal complaints, on a confidential basis, with clearly designated outside bodies (paragraph 114);
- the Fužine Home for Elderly Persons to be visited by independent outside bodies on a regular basis (paragraph 115).

comments

- residents' medical files at the Fužine Home for Elderly Persons were quite succinct and occasionally incomplete (paragraph 103).
- the Slovenian authorities are invited to increase the attendance hours of a psychiatrist at the Fužine Home for Elderly Persons (preferably to the equivalent of at least one half-time post) (paragraph 104);
- given the importance of therapeutic and other activities for residents' rehabilitation, the Slovenian authorities are invited to increase the number of staff responsible for the provision of such activities at the Fužine Home for Elderly Persons (paragraph 104).

requests for information

- confirmation that net-beds have been taken out of use in social care homes and psychiatric establishments throughout Slovenia (paragraph 106).
- whether residents of the Fužine Home for Elderly Persons have access to legal aid (paragraph 111).

APPENDIX II

**LIST OF THE NATIONAL AUTHORITIES AND INTERNATIONAL
AND NON-GOVERNMENTAL ORGANISATIONS WITH WHICH
THE CPT'S DELEGATION HELD CONSULTATIONS**

A. National authorities

Ministry of the Interior

Bojan TRNOVŠEK	Director General
Žarko BOGUNOVIČ	Secretary
Samo DROBEŽ	Under-Secretary
Aleksandra HOIVIK	Under-Secretary
Bečir KEČANOVIČ	Under-Secretary
Drago MARINKOVIČ	Under-Secretary

General Police Directorate

Danijel ŽIBERT	Director of Uniformed Police
Janez MEKINC	Senior Police Superintendent
Darko STARE	Assistant to the Director of Criminal Police
Danijel LORBEK	Head of the Border Police Section
Janez RUPNIK	Head of the Police Powers Division
Jože KONEC	Assistant to the Head of the Centre for Aliens

Ministry of Justice

Robert MAROLT	State Secretary
Igor BELE	Director General
Miha WOHINZ	Under-Secretary

Prison Administration

Dušan VALENTINČIČ	Acting Director General
Aldo CARLI	Deputy Director General
Slava NOVAK	Under Secretary
Olga PERHAVC	Head of the Treatment Unit
Božo PETEH	Head of the Security Unit

Ministry of Health

Dorjan MARUŠIČ	State Secretary
Janez REMŠKAR	Director General
Vlasta Močnik DRNOVŠEK	Under-Secretary
Nadja ČOBAL	Under-Secretary
Andraž STRGAR	Adviser
Slavko ZIHERL	Chair, Collegial Professional Body for Psychiatry
Anton GRADIŠEK	Member of the Ministry of Health Working Group on the Patients' Rights Act

Ministry of Labour, Family and Social Affairs

Štefan KOCIPER	Director General
Davor DOMINKUŠ	Secretary
Tanja AMON	Assistant

Parliamentary Ombudsman

Matjaž HANŽEK	Parliamentary Ombudsman
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B. International Organisations

UNHCR Office in Ljubljana

C. Non-Governmental Organisations

ALTRA
Amnesty International – Slovenia
Helsinki Monitor of Slovenia
Legal Information Centre (PIC)
Slovenska filantropija
Slovenian Association for Mental Health (ŠENT)