

## - NATIONAL PREVENTIVE MECHANISM -

### Report on implemented visit at the location

#### ZPKZ DOB PRI MIRNI CLOSED PRISON SECTION

*Explanatory note: within the implementation of tasks and authorisations according to the Act ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of the Republic of Slovenia, No. 114/2006), the Human Rights Ombudsman of the Republic of Slovenia (hereinafter referred to as the Ombudsman) as the implementing body of the National Preventive Mechanism (hereinafter referred to as NPM) visits places of deprivation of physical liberty. In addition to the representatives of the Ombudsman, the group implementing the visit also includes representative(s) of contractual non-governmental organisations and occasionally independent experts of medicine and other disciplines and interpreters. The legal basis for the implementation of the NPM monitoring is presented at [Ombudsman as a NPM](#).*

*This report includes only the most important findings of the visit, with suggestions for improving conditions or eliminating irregularities. The report was drafted on the basis of the report on the NPM visit and the response report of the competent authorities. It is intended for publication at the Ombudsman's website.*

#### **Basic data on the location:**

► **Type of location:** prison<sup>1</sup>

► **Categories of persons deprived of liberty:** convicted persons; adults from all court counties in the Republic of Slovenia sentenced to imprisonment for at least one year and six months, or whose remaining sentence exceeds one year and six months including detention, and young adults (up to 23 years of age) from all court counties in the Republic of Slovenia sentenced to imprisonment for at least five years, or whose remaining sentence exceeds five years including detention.

► **Official capacity and actual occupancy of the location on the day of the visit:** 420 convicted persons (closed section)<sup>2</sup>; on the day of the visit, 442<sup>3</sup> convicted persons were accommodated.

#### **Course of the visit and preparation of the report:**

<sup>1</sup> The prison was established with the Decree on establishment of institution for serving prison sentence in the Republic of Slovenia (Official Gazette of the RS, No. 84/2000 of 22 September 2000) issued by the Government of the Republic of Slovenia on the basis of Article 204 and 266 of the Enforcement of Criminal Sanctions Act (ZIKS-1) (Official Gazette of the RS, No. 22/2000 of 10 March 2000).

<sup>2</sup> With the opening (12 October 2011) and relocation of inmates in two new facilities within the closed prison section complex (departments V and VI), the capacity of ZPKZ Dob pri Mirni improved considerably (it was previously 233). The official capacity of the Slovenska vas Semi-Open Prison Section remained 63; 57 inmates were accommodated there on the day of the visit. The capacity of the Pušèava Open Prison Section also remained the same i.e. 17 persons; 16 inmates were accommodated there on the day of the visit. These data show that as a result of the acquisition of new accommodation premises, the overcrowding in ZPKZ Dob pri Mirni decreased from more than 30 (upon the previous visit of the NPM) to somewhat more than 5 per cent.

<sup>3</sup> 407 upon the previous visit.

► The visit was **announced** and **implemented** on 23 April 2012 **between** 8.30 and 13.35 hours **and** on 24 April 2012 **between** 8.30 and 13.50 hours.<sup>4</sup>

► **Visiting group:** three male and two female representatives of the Ombudsman, three female representatives of contractual non-governmental organisations (two representatives of the Primus Institute and one representative of the Slovenian Federation of Pensioners' Organisation) and the Ombudsman's contractual female medical care expert (Doctor of Medicine – Specialist in Psychiatry).

► **Content of the visit:** upon the visit, the NPM representatives were divided into four groups of two; before continuing the review of accommodation areas, one group held an introductory discussion with the prison management, while the other three groups began reviewing the accommodation and other premises immediately after their arrival. While reviewing accommodation and common premises, the NPM representatives spoke with all the inmates who wanted to talk to them, and on the following day, interviews were held with inmates who expressed the desire to talk to them in an interview room. The premises where medical care is implemented and the arrangement of healthcare services were examined by the Ombudsman's contractual expert, who also held interviews with several inmates. The visit ended with a joint concluding discussion with the management.

---

<sup>4</sup> The previous visit to this institution was between 23 and 25 November 2010.

► **Reporting:** the report on the visit was submitted to the Head Office of the Prison Administration of the Republic of Slovenia (hereinafter Gu URSIKS) on 4 July 2012 with a proposal that they study it and return their views within 30 days. A reply was received on 30 August 2012, i.e. 57 days after it was delivered and **after the deadline**. The Gu URSIKS's reply to the report required an additional response from the NPM, which was submitted on 17 October 2012 and the reply was received on 19 November 2012, i.e. 33 days after the response had been delivered.

On 30 November 2012, a meeting was held at ZPKZ Dob pri Mirni in order to finally clarify certain allegations from both sides.<sup>5</sup> The meeting was attended by two representatives of the Ombudsman, the management of ZPKZ Dob pri Mirni and a representative of Gu URSIKS.

---

<sup>5</sup> In particular, see notes 36, 38, 39 and 40.

## IMPORTANT FINDINGS AND PROPOSALS OF NPM AND RESPONSE FROM THE COMPETENT AUTHORITIES

### ► NPM particularly commended

- acquisition of two new facilities and subsequent rearrangement<sup>6</sup> of inmates in all facilities,
- that redundant bunk beds were removed from joint rooms in main departments II, III and IV<sup>7</sup> after the relocation of inmates, thus eliminating feelings of restriction and claustrophobia,
- that showers and washbasins at sanitary facilities in JGZ Pohorje were fixed,
- more individual types of leisure activity (drawing, painting, painting of clay, wood and plaster items, silk painting, pottery, jewellery making, greeting cards, gift boxes, wrapping of books, wood burning, model making, arrangement of the garden and surroundings, studying, weaving, playing of instruments and similar) or in group form (activities mentioned above, including thematic workshops, a choir, music ensemble, yoga, music and cultural events, hiking, sports, trio runs, cleaning campaigns, chestnut picnics, prison library, exhibition of inmates' work and similar)<sup>8</sup>,
- a wide selection of professional qualifications and other forms of education in prison,
- inclusion of the prison in the BRIDGE<sup>9</sup> project and
- work of the security department<sup>10</sup> and of education services<sup>11</sup>.

<sup>6</sup> As a result of the rearrangement, less tension and a more relaxed atmosphere were detected upon this visit than during previous visits.

<sup>7</sup> The inmates are within the closed prison section arranged in three main departments: II, III and IV. In accordance with the arrangement in main groups, inmates are accommodated in facilities II, III and IV; unless an individual prisoner from a main department has to be relocated in facility I (a specially secured department, accommodation premises with a stricter regime, accommodation for newly arrived prisoners, premises for disciplinary penalties in solitary confinement cell and a single room with special equipment), or if a inmate from any other department has to be relocated to the new facility V or VI. Upon the visit, the Director explained that the two new facilities, which are better equipped and also enable better living conditions, are intended primarily for well-behaved inmates from all three main departments.

<sup>8</sup> Leisure activities take place every day and can be attended by prisoners who are waiting for work and wish to spend their free time usefully, or by those who work and come in their free time. 74 inmates were included in leisure activities on the day of the visit. A hike and a visit to the library in Mirna were organised on the first day of the visit, which was also World Book Day. During an interview with a prisoner on the following day, we were able to see how important such events are to inmates.

<sup>9</sup> This is an international project involving four European countries (Malta, Norway, Germany and Slovenia). The project is implemented by CIK Trebnje in cooperation with ZPKZ Dob pri Mirni. Workshops take place once a month, and later a tutor visits an inmate once a week. Tutoring begins six months before the prisoner's release and lasts for six months. Inmates can participate in the project voluntarily. The aim is to cover the entire country with tutors, and for the connection to be implemented via the Internet. The tutors would thus be available to inmates for help and advice. Within the framework of this project, Slovenia is obliged to provide only space and manpower.

<sup>10</sup> Upon the implemented review and interviews with prisoners and the prison management, NPM did not hear any criticism of the work of judicial police officers (with a few minor exceptions).

<sup>11</sup> This applies particularly to the organisation of numerous leisure activities, the inclusion of prisoners and the prison in project activities and the provision of education.

► NPM proposal

NPM: we propose that a list of priority investments be made with regard to the availability of funds, and a date determined by which the investments would be realised<sup>12</sup>. If dates for realisation of the anticipated investments are perhaps already determined, we ask you to inform us on them.

NPM: we support the prison's efforts to form special expert groups in departments V and VI<sup>13</sup> which would enable more efficient treatment of inmates, because education is currently implemented according to the existing main groups.

NPM: several accommodation premises in Department I are unsuitable for occupation due to their poor condition (repairs to windows, sealing and other window equipment are urgent); in addition, some (due to their size) should accommodate only one person (e.g. in rooms intended for reception).

► response from competent authorities

Gu URSIKS: it was already explained in previous reports that the lack of financial means which would enable routine and investment maintenance of prison facilities is a major issue. This is also the case in ZPKZ Dob pri Mirni. The prison has a list of urgent investment and maintenance work which cannot be realised due to the lack and further reduction of allocated funds. Gu URSIKS has been and will continue to warn the competent authorities against this situation, which can lead to severe disturbances in the functioning of the prison system.

Gu URSIKS: we have also established that several investment works for the improvement of living conditions in older facilities have to be implemented. In addition the aforementioned windows with sills and grills, the replacement of builder's joinery and poor electric installation, including low-energy lamps and the replacement of worn-out parquet floor in individual rooms have to be implemented; and lastly, the insulation of all living premises which have no insulation and are energy-consuming is also to be implemented. The repair of old accommodation facilities requires considerable financing, which cannot be obtained from the budget of the Republic of Slovenia in these times of crisis. In our opinion, the accommodation premises intended for newly arrived prisoners are with regard to the size suitable for accommodation of two prisoners,

<sup>12</sup> According to the management, with the exception of constructing and equipping the two new facilities, no major investments in the infrastructure of ZPKZ Dob pri Mirni have been made since NPM's last visit. The only exception is the sports room in Department II, where the parquet was polished and painted. Beds have not been replaced. The worn-out mattresses have been replaced with new ones. Gu URSIKS concluded the tender for beds, which was in progress during the NPM's previous visit. New and better quality Meblo mattresses are in the supply phase. The old facilities are in need of thorough renovation; the director explained that the project for renovation is ready; only financing is necessary. The plan includes the replacement of worn-out windows and renewal of electrical installations. A new plumbing installation (the prison is said to have its own bore, which could supply drinking water for its needs), a treatment plant (in cooperation with the municipality) and thermal insulation façade, which would ensure savings on heating, are also parts of the plan.

<sup>13</sup> See notes 2 and 7.

especially since the stay in these rooms is brief i.e. up to 30 days at most or for the duration of reception period.

NPM: we suggest that a way of spending free time<sup>14</sup> actively is found for inmates of Department I (at least for those who express such a desire), because inactivity and isolation in our opinion do not contribute to the cessation of the reasons for a prisoner's accommodation in a stricter regime.

Gu URSIKS: leisure activities in Department I take place in accordance with the accommodation regime. The inmates submit an application which is discussed by the core expert group of the main department. If the application is granted, the prisoner is enabled in his room to be involved in activities in accordance with the possibilities of the prison (drawing, tapestry, painting of clay items, making of dream catchers and jewellery). ZPKZ Dob pri Mirni selects and enables those activities which do not require any equipment with which the prisoners may do harm to themselves or others (scissors, olfa cutters). The prisoners in Department I may also have consultations and sit exams individually according to a predetermined schedule. They have consultations and examinations for primary school, and on the basis of their prior application, they can sit examinations for vocational or secondary school. Other ways of spending leisure time such as the use of sports equipment and sports room and walks on fresh air<sup>15</sup> should also be mentioned at this point.

NPM: because we did not notice any significant efforts to shorten individuals' stays under the stricter regime or in separate forms of imprisonment<sup>16</sup> also on this occasion, we propose that concrete guidelines for the treatment of prisoners accommodated in

Gu URSIKS: inmates staying in the specially secured Department I are accommodated there on the basis of Article 6 of the Rules on the implementation of prison sentences<sup>17</sup> (inmates who with their conduct and behaviour disturb other inmates, who are endangered or

<sup>14</sup> We were able to notice that prisoners in Department I are more or less left on to their own devices. Some told us that they do not even go out for a walk or participate in sports activities and practically do not even leave their rooms.

<sup>15</sup> In this regard, NPM notes that the current Enforcement of Criminal Sanctions Act (ZIKS-1) in Article 43 stipulates that 'A convict must be enabled to be outdoors at least two hours a day.' With regard to detainees (who are not present in this prison; however, detention is implemented in some other prisons in the Republic of Slovenia), the Criminal Procedure Act (ZKP) in Article 213a. stipulates *inter alia*: 'Detainees shall have the right to eight hours uninterrupted rest in twenty-four hours. In addition, detainees must be ensured no less than two hours of outdoor exercise per day.' 'Fresh air' is an expression that was used in the former Enforcement of Criminal Sanctions Act (ZIKS) and also in some other older regulations – the Courts Martial Act (until 25 June 1991), the Rules on the implementation of prison sentences (until 18 November 2000) and the Rules on the implementation of the educational measure of committing a juvenile to a juvenile correction facility (until 27 August 2000).

<sup>16</sup> This was established on several occasions when the Ombudsman discussed complaints from this prison. On this occasion, the management of ZPKZ Dob pri Mirni ensured us that reasons for accommodation under stricter regime are verified regularly on a monthly basis. Nevertheless, we were yet again able to establish that the occurrence of longer periods of accommodation under this regime could be reduced with more intensive educational and pedagogical work with these inmates, notwithstanding that some of them at least have verbally refused to participate in such activities (at that point).

<sup>17</sup> Hereinafter: PIKZ.

Department I be prepared in order to eliminate circumstances which lead to such accommodation, and limiting accommodation in the stricter regime only to a period which is inevitably necessary. It is NPM's opinion that such inmates require even more educational and pedagogical work and should not be left to themselves, which was the impression of the situation that we gained while interviewing them.

threatened by other inmates) and on the basis of Articles 206, 89 and 98 of the ZIKS-1 (inmates who pose a threat to others, who are suspected of committing criminal offences during their sentence on founded grounds, and inmates who endanger the life and health of others). These prisoners are regularly, at least once a week, visited by an expert worker from the main department (educator, psychologist, social worker, operational manager, head of the main department, head of the specially secured department, operational manager of the specially secured department). As a rule, the discussions are in-depth, with the purpose of eliminating the circumstances and reasons for further accommodation in the specially secured department and with a clear explanation of the prison's and the prisoner's expectations, a definition of priority interventions and schedule of the prisoner's tasks. The expert group in the main department together with the extended expert team also studies the accommodations of prisoners in the specially secured department at weekly meetings of the department expert group. At these meetings, it is determined who from the expert group is to cover certain areas which are required for the elimination and study of circumstances and reasons for further accommodation in the specially secured department. This process also includes group work (interviews with relatives, social work centres, counsellors, representatives of other organisations). On the basis of the instructions of Gu URSIKS of 20 October 2010, ZPKZ Dob pri Mirni is obliged to establish the actual state and possibilities for terminating or extending a prisoner's accommodation or relocation to the specially secured department at the prison's council that takes place every first Monday of the month. The realisation of intermediate goals in individual segments of discussions with inmates is reviewed.<sup>18</sup>

---

<sup>18</sup> Gu URSIKS continued: 'It should also be mentioned that among other things in the recent period of visits to ZPKZ Dob pri Mirni, Gu URSIKS has also verified the occurrence and number of interviews conducted with inmates in Department I and expert workers. The unrealistic requirements and expectations of inmates which frequently exceeded the framework of expert work were noted in particular. It should also be stressed that within their abilities, expert workers try to enable prisoners as many interviews as possible; whereby, in spite of the expert staff's suitable expert approaches and motivation methods, prisoners remain utterly negative about treatment or expert work. In cooperation with prisons in 2011, Gu URSIKS introduced a register of interviews conducted with prisoners and expert workers/educators. From statistical data for ZPKZ Dob pri Mirni, it can thus be established that 9,177 interviews with inmates and expert workers/educators alone were conducted in 2011 (statistical data on psychologists and other expert workers are kept separately).'

NPM<sup>19</sup>: we insist<sup>20</sup> on our proposal that URSIKS in cooperation with expert staff from all prisons prepare guidelines for the treatment of all inmates, especially those accommodated in a stricter regime (simplified: inmates who due to their personal characteristics pose a threat to themselves or others, or who are endangered by others), because this will enable the work of the expert service to be evaluated qualitatively and not only quantitatively. On the basis of the implementation of such guidelines, the work of educators could be documented according to content (and not only numerically). NPM understands that the group of prisoners accommodated under a stricter regime requires more demanding expert work, which is why the expert workers (regardless of the financial state in the country) should be entitled to regular professional training. In our opinion, such guidelines would also facilitate the work of educators (and other expert workers), as inmates would have a better idea of what kind of help can be provided to them on the basis of the guidelines. The unrealistic requirements and expectations of prisoners which the expert workers encounter presently could thus be

Gu URSIKS: the inclusion of inmates in leisure activities is planned already at the beginning of the sentence and is a composite part of a personal plan at all locations. Each prisoner has the opportunity to participate in activities which are planned in accordance with prisoners' requirements and the possibilities of individual prisons.<sup>21</sup> ZPKZ Dob pri Mirni prepared the aid 'Regimes for inmates accommodated in department I', which clearly states that each regime requires the determination of a leisure activity. The regimes do not permit a physical presence in the room for leisure activities where organised leisure activities take place only in some cases, and as a result, such activities are not included in a personal plan. However, prisoners can be individually included in activities which can take place in the accommodation space according to prisoners' wishes and interests. If a prisoner expresses such a wish (in written form), a suitable activity can always be provided, and we thus believe that the finding of the Ombudsman, that leisure activities are arranged only after an inmate has submitted a written application, is incorrect. Nevertheless,

<sup>19</sup> These statements relate to NPM's response to Gu URSIKS's first response to the report on the visit to this prison.

<sup>20</sup> We hereby highlighted that we understand that leisure activities in Department I take place in accordance with the accommodation regime in the room, i.e. an inmate submits an application for a leisure activity which is then discussed by the core expert group of the main department. On this basis, it could be (perhaps mistakenly) assumed that the decision on whether an inmate in Department I will participate in a certain leisure activity or not is exclusively in his hands, and only if, or when his application is granted, do prison staff begin its realisation. In its report on the visit, NPM particularly wanted to stress that ZPKZ Dob pri Mirni workers (with the emphasis on education service) should make more effort and use their expert knowledge to motivate (individually) those inmates who show no interest in participating in any activities in the prison. The purpose is to professionally approach such inmates and achieve their inclusion in the activities available. NPM is of the opinion that data on 9,177 interviews conducted with inmates and expert workers/educators alone in 2011 is merely a statistical piece of information which says little about the content. If this information is (merely statistically) divided by the number of prisoners accommodated in ZPKZ Dob pri Mirni, the result shows that each inmate is interviewed by an educator twenty times a year, which again only statistically means that each person gets to talk to an educator (only) every second week or even more rarely. We also stressed that information showing that numerous activities are available at the prison is of little consequence if some inmates have no interest in participating in them.

<sup>21</sup> Gu URSIKS also stated: '72 inmates take part in organised leisure activities in ZPKZ Dob pri Mirni at present. 80 prisoners are involved in occupational therapy and 134 prisoners in various educational activities. If we combine leisure activities, occupational therapy and education, 286 inmates are involved in organised forms of activities; whereby, it has to be emphasised that there are only two expert workers responsible for the implementation of all these activities who barely manage to arrange necessary matters and are unable to accept a larger number of inmates; this is why leisure activities are also organised within department expert groups. Considering the total number of inmates, ZPKZ Dob pri Mirni is unable to ensure inclusion in organised forms of activities for all of them physically and with regard to staff. In spite of staffing issues and physical limitations, the prison considers offering organised leisure activities also to inmates accommodated in the specially secured department. The occupational therapist in cooperation with the operational manager of Department I is already preparing a plan.'

avoided to a great extent.

we agree with your statement that a lot of effort and expert knowledge has to be directed towards motivation, especially of those prisoners who show no interest in participation in prisons' activities. Expert workers encounter these problems in their direct work, and we think that it is frequently asserted without foundation that education service workers do not make an effort to motivate prisoners who do not show an interest in the activities that are available. In any case, we will study NPM's proposal on the preparation of guidelines for the treatment of prisoners accommodated under a stricter regime; whereby, we believe that the guidelines alone cannot contribute to raising the professional competence of expert workers if the appropriate number of staff is not also ensured.

NPM: we propose that the attention of judicial police officers in ZPKZ Dob pri Mirni is drawn to the need for the immediate entry of a person in the register on the placement of prisoners in a special room<sup>22</sup>. ZPKZ Dob pri Mirni should also inform NPM by which means it intends to implement this recommendation.

Gu URSIKS: Article 24 of the Rules on the exercising of the powers and duties of judicial police officers stipulates that an institution must keep a record of prisoners who are placed in a special room. The record must include the name and surname of the inmate, the date and time of placement, the duration of accommodation in the special room and the reasons for removal of the inmate. The aforementioned article does not stipulate that a judicial police officer must enter these data in the register immediately after placement in the special room is implemented, but must perform certain other priority obligations. The responsible prison body must be informed immediately of the removal of the inmate. If the inmate is ill or under the influence of psychoactive substances, the competent medical service which orders necessary measures for the protection of inmate's life and health must also be informed immediately. In our opinion, the purpose of the register on the placement of inmates in a special room is to determine the duration of accommodation in the special room at any given time, because the time is legally limited to 12 hours at most, or

---

<sup>22</sup> According to Article 236 of ZIKS-1, a judicial police officer may remove a inmate from common living and other premises and place him/her in a special room if it is suspected that the person has committed a criminal offence which is prosecuted ex officio, or if the person seriously threatens to commit such an act, prepares for an escape or revolt, endangers himself/herself or others, or if he/she severely hinders others who are working, resting or in their leisure time. Upon our visit to ZPKZ Dob pri Mirni, one inmate was accommodated in a special room; when reviewing the records on the use of this room (number 28), we discovered that the entry had not been made in the records.

whether the legal bases for placement in the special room are provided. It is thus important that the inmate is fully recorded in the register upon his release from the special room because, as stated above, the register must also include data on the duration of accommodation therein.

DPM<sup>23</sup>: we cannot agree with the explanation that Article 24 of the Rules on the exercising of the powers and duties of judicial police officers stipulates that the institute is required to keep a record of inmates placed in a special room, but that the Rules do not specifically require that information such as the name and surname of the inmate, date and time of placement, duration of accommodation in the special room and reasons for removal of the inmate must be registered immediately after accommodation in the special room (which could mean that this information may be entered at any time). In your opinion, the judicial police officer must thus as a priority perform certain other duties, but nowhere do you state what these obligations are. NPM believes that the purpose of keeping such records is for the immediate or continuous entry of the aforementioned information. In the case of incidents (natural disaster, sudden replacement of a judicial police officer and similar), it can be established immediately on the basis of this register if an inmate accommodated in a special room must be attended to. The time when accommodation is terminated is, of course, recorded after removal of the inmate from the special room. We agree with your statement that the purpose of such a register is to determine the duration of accommodation in the special room at any time (also during the time when the inmate is still in the special room), or whether the legal bases for placement in the special room are provided. NPM also believes that the immediate recording of the beginning of accommodation in the special room is important in order to ensure that the accommodation is terminated sooner than in 12 hours; or this time could later be 'adjusted' to the time of termination of the accommodation.

Gu URSIKS: we again stress that NPM's concern is unfounded. We already highlighted in the first report that the register which you mentioned is of an auxiliary nature only (a notebook in the department). Upon each placement in the confinement room, an incident is registered at several points i.e. the judicial police officer or an operational manager immediately reports the accommodation in oral form to the operational control centre of the prison (hereinafter OCC) which promptly records all the requisite information in the daily report. The judicial police officer at OCC then enters data in the 'Incidents' central electronic database, which is the main record of all incidents. OCC also informs all the competent authorities. The placement in the special room is also recorded by security cameras. We thus stress again that this register serves only as an auxiliary register and that the main registers kept by the prison include all data as prescribed by law. Nevertheless, the judicial police officers will be informed that all entries must be implemented within one hour, in spite of the fact that these are only auxiliary records. With the introduction of the e-Zapori (e-Prisons) computer application that is to take place next year, we will request that all auxiliary registers be abolished.

Gu URSIKS: when opening two new

---

<sup>23</sup> These statements relate to NPM's response to Gu URSIKS's first response to the report on the visit to this prison.

NPM: the treatment of inmates with mobility issues and serious health problems is unsuitable<sup>24</sup>. Appropriate placement and living conditions where such persons could serve their sentence decently must be ensured; otherwise, this may be considered inhuman or degrading treatment and could be understood as a violation of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Prisons or URSIKS would thus have to provide suitable accommodation and care also for inmates who have health problems and mobility issues when serving of their sentence. URSIKS has already reported that it agrees with the Ombudsman's recommendation to study the possibility of arranging patient rooms for the needs of inmates with mobility issues. Within the framework of its capabilities, it will try to realise the arrangement also for the entire treatment of prisoners who are handicapped due to health problems and disabilities. In our opinion, the problem of the placement of convicts and detainees with health problems and mobility issues should be approached comprehensively. We hereby stress again the deficiency that most prisons do not have suitable sanitary facilities that could be used by inmates (or detainees) with mobility issues, which prevents the suitable maintenance of personal hygiene and other care during the serving of sentence. The prisons do not even employ appropriately trained staff to offer such

departments and arranging two new suitably equipped patient rooms in Department V, the prison converted former patient rooms in Department I into regular accommodation rooms. We agree with the view of the Ombudsman that older inmates and those with serious health problems i.e. those who have difficulties in maintaining their personal hygiene or who have mobility issues, should be accommodated in a suitable external institution. On the initiative of the Advocate of patients' rights<sup>25</sup> at the Novo Mesto regional unit, two consultation sessions were held in 2012 in order to find a solution for the aforementioned population of inmates. The conclusion of the inter-ministerial group was that with regard to the current situation, prisons cannot perform nursing services equal to those in nursing homes. It is therefore necessary to find other systemic solutions in cooperation with the Ministry of Health and the Ministry of Labour, Family and Social Affairs (hereinafter the MLFSA). Gu URSIKS will continue the cooperation and will strive to find a suitable systemic solution in the inter-ministerial cooperation. The Ombudsman's observations during the visit to ZPKZ Dob pri Mirni that inmates who require more medical attention and are unable to take care of themselves are accommodated in Department I are correct, as this accommodation affords the most humane living conditions in the prison. If, due to health

<sup>24</sup> There were several such inmates in ZPKZ Dob pri Mirni during our visit. It is the opinion of NPM that the regime, which applies in prison that inmates are obliged to attend to their hygiene and cleaning of their rooms cannot apply to such persons. With regard to their poor medical condition, they are probably unable to attend to their needs for themselves. As was evident upon the visit, the majority of prisoners in the department intended for persons who require more (medical) care were unable to take care of themselves and would have to be accommodated in a nursing department, which are not (yet) organised in prisons. Inmates with such serious health and other problems would have to be accommodated in a suitable institution (nursing home, hospital), where in addition to supervision and security (due to serving their sentence) sufficient personal medical treatment and care would also be provided. We also emphasised that the Ombudsman has stressed on several occasions that the state is obliged to ensure compliance with certain rules and standards which relate to the deprivation of liberty and which it has assumed with the adoption of international conventions. Additionally, the Constitution of the Republic of Slovenia stresses respect of the human personality and dignity during deprivation of liberty, and that during the implementation of criminal sanctions, a convict is provided with all fundamental human rights, with the exception of those which are explicitly deprived or limited by law. The state must thus ensure that each individual serves his/her sentence in conditions which suit his/her health conditions. If the state deprives an individual of his/her liberty, it must ensure that the process of deprivation of liberty and execution of sentence are implemented in such manner that the individual's personality and dignity are respected. Furthermore, the position of persons affected by health issues or disabilities must also be considered and suitable accommodation and living conditions provided for these persons in order for them to serve their sentence with dignity.

<sup>25</sup> This is a body defined by the Patient Rights Act (ZPacP). The Advocate of patients' rights offers basic information to users of healthcare services. It offers expert assistance and provides actual guidelines for the enforcement of rights in the field of healthcare, healthcare insurance and implementation of healthcare services. In certain cases, it can also represent users of healthcare services.

care. We propose that URSIKS promptly adopt measures to arrange this issue comprehensively so that appropriate cleaning of patient rooms and suitable constant personal care for severely ill prisoners and those with mobility issues would be provided for systemically.

issues, an inmate is unable to serve his sentence in a group, the prison provides the most decent accommodation i.e. accommodation in the residence room in Department I, where the rooms are cleaned by a cleaner on a regular daily basis. In such cases, all prisons as a rule suspend sentence due to health reasons for a limited population of inmates for a period of treatment or parole. In cases when inmates do not have relatives, we ask suitable health and nursing institutions for accommodation, but they do not wish to accept convicts on founded or unfounded assumptions. Waiting periods for admission to nursing homes are very long. We have suggested to ZPKZ Dob pri Mirni that the prison uses its medical staff to see to individual inmates who are unable to care for their own personal hygiene, or concludes an agreement with an external institution which will implemented personal care at the prison at least twice a day. On several occasions, we have pointed out the problems we encounter when accommodating inmates in other suitable social and nursing institutions at the competent Ministry of Health (hereinafter the MH) and the MLFSA. With the purpose of better cooperation and involvement of competent social work centres, the MLFSA ensured us to organise a consultation session between all participants in the process of assisting inmates in social inclusion after release and thus an exchange of experience and an opportunity to find long-term solutions in the treatment of inmates and their inclusion in society before and after release.

NPM<sup>26</sup>: we agree that systemic solutions for the treatment of inmates who are older and who have serious health problems must be found in cooperation with the MH and the MLFSA. However, until inter-ministerial cooperation produces a suitable systemic solution, these persons must be cared for accordingly during their sentence i.e. under the competent authority of the state (as they have been deprived of their liberty) in suitable accommodation and living conditions proper for the serving of a sentence.

Gu URSIKS: we are aware that a prison must enable each inmate suitable accommodation and proper serving of sentence, particularly persons who are older and have serious medical problems or mobility issues. At the moment, inter-ministerial cooperation has not found the most suitable systemic solution, but this does not mean that such inmates are unable to access proper care. All prisons provide for inmates who are unable to attend to their own personal hygiene with their own medical staff or an external institution (nursing service). Within the given constraints of

---

<sup>26</sup> These statements relate to NPM's response to Gu URSIKS's first response to the report on the visit to this prison.

finance, we encourage prisons to adopt measures to improve living conditions and thus provide suitable accommodation for convicts with mobility issues. As a result, Rogoza Open Prison Section of ZPKZ Maribor immediately renovated living premises with sanitary facilities for mobility-impaired prisoners which upon the NPM's visit had been considered unsuitable. This category of inmate is now ensured suitable accommodation.

NPM<sup>27</sup>: it was also noted that on several occasions the MH and the MLFSA were notified about problems that ZPKZ Dob pri Mirni encounters when placing inmates in other suitable social and nursing institutions. The MLFSA is also said to have made a commitment to organise a consultation session between all participants in the process of assisting an inmate in social inclusion after release and thus an exchange of experience and a way to find long-term solutions in the treatment of an inmate and his inclusion in society before and after release. However, you do not report on whether matters ended with the commitment or if URSIKS is in any other way attempting to find a solution to this problem. NPM thus suggests it be promptly informed on such activities.

Gu URSIKS: we inform you that, on our initiative, the MLFSA in cooperation with the Social Chamber of Slovenia organised a seminar for participants on the process of assisting inmates in social inclusion after release and thus an exchange of experience on the treatment of inmates and their inclusion in society before and after release. The programme of the seminar 'Delo z odraslimi storilci kaznivih dejanj' (Working with adult offenders) which took place on 25 September 2012 is in the attachment. Gu URSIKS is striving to continue such expert workers' meetings and will further cooperate with the competent MLFSA.

NPM: we suggest that funds for the replacement of old windows in Department IV<sup>28</sup> be acquired as soon as possible or this issue will become very urgent before the end of the year.

(see response to the third proposal by analogy)

NPM: completely worn-out partitions in the sanitary facilities of room 11 in Department IV should be replaced as soon as possible.

Gu URSIKS: the repair of the partition was implemented in July 2012.

NPM: we propose that the cleaner in JGZ Pohorje<sup>29</sup> be provided with a more efficient

Gu URSIKS: JGZ Pohorje has already started the search for a more efficient detergent which

<sup>27</sup> Applies the same as in the previous note.

<sup>28</sup> The inmates in this department complained en masse about the insufficient sealing of window frames. In times of low temperature, cold wind is said to blow through the cracks, which is particularly unpleasant for prisoners whose beds are located directly under windows. The prisoners stuff towels in the cracks in order to mitigate the unpleasant effects in the rooms.

<sup>29</sup> This is a public utility institute established with an Ordinance of the Government of the Republic of Slovenia on the transformation of the commercial unit "Proizvodno podjetje Pohorje Mirna, p.o." into "Javni gospodarski zavod Pohorje Mirna, proizvodnja opreme za protipožarno zaščito in namakanje, ulivanje in kovanje barvnih kovin ter kmetijska proizvodnja" (Official Gazette of the RS, No. 60/2001 of 20 July 2001) with the purpose of enabling work for inmates within the framework of ZPKZ Dob pri Mirni. The founder of JGZ is the Republic of Slovenia, and the founder's rights and duties are implemented by the Government of the Republic of Slovenia. Economic activities

detergent<sup>30</sup> for cleaning sanitary facilities which will remove obstinate dirt, and that staff are enabled the use of showers at the end of their work shift.

NPM: we suggest that ZPKZ Dob pri Mirni notify JGZ management of our finding that wardrobe facilities are in very poor condition and practically unsuitable for use. Wardrobe closets are still the same (too) small, worn-out and with damaged doors or locks. These premises should be arranged accordingly.

NPM: we ask for an explanation as to if and in what manner the prison attempts to influence those inmates who do not wish to participate in organised leisure activities<sup>31</sup>. That is, we think that motivation to participate in leisure activities particularly of those inmates who do not initially show such an interest is important for the inclusion of inmates in society after imprisonment. We expect the prison's expert workers with a suitable approach motivate particularly those inmates who for personal reasons are not apt to choose to participate and for these prisoners also to be included in education.

NPM: protective covers on telephone boxes<sup>32</sup> are not installed; this is a matter for the company Telekom.

NPM: we believe that inmates who do not wish to work<sup>33</sup> require a more individual pedagogical and psychological approach from the prison

will enable the removal of black powder remains mixed with grease in sanitary facilities.

Gu URSIKS: we believe that JGZ in cooperation with ZPKZ Dob pri Mirni, which within house works employs an instructor for joinery, can see to suitable repair of these closets because the repair of such furniture does not require major funds. We will thus insist that ZPKZ Dob pri Mirni repair the furniture.

Gu URSIKS: all prisoners who express such a wish are enabled to participate in leisure activities. The expert workers try to encourage and motivate to participate in leisure activities with dialogue also those who do not express such an interest or wish. The same efforts by the prison staff are noticed in the field of including inmates in various forms of education, which is an important factor for the inclusion of inmates in society after imprisonment.

(efforts are partly made in this direction – see the second response above)

---

implemented by JGZ are an integral part of penal servitude in the Republic of Slovenia and implemented in public interest. JGZ is a legal entity, acting in its own name and on its own account in legal transactions. It can interact with others and thus acquire rights and assume obligations by concluding legal proceedings in legal transactions. It is liable for its obligations in legal transactions with its assets.

<sup>30</sup> Floors and showers were dirty with the remains of black powder and grease. At the time of the visit to this section of JGZ Pohorje, the cleaner was working. We thus saw that the detergent available was clearly not efficient enough, as the remains of the black powder mixed with grease could not be removed.

<sup>31</sup> We could not overlook the fact that many inmates did not participate in these activities. The participation of an individual inmate in leisure activities and occupational therapy is voluntary, which is understandable. However, an individual can be influenced, or inmates motivated accordingly, to take part in such useful activities.

<sup>32</sup> The inmates can use telephones every day. Telephone boxes are installed in wards between the accommodation rooms and are available between 6:00 and 23:00, and in Department I for specified periods in the morning and afternoon.

<sup>33</sup> The prison or JGZ was unable to ensure work for all inmates who wished to work. The economic crisis has also affected this area. In each of the three main departments, about 30 inmates were waiting for work. The prison offered them leisure activities for their spare time. There were also 14 inmates who refused to work. Such prisoners are enabled rights only at ZPKZ Dob pri Mirni, but are not entitled to benefits. NPM understands that inmates who refuse work have fewer benefits than those who work or who are active in another way.

staff. We thus ask for information as whether such inmates receive special treatment from the education service staff with the purpose of motivating them to be more active (working and leisure).

NPM: we suggest that the possibilities be studied of renewing or establishing at least a portion of self-sufficient supply of the prison, which disposes of large agricultural surfaces. It may be possible to cultivate these surfaces and produce at least some food (including livestock) for the needs of the prison. Beneficial work would thus be enabled for a large number of inmates, including those who wish to participate, and as a result, the expenses of the prison could be lowered. We also suggest that the possibility of making furniture (also built-in) for the needs of the prison (and perhaps external clients) be studied within the framework of JGZ. The explanation that during the economic crisis there are not enough orders for JGZ to provide work for all who wish to work is unconvincing, as all the prison buildings require thorough renovation, which in the NPM's opinion could be implemented with the prison's own workforce, which is presently unable to work. If URSIKS believes that the establishment of self-sufficient supply, production and renovation for prison's own needs is not possible, we ask the institution to provide reasons or reservations. In accordance with its powers and jurisdiction, NPM is prepared to support all the efforts of competent authorities with regard to this matter.

NPM<sup>34</sup>: we commend the URSIKS's efforts to renew self-sufficient supply and production. We suggest you inform us on the activities relating to the re-establishment of the self-sufficient supply of ZPKZ Dob pri Mirni with agricultural and livestock products, including 'self-production' of (built-in) furniture for the needs of this and other prisons.

NPM: we propose that URSIKS study the suitability of the current systemisation of judicial

Gu URSIKS: we have been studying the idea of establishing at least a portion of self-sufficient supply of the prison with agricultural and livestock products, particularly in terms of reorganising JGZ. We are aware that long-term and permanent employment possibilities for inmates lie particularly in activities for the prison's own food supply needs (vegetable production) and in the field of routine and investment maintenance. Certain steps have already been taken, as JGZ grows vegetables or foodstuffs within its agricultural activities also for the prison. It has to be pointed out that this is not a simple change; it requires additional investments in suitable equipment (machinery) for more demanding products (e.g. joinery) and later in reproduction material. Nevertheless, this is the direction that GU URSIKS intends to pursue in the coming years.

Gu URSIKS: we explain that on 12 June 2012 a proposal for amendments to the act on internal

---

<sup>34</sup> These statements relate to NPM's response to Gu URSIKS's first response to the report on the visit to this prison.

police officers' workplaces and inform us about its findings.<sup>35</sup>

NPM: we suggest the adoption of all measures which enable judicial police officers in ZPKZ Dob pri Mirni to implement their powers professionally and decisively, but also tactfully, so as not to infringe on the dignity of persons serving sentence.<sup>36</sup>

NPM<sup>37</sup>: we cannot fully agree with the explanation relating to the inspection of an inmate's room which was submitted by ZPKZ Dob pri Mirni. Upon the visit, we did not see that judicial police officers had 'put the prisoner's clothes on the ground' when reviewing the room, after they had decided that 'due to too

organisation and systemisation of working posts was submitted to the Ministry of Justice and Public Administration, which could resolve staffing issues in newly opened departments in ZPKZ Dob pri Mirni.

Gu URSIKS: we absolutely agree with this statement. The communication of judicial police officers with inmates must be professional and respectful. Judicial police officers must implement their powers professionally and decisively and in such a manner as not to affect the dignity of persons serving sentences. Gu URSIKS has emphasised these policies for several years, particularly at the beginning, and recently also during further training. Since this is a skill that cannot be acquired with short forms of training, but over a longer period of time and especially with personal acceptance of such a method of work, more time is needed for substantial and thorough changes.

Gu URSIKS: with regard to the implemented inspection of the room, it must be noted that the colleagues in ZPKZ Dob pri Mirni decided and also implemented the inspection correctly as there were reasonable grounds to believe that the inmate possessed things which he had acquired illegally (he stole them), which later

<sup>35</sup> Upon the NPM visit in 2010, ZPKZ Dob pri Mirni (including Slovenska vas Semi-Open Prison Section and Pušëava Open Prison Section) employed 131 judicial police officers (114 in March 2009). On this occasion, 138 judicial police officers were employed. The number of judicial police officers increased before the construction of both new facilities was concluded due to the acquisition of new accommodation capacity (two new buildings and Pušëava Open Prison Section). According to the management, the secure department was functioning optimally only in this period; later, it was again overburdened. The director and deputy-director explained that this was the result of the requirement that judicial police officers be present at two additional locations. There are 22 judicial police officers in the two new facilities and 6 in Pušëava Open Prison Section. During annual leave or an increase in sick leave, problems could occur in ensuring escorts in cases of unexpected events. The increased burdening of judicial police officers was also obvious in the increased overtime work.

<sup>36</sup> Upon the visit, we also entered an accommodation space that had been inspected by judicial police officers immediately before our arrival. We saw that some of an inmate's personal items (clothes and similar) were on the floor. Such an application of judicial police officers' powers was not considered tactful or such that would ensure respect for human personality and dignity. We also stressed that, as stated by European prison rules, during inspections, inmates must not be humiliated. With regard to this specific case, Gu URSIKS in its response report stated that ZPKZ Dob pri Mirni explained that the clothes were placed on the floor because the judicial police officers were unable to put clothes on the bed due to the large quantity of the inmate's personal items. Cardboard was put on the floor in order to prevent contact of the clothes with dirt on the floor. Gu URSIKS further emphasised that it is absolutely opposed to any unnecessary scattering or damaging of inmate's personal items, because judicial police officers already in the initial stage of their training are taught correct handling procedures, which are defined in the professional textbook for judicial police officers. Gu URSIKS also added that Article 30 of the Rules on the exercising of the powers and duties of judicial police officers stipulates that the inspection of personal belongings may also be implemented in the absence of the owner of these items, but nevertheless in the presence of another witness who is an inmate. These explanations were not satisfactory; the Ombudsman is still discussing this issue, because a complaint was received from the inmate concerned.

<sup>37</sup> These statements relate to NPM's response to Gu URSIKS's first response to the report on the visit to this prison.

many personal belongings, they were unable to put the prisoner's clothes on the bed' (see note 36). The clothes were namely dumped and scattered on the bed and floor and also outside the two cardboard boxes in which the inmate probably kept his belongings. The prisoner whose belongings were inspected and who also suffers from medical problems was severely disturbed by the event. The female medical care expert in psychiatry who participated in the visit barely managed to somewhat calm him down with her professional approach. After the inspection, NPM saw the state in which the room had been left and the condition of the inmate, and therefore cannot accept the explanation that the inspection of this room was implemented in accordance with the rules on the procedure, which according to your explanations are learnt by judicial police officers at the beginning of their training (if the rules on this procedure actually instruct such handling then they will have to be changed).

proved to be true. With regard to the inspection of clothes, the situation in practice is that inmates frequently possess large quantities of their own clothes, which in this case were not only stored in the wardrobe, but also in boxes. During the inspection, the judicial police officers placed items on the bed and on a cardboard box<sup>38</sup> and naturally did not fold them back, but they put them after the inspection in clean places and did not scatter them unduly, according to their training. Judicial police officers are not trained to correctly fold various items of clothing, but how to correctly and safely inspect clothes and lay them in a clean spot and not to scatter things around a room or throw them on a dirty floor. Considering that in this case the clothes were folded or laid on the bed and clean cardboard boxes, we believe that the judicial police officers implemented their work professionally. In this particular case, we must also point to the inappropriate reaction of the Ombudsman's representatives who, in the presence of the inmate, commented and adjudged that the actions of judicial police officers were not correct and impermissible because the inspection of personal belongings was taking place in the absence of the person who owned the items. On the basis of the applicable regulations, an inspection of personal belongings can be implemented in the absence of the owner of the items, but nevertheless in the presence of another witness who is an inmate, as stipulated in more detail in Article 30 of the Rules on the exercising of the powers and duties of judicial police officers. We suggest that in similar events in the future, the Ombudsman's representatives withhold direct comments before inmates until the circumstances are clarified or investigated.<sup>39</sup> In this particular case,

---

<sup>38</sup> This later proved to be untrue, as is evident from the photograph of the room taken by the Ombudsman's representative. Gu URSIKS later concluded that judicial police officers in fact had not fully complied with standard procedures when inspecting the room, because they put some clothes directly on the floor without using a sheet or cardboard underneath. As a result, it was recorded in the next minutes available to all judicial police officers that the personal clothing of inmates has to be handled with care during the inspection of a room and that clothes may not in any circumstances be placed on the floor without a suitable clean mat underneath. Gu URSIKS also reported that more attention will be paid to this issue in future and that it will also be observed during the training of judicial police officers.

<sup>39</sup> Relating to this case, it was also established that the Ombudsman's representative commented on the procedures of judicial police officers in the presence of an inmate. After a detailed explanation of the representatives of ZPKZ Dob pri Mirni that such comments may lead to additional complications in the prison or inconvenient reactions of inmates, the Ombudsman's representative confirmed the inappropriateness of his reaction and ensured that he would be more careful and attentive in such situations during future visits.

the incorrect interpretation of the judicial police officers' powers by the Ombudsman resulted in the inmate's reaction of putting a knife to his neck, thus requiring the despatch of police officers from Trebnje Police Station<sup>40</sup>. As you stated, the expert tried to control the situation that arose, but according to ZPKZ Dob pri Mirni, she failed. In the event, prison staff approached and resolved the matter successfully.

NPM: we request that URSIKS submit an assessment if the frequency of prisoners' meetings in small education groups<sup>41</sup> is sufficient for the achievement of expected personal progress of an individual prisoner in accordance with his personal plan, or whether it should be increased (and thus possibly enhance the education service with more staff).

Gu URSIKS: work with inmates includes group work. Groups enable inmates to express their thoughts and skills and to participate actively in the process of social rehabilitation. ZPKZ Dob pri Mirni implements various types of group work, such as small groups, various workshops, meetings of department groups, home community groups, meetings on the level of accommodation wings. On the basis of experience of group management, Gu URSIKS established at all locations that group work is not a suitable type of work for all inmates, especially from the viewpoint of personal data protection, lower level of trust, individuality and safety of inmates as well as prison staff. Some inmates do not wish to reveal their problems, emotional distress or opinions and experiences in front of other people in the group, in spite of the fact that the groups do not discuss specific individuals. Many inmates have low levels of education, which disables their participation in groups, and who are as a result of their poor education molested by other prisoners, which has a negative effect on their self-image; they

---

<sup>40</sup> With the further persistence of the Ombudsman, it was finally established that with regard to the inmate's request on 23 April 2012 to inform Trebnje Police Station, no police station was actually called on that day, according to the records at ZPKZ Dob pri Mirni. ZPKZ Dob pri Mirni called Trebnje Police Station on 24 April 2012 with regard to this case after the inmate had substantiated his threat with a razor blade (not a knife).

<sup>41</sup> The head of Department II explained upon our visit that the work of the education service is based on a socio-therapeutic model – work in small groups. Each educator leads a group of about 30 inmates, who are divided into three small groups; each week one of these three groups is responsible for work in the group. The turn of the department group is every seventh week. On this basis, it is possible to establish that an educator implements work in small groups on Tuesdays; the first small group's turn is on the first Tuesday, the second group's turn on the second Tuesday and the third small group on the third Tuesday. The first small group's turn is then again on the fourth Tuesday, the second group on the fifth Tuesday and the third on the sixth Tuesday. The seventh Tuesday is intended for the department group and there is no work in small groups on this occasion. According to the information we received, weekly ward meetings were supposed to be organised where current issues and information are discussed. Life in prison, general themes which concern everyone, suggestions, problems, ideas, clarifications, information and invitations to activities are discussed at meetings of the department group. The emphasis is on tolerance, preparation for release, handling money and contacts with relatives. We highlighted the following: if this information was correctly understood, an inmate participates in small groups every third (or fourth) Tuesday. With regard to the explanations we received that the work of education service is based on socio-therapeutic model, we were surprised that meetings of inmates in small groups take place so infrequently.

are also unable to follow the flow of discussions in the group. It was thus established that such inmates require special individual treatment. It should be stressed that the prison makes great efforts to organise other types of group work, mainly various workshops, which allow inmates who are less verbally skilled to prove themselves in other areas. These workshops also enable contact with the inmates in an informal type of work, because qualitative interpersonal communication can be established and maintained in a relaxed atmosphere. Gu URSIKS believes that the individual approach is the most suitable and efficient with regard to the specifics of each inmate. Regardless of this fact, Gu URSIKS assesses that ZPKZ Dob pri Mirni offers inmates sufficient opportunities for participation in types of group work.

NPM<sup>42</sup>: you believe that an individual approach is the most suitable and efficient with regard to the specifics of each inmate. Upon the visit, NPM (contrary to your opinion above) received information that the work of the education service is primarily based on the socio-therapeutic model – on work in small groups, i.e. that group work is a rule and not one of the types of work with inmates. NPM also detected the lack of an individual approach and (too) few meetings of inmates in small groups, which it pointed out in the report on the visit. On this note, we also asked Gu URSIKS for an assessment of whether the current frequency of prisoners' meetings in small education groups is sufficient for the achievement of expected personal progress of an individual prisoner in accordance with his personal plan, or whether it should be increased (and thus possibly enhance the education service with more staff). We did not find a reply to this question in your response report and therefore again request your assessment. On the basis of experience on which Gu URSIKS established at all locations that group work is not a suitable type of work for all inmates, and considering the opinion that an individual approach is the most suitable and efficient with regard to the specifics of each inmate, we ask you to inform us as to

Gu URSIKS: upon the visit to ZPKZ Dob pri Mirni and after the response report of Gu URSIKS, the Ombudsman established that the explanation of education work in prisons differs in both institutions. Gu URSIKS understands group work as merely one of the types of work with inmates, while the Ombudsman was told in the prison that the work of the education service is primarily based on the socio-therapeutic model, on work in small groups, and that group work is mandatory and not one of the types of work with inmates. In this respect, Gu's education department replies that it is not difficult to resolve the aforementioned dilemma, because both approaches – the individual and group work with inmates – are equally important and complement each other. Considering the fact that participation in group treatment is voluntary (but the work is mandatory for expert workers) and the reasons for non-participation often vary and are most frequently related to the personality traits of the individual, individual work is always available to manage and solve problems and distress. And this explains the difference between the two approaches, because individual treatment reaches each inmate, the group work depends on the individual's motivation; however, we do not deny that treatment can also be conditioned

---

<sup>42</sup> These statements relate to NPM's response to GU URSIKS's first response to the report on the visit to this prison.

whether you have achieved this approach also in ZPKZ Dob pri Mirni (or intend to) and what measures you propose to take to realise this intention. Merely an explanation, written in the response report that individual treatment is available daily through an application for an interview, oral application at the morning count, and frequently an individual approach is necessary due to the work process of an expert worker who summons a prisoner for an interview is not enough. Instructions or guidelines (for group and individual treatment) should define at least the minimum tasks which the educators would have to do, or which each inmate would expect to receive. Otherwise, for each inmate (and thus all of society) it is a matter of chance as to whether his (re)education is taken seriously enough by the expert workers. We thus request that you report if certain guidelines relating to the re-education and re-socialisation of convicts exist, and if they do, we ask you to forward them to us; if not, we propose that these guidelines be adopted. You further report that you are aware that training for life at large is one of the most important tasks of the expert service in prisons and that the number of employed expert workers is particularly important, because each expert worker means more possibilities for in-depth treatment. However, an increase in the number of expert workers is unlikely in current times, but you nevertheless do not explain whether an increase in the number of expert workers is even necessary. We hereby suggest that possibilities along the lines of improving the quality (and not the quantity) of the work of the expert staff be studied, particularly by determining the minimum tasks they are obliged to perform within the treatment procedure for each inmate, as already proposed.

by the capacities available to expert workers. To enhance and improve group work, Gu organised an educational module for educators in 2012 which was implemented throughout the year. By ensuring expert support for educators and encouraging professional and personal development, we particularly wish to raise the quality of group work with inmates. Twenty educators participated in the module and we will continue to strive to enable such training for all educators in the system. In this regard, it should also be mentioned that an extensive handbook for expert workers intended for types of group work is being prepared on the basis of this training. The answer to the question on whether the current frequency of prisoners' meetings in small education groups is sufficient to achieve the expected personal progress of an individual inmate in accordance with his personal plan, or whether it should be increased, is nevertheless complex, but should be clarified with some basic information required to understand educational work in prisons. If for no other reason, then at least to acquire a sense of the complexity and difficulty of implementing expert work, which cannot be perceived in a simple manner. The enforcement of a sentence and educational work in prisons is bound by interdisciplinary treatment. It is a combination of special and general preventive aspects (protection upon deprivation of liberty), medical and other treatments (treatment of addictions, treatment of sex offenders, aggression, and proneness to self-injury), educational offers and counselling and educational activities. Counselling and educational activity are based on several incentives for change in the inmate's behaviour, views and values. The perspectives of the providers of the four sets (protection – treatment – education – guidance) may differ and may also conflict, and unfortunately – we agree with this – whether we are successful in defending our own expert solutions in support of motivational means for the successful re-socialisation frequently depends on argumentation regarding the importance of certain activities for the inmate's successful re-socialisation. We clearly recognise the basic expert dilemmas in the system (basic because they occur in practically every system) which arise and are present in almost all forms of

work. These include: the voluntary participation of inmates in treatment and processes of personality changes and the assessment of the level of autonomous moral judgement (re-socialisation of a convict). We are also aware of other limitations (staff, space), but we ensure that the prison constantly directs a lot of effort and expert knowledge towards motivating inmates who display no interest in participating in any activity in the prison (in spite of the fact that this is an expert dilemma). The fact that there are five educators available in ZPKZ Dob pri Mirni for 160 convicted persons, whose average sentence amounts to seven and a half years, can be interpreted in various ways; how much time should be dedicated to each convicted person, whereby the content of work is of the utmost importance, can also be calculated. The tasks of expert workers are clearly defined and the methodology is clearly defined. But a question arises about the possibility of implementation due to what was mentioned above. Nevertheless, this is already a different question, which has been mentioned in this response only because it severely affects expert work in prisons, unfortunately.

NPM: we emphasise that, because an inmate is not an object, but a subject – a person with his/her own will and dignity<sup>43</sup> – it is the task of educators (and psychologists) to particularly encourage in their expert work those inmates who do not display a need to socialise or for personality progress in general. The manner in which an inmate after release will integrate into society depends greatly on the expert work

Gu URSIKS: with regard to the Ombudsman's question as to whether there are (non-mandatory) instructions relating to the individual treatment that each inmate is supposed to receive, we explain that individual treatment is available to prisoners on a daily basis through an application for an interview or oral application at the morning count, and frequently an individual approach is necessary

<sup>43</sup> In the concluding discussion, NPM members wanted to inform the management of the prison of impressions gained relating to the functioning of the education service during interviews with inmates. We thus wanted to highlight that it was possible to gather from these interviews that inmates believe that the expert workers are trying to suppress them rather than offer them support and help. This impression was also confirmed by the allegations of inmates employed in the laundry, who claimed that the meetings of small education groups take place on Tuesday afternoons and it is on Tuesdays that they have to work in the laundry also in the afternoon due to increased demand. They thus had to decide between two options – if they decline work at the laundry, they receive a 'negative mark' and if they do not participate in the small group, they also receive a 'negative mark'. This situation has continued for six months. These explanations of the NPM's female representative were abruptly interrupted by the director of ZPKZ Dob pri Mirni. Instead of presenting his view of the issue discussed and perhaps the reasons for such (erroneous) perceptions of educators' work by inmates, he stressed that he had heard enough of such and similar imputations. He later explained that he knows that educators have a lot of other (also administrative) work, and that not much time is left for work with inmates also due to their large number. He also added that many inmates do not want to take part in small group meetings and that inmates are not objects that can be placed in the meeting room without their consent. In its response report, Gu URSIKS stated that work in small groups is organised in a such way as not to overlap with the other mandatory duties of prisoners. It explains that the daily timetable is maximally filled with activities and all inmates are enabled participation in small groups without negative consequences.

implemented with the inmate during imprisonment must not be overlooked. We thus ask URSIKS to provide an assessment of whether with regard to the number and needs of inmates ZPKZ Dob pri Mirni has enough educators (psychologists). We also ask the specification of any (non-mandatory) instructions relating to individual treatment that each inmate is supposed to receive (according to the time and content of the treatment). The socio-therapeutic method, which is the basis for education service's work, allows work only with those inmates who take part in small groups. Thus NPM asks for clarification as to the manner in which, and duration per week, the education service (educators) deals with those inmates who for various reasons do not participate in small groups or department groups.

due to the work process of the expert worker who summons a prisoner for interview. An inmate is thus able to have discussions with all expert workers on a daily basis. We do not have special instructions relating to individual treatment, as we believe that these are not necessary. In a prison, as a total institution with many negative characteristics and rules, it is extremely difficult to create conditions and circumstances which are stimulating for an individual who has found himself/herself there. The burden and weight of the institution is frequently felt by expert workers, who are trying with their knowledge and skills to treat people for whom all institutions, beginning with the family, have failed. In addition to the treatment of inmates during their prison sentence, it is also the responsibility of expert workers to prepare them for life outside. These two tasks are frequently incompatible, because educators must primarily focus their work on the period of the sentence. They also bring bad news to prisoners and confront them with the unpleasant consequences of incorrect behaviour. The inmates frequently see educators as persons who have an important impact on their sentence time, and have thus difficulty trusting them. We are aware that training for life outside is one of the most important tasks of expert services in prisons, and the number of employed expert workers is particularly important, because each expert worker means more possibilities for in-depth treatment. In the present economic situation and the reduction in the number of employees in public administration, it is difficult to expect an increase in the number of expert workers.

NPM: according to the deputy director of ZPKZ Dob pri Mirni no counselling is arranged for inmates before their release.<sup>44</sup>

Gu URSIKS: the deputy director of ZPKZ Dob pri Mirni did not provide objective information. Counselling of inmates before release takes place in ZPKZ Dob pri Mirni according to an individual method with each social worker and in cooperation with the competent social work centre or other governmental or non-governmental organisations. In order to unify expert social work, Gu URSIKS adopted an

---

<sup>44</sup> As the deputy director of ZPKZ Dob pri Mirni explained on that occasion, three months before expected release, a plan is drafted for each inmate. The social work centre is sometimes invited even earlier if the inmate agrees. If upon the start of the sentence the inmate agrees that a social work centre be informed on the start of the sentence, the latter is then also informed of the release; if consent is not given, the social work centre is not informed.

internal rule 'Smernice izvajanja socialnega dela v zavodih za prestajanje kazni zapora in sodelovanja s centri za socialno delo' (Guidelines for implementing social work in prisons and cooperation with social work centres) as a reminder for all social workers or other expert workers who provide consultations and preparations for the release of inmates. The pre-release period includes a process of inclusion of inmates in a programme for actively seeking employment, in accordance with Article 99 of the ZIKS-1, registration in the register of unemployed persons at the regional employment service and a proposal to the competent social work centre on the specific forms of assistance convicted persons require after release. We also agree with the centre on possible parole with protection supervision and a counsellor during/after sentence. The inmate is informed about associations and other non-governmental organisations which offer help after release. In the case of material distress, inmates receive one-off financial assistance upon release. The final report is submitted to the competent centre with the inmate's consent. Social workers together with inmates implement a social integration plan i.e. according to an individual work method, in which the competent social work centres also participate at the request of the prison. The minutes of the oral statement are taken upon each visit, and an agreement with the centre, a signed copy of which is later received by all parties to the agreement: the inmate, the competent centre and the prison. In addition to social work centres, social workers also conduct interviews with relatives and prepare inmates for return to their home environment. Motivational and disburdening interviews and other activities take place in order to help prisoners after their release.

NPM<sup>45</sup>: we commend the adoption of Guidelines for implementing social work in prisons and cooperation with social work centres. In spite of the fact that this is merely an internal rule, it will undoubtedly contribute to the easier integration of inmates in society after their release. We ask you to submit a copy of the aforementioned

Gu URSIKS: we are submitting a copy of Guidelines for implementing social work in prisons and cooperation with social work centres in the attachment. This is an internal rule prepared by Gu as a reminder or as a working instrument for all social workers or other expert workers in prisons, who together

---

<sup>45</sup> These statements relate to NPM's response to Gu URSIKS's first response to the report on the visit to this prison.

guidelines. We also ask you to confirm that NPM correctly interpreted the information which it received upon the visit: that the social work centre is only informed of the release of a certain inmate if the inmate agreed already at the beginning of the sentence that his/her sentence should be reported to the centre – that the centre is thus not informed of an anticipated release if the inmate had not agreed to this at the beginning of his/her sentence.

with inmates plan social integration after release. The guidelines are amended and updated accordingly and staff in prisons are promptly informed about amendments within the social workers' working group. With regard to informing the competent social work centre on the release of prisoners, we explain that NPM misunderstood the information that the social work centre is informed only if a prisoner submits a written consent at the beginning of sentence. We believe that the preparations of an individual for release begin already upon the beginning of the sentence, and we thus motivate the convicted person in this phase to acquire all the permits necessary for cooperation with the competent centre, which includes written agreement that the competent centre may be informed of the start of a sentence, a framework plan for social integration after release and that the centre may also cooperate in the preparation of a personal plan, including consent that, according to Article 134 of the PIKZ, the final report on implementation of a personal plan may be submitted to the competent centre. If a prisoner at the beginning of a sentence does not want to cooperate, during their sentence the person is urged repeatedly to cooperate with the competent centre. Several cases have been recorded of convicted persons in the initial phase refusing to cooperate with the centre, and then during their sentence submitting their consent and thus enabling themselves more suitable social integration after release.

NPM<sup>46</sup>: we commend the decision of URSIKS that ZPKZ Dob pri Mirni re-establish the register of interviews with the director of the prison which are conducted with inmates. Almost two months have passed since its establishment and we therefore request that you submit information on how many interviews have already been conducted between the director of the prison and inmates.

Gu URSIKS: according to the written report by the director of ZPKZ Dob pri Mirni, he conducted 49 interviews with inmates.

NPM: we request an explanation as to what manner inmates at ZPKZ Dob pri Mirni are ensured free legal aid according to Article 211 of the ZIKS-1 (whom they must contact and in

---

<sup>46</sup> See the previous note.

what manner, how long it takes for free legal aid to be arranged, etc)<sup>47</sup>.

NPM: we request the submission of the findings of the labour inspection<sup>48</sup>, on the basis of which irregularities were supposedly eliminated on 13 December 2011 and the report on the elimination of these irregularities.

Gu URSIKS: we explain that the inspector of the information commissioner after the supervision on 8 December 2011 terminated the initiated procedure because it had been conducted against the wrong entity. Medical documentation of inmates is in fact kept by Trebnje Community Health Centre (hereinafter: ZD Trebnje), which provides medical services at the premises of ZPKZ Dob pri Mirni and is thus the collector of personal data. The inspection supervision of ZD Trebnje was terminated on 13 December 2011, because irregularities established in the supervision procedure were eliminated.<sup>49</sup>

NPM: we request an explanation on the speed with which a medical examination of an inmate who has begun his sentence in ZPKZ Dob pri Mirni is initiated in practice<sup>50</sup>.

Gu URSIKS: such examinations are made as soon as a doctor is present at the prison, or at least within 48 hours. The prison infirmary and medical staff are immediately informed when a convict starts his sentence. If a convict also delivers his medical record, the file is promptly

<sup>47</sup> When visiting Department IV, we heard several complaints from prisoners about the (lack of) response of the education department to their applications relating to free legal aid. E.g. an inmate has supposedly written three applications requesting legal aid, and another one wrote an application in December, but neither of them received a response.

<sup>48</sup> One of the inmates told the contractual expert of the Ombudsman that he had seen a member of staff leaving the infirmary with medical records. The labour inspection had supposedly established irregularities relating to documentation, which according to URSIKS were eliminated on 13 December 2011.

<sup>49</sup> An additional response from GU URSIKS on this issue: "Deficiencies were related to poor traceability in maintaining medical documentation, which did not enable the establishment of which personal data were entered in medical records or processed and forwarded in any other manner, by whom, when and on what basis. ZD Trebnje explained that upon arrival at the prison, an inmate acquires a new GP, and according to the regulations, his previous GP is supposed to submit the original medical record to the prison. In practice, the record is not requested, but inmates are asked to submit photocopies of relevant medical documentation. In the case of this particular inmate, it was explained that his medical record had been delivered to the archives upon the conclusion of his sentence in ZPKZ Dob pri Mirni. A new medical record was opened after he started a new sentence in ZPKZ Ljubljana, and when he was transferred to ZPKZ Dob pri Mirni, the medical record from Ljubljana was complemented with the record in the archives. This explained the presumed disappearance and reappearance of medical documentation. With regard to the provision of security for medical documentation, it was explained that inmates' medical records are kept in locked iron cabinets which can be accessed only by medical staff. Only a doctor who provides suitable instructions to other medical workers relating to the use of documentation can amend the medical record. The medical record of the inmate concerned included records from three different institutions, whereby the registration of the submission of certain test results, who implemented them and to what purpose, could not be established. The medical record mostly included original documentation, and some copies. Due to the aforementioned irregularity, ZD Trebnje was sent a written notification and asked to inform the supervisor on measures adopted. ZD Trebnje immediately began eliminating established irregularities and informed the supervisor on the matter. ZD Trebnje explained that the Rules on personal protection data had been adopted already in 2009, but because the staff clearly failed to implement certain activities, it was decided that the staff would be reacquainted with the provisions of the Rules. The acknowledgement (example of the statement was attached to the response) was confirmed with a signature from all staff members. As a result, the inspection supervision established that ZD Trebnje had eliminated all irregularities and terminated the procedure."

<sup>50</sup> We interviewed several inmates who had been at the prison for several days and had not been medically examined. The expert was told that newly-arrived inmates are examined medically on the day after their arrival, when a doctor is present in the prison.

delivered to the infirmary. If a convict starts his sentence outside regular working hours, he is received by a stand-by operational manager who holds an interview with him. If the stand-by operational manager establishes that an urgent medical examination is required, the convict is immediately taken to ZD Trebnje for examination.

NPM: we suggest that ZPKZ Dob pri Mirni introduce a register for requesting and implementing medical examinations.<sup>51</sup>

Gu URSIKS: ZPKZ Dob pri Mirni requests specialist examinations of convicts exclusively on the basis of the referrals of doctors, who evaluate the urgency of examinations as urgent, quick or regular. Each urgent examination is implemented immediately. Prescribed waiting periods apply to other examinations which the prison cannot influence. Photocopies of all sent referrals are kept in prisoners' medical records and include the dates on which the registered mail was posted.

NPM: we propose that instructions for the collection of urine samples be verified by an expert institution and that supervision of the collection of urine samples be consistent.<sup>52</sup>

Gu URSIKS: we can confirm that the supervision of the collection of urine samples in ZPKZ Dob pri Mirni is implemented consistently on the basis of the 'Instructions on urine collection and implementation of control testing', medical knowledge on addiction diseases and the facilities of the prison. The Ombudsman, who visited the prison on 6 and 7 December 2011, established that the collection of urine samples or the entire procedure of urine collection for testing the presence of psychoactive substances is arranged humanely enough in the prevailing circumstances<sup>53</sup>. Gu URSIKS considered the proposal of the expert

<sup>51</sup> In discussions with some inmates, it was revealed that referrals for specialist examinations (psychiatrist, pulmonologist) were not always conducted accordingly, which resulted in delays.

<sup>52</sup> Inmates also had a few complaints about the collection of urine samples for testing for the presence of psychoactive substances (hereinafter PAS). Some of these complaints were already discussed by the Ombudsman within the framework of individual complaints.

<sup>53</sup> The note refers to the NPM's report on the visit to Slovenska vas Semi-Open Prison Section of ZPKZ Dob pri Mirni, which reads in full as follows: "The expert established that urine tests can be ordered by the psychiatrist, two therapists for addiction treatment and department staff, when it is considered a condition for inmates to acquire benefits that are available. The waiting period for collecting morning urine samples was not defined in the general instructions drafted in cooperation with Dr Kastelic. The expert established that the record in ZPKZ Dob pri Mirni states that inmates wait between 6:00 and 6:15; if they are not summoned during this time, they do not have retain urine any longer. In spite of this rule, the expert discovered that there are still complaints, i.e. with regard to the manner in which judicial police officers control the collection of urine samples. A judicial police officer watched an inmate in the back through an open door, while another judicial police officer was looking at the inmate's private parts through a hole in the wall. In the opinion of the expert, the entire procedure for collecting urine samples for tests for the presence of PAS is arranged humanely enough (15 minutes retention of urine, partial discreet urination) considering the given circumstances (prevention of manipulation); however, she believes that this is probably neither the only nor the optimum manner."

to restudy the instructions, and we thus invited an expert on addiction treatment in the Republic of Slovenia to the working group of expert workers on addiction treatment and decided that there are no expert grounds for amending the instructions, of which decision the Ombudsman was also informed. We believe that the 'Instructions on urine collection and implementation of control testing' conform professionally in terms of preserving personal dignity. The instructions were prepared on the basis of expert doctrine recommendations and medical knowledge on addiction diseases in cooperation with the Coordination of Centres for the Prevention and Treatment of Drug Addition to whom the instructions will be submitted for review because, as the coordinator of expert cooperation between centres for the prevention and treatment of illicit drug addiction in the Republic of Slovenia, it is responsible for the verification of the agreed implementation of drug addiction treatment.

NPM: we propose that psychologists be provided with one of the more comprehensive trainings (e.g. specialisation in clinical psychology, study of one of psycho-therapeutic procedures or specific knowledge training). They should also be provided with suitable work premises (for individual and group work). Furthermore, their opinion on possible education and training within the prison should also be considered (e.g. lectures on personality disorders for a wider circle of expert workers).<sup>54</sup>

Gu URSIKS: we agree with the Ombudsman's proposal regarding the necessity for additional training of psychologists. We may add that other workers, both educational and from other prison services, should also be further trained more frequently. Unfortunately, we are very limited financially, even more so with recent austerity measures. In the present situation, we consider the fact that we were able to preserve regular monthly supervision of psychologists, social workers and educators as a huge success. We are aware that the aforementioned situation is inappropriate from the expert point of view. Psychologists in ZPKZ Dob pri Mirni implement their individual work in their offices, which provide sufficient conditions for treatment. The offices of other workers do not differ from psychologists' offices. The psychologists in ZPKZ Dob pri Mirni can implement their group work at the school premises. If we find a more suitable facility for the implementation of group work in cooperation with the prison, we will take that opportunity.

---

<sup>54</sup> The expert commended the efforts of psychologists on their expert and high-quality work. With regard to the fact that they deal with the most demanding psychological problems on a daily basis and have an insight into inmates' needs and their resolution, she recommended that their opinion be considered.

NPM: with regard to issues regarding the psychological treatment of sex offenders, we are submitting a response of the Independent Medical Advisory Panel (IMAP) of the Council of Europe as an attachment to this report. We propose that you take a position on it and inform us on the views of URSIKS in the response report.<sup>55</sup>

Gu URSIKS: we thank you for the submitted report of IMAP, which is apparently only a section of the correspondence between the Ombudsman and IMAP. We can establish that IMAP confirmed our willingness to improve situation in the field of treatment of sex offenders and provided the opinion that several expert approaches are possible. We believe that the doctrine itself has to be in accordance with the capacities available in a certain environment. We hereby direct the Ombudsman's attention to the substantial difference that we denote between Slovenia and other comparable states in this field. With the exception of Slovenia, all states also approach this problem outside the penal system, usually in forensic institutions with which prisons cooperate. With regard to the lack of this connectivity, we approached the nearest forensic institution which deals with these matters, Vrapče Psychiatric Hospital in Zagreb and visited the prison in Lepoglava, where programmes are being implemented. The cooperation will be strengthened if sufficient funds are provided. On that note, the treatment of addiction nationally thus cannot be limited only to the expert functioning of prisons; prisons constitute only one type of institution in which the doctrine is implemented. Therefore, the treatment of sex offenders cannot be the exclusive responsibility of prisons, while overlooking the fact that most addicts and sex offenders are at large and require the support of suitable institutions. We assume sole responsibility for the treatments we implement. Statements to the effect that the treatments we implement do more harm than good are considered professionally unfounded and offensive. We also point to the lack of professional regularity in the field of assistance to sex offenders after sentence has been served.

NPM<sup>56</sup>: as a reference, we also submit the documentation which relates to our request to IMAP and we request you inform us on possible

Gu URSIKS: we thank you for the documentation which refers to your request to IMAP. No substantial progress has been made

<sup>55</sup> NPM pointed out this issue already during its previous visit of ZPKZ Dob pri Mirni. It then asked IMAP for its expert opinion relating to the treatment of sex offenders. This group of international experts participates in the NPM Project (exchange of knowledge and experiences of national preventive mechanisms) of the Council of Europe.

<sup>56</sup> These statements relate to NPM's response to Gu URSIKS's first response to the report on the visit to this prison.

progress with regard to the issues discussed.

with regard to the issues discussed since our last report on 27 August 2012. All planned supervisions have been implemented.