

- NATIONAL PREVENTIVE MECHANISM -

Report on visit to the

LJUBLJANA PRISON

Explanatory note: In carrying out the tasks and exercising the powers under the Act Ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Uradni list RS [Official Gazette of the Republic of Slovenia] No. 114/2006), the Human Rights Ombudsman (hereinafter: the Ombudsman) visits places of deprivation of liberty in the capacity of the National Preventive Mechanism (hereinafter: the NPM). As a rule, the group carrying out a visit includes, in addition to one or more of the Ombudsman's representatives, one or more representatives of contractual non-governmental organisations, and occasionally independent medical and other experts and interpreters. The legal basis for NPM inspections is published on [Ombudsman in the capacity of NPM](#).

The present report only contains the main findings regarding the visit and proposals for improving conditions or remedying irregularities. It was prepared on the basis of the NPM's visit and the response report submitted by the relevant authorities, and is intended to be published on the Ombudsman's website.

Basic information about the facility:

► **Type of facility:** public prison (for convicts (including young adults) from the Ljubljana judicial district if they are sentenced to imprisonment for a term not exceeding one year or the rest of their sentence to be served after the inclusion of remand prison does not exceed one year for convicts (including young adults) from the Kranj, Krško and Novo mesto judicial districts if they are sentenced to imprisonment for a term exceeding six months or the rest of their sentence to be served after the inclusion of remand prison does not exceed six months; for adult convicts from the Ljubljana judicial district if they are sentenced to imprisonment for a term not exceeding one year and two months or the rest of their sentence to be served after the inclusion of remand prison does not exceed one year and two months; for adult convicts from the Kranj, Krško and Novo mesto judicial districts if they are sentenced to imprisonment for a term from six months to one year and six months or the rest of their sentence to be served after the inclusion of remand prison does not exceed one year and six months; for remand prisoners if remand has been ordered by the District Court in Ljubljana or the District Court in Kranj; for men serving imprisonment for the enforcement of fines, from the area of municipalities of Ljubljana, Dol pri Ljubljani, Medvode, Vodice, Brezovica, Ig, Škofljica, Velike Lašče, Dobrova-Polhov Gradec, Horjul, Domžale, Trzin, Lukovica, Mengeš, Moravče, Grosuplje, Dobropolje, Ivančna Gorica, Hrastnik, Kamnik, Komenda, Kočevje, Kostel, Osilnica, Litija, Ribnica, Sodražica, Loški Potok, Trbovlje, Log-Dragomer, Šmartno pri Litiji and Zagorje ob Savi).

► **Category of people deprived of freedom:** convicts, remand prisoners and men serving a sentence of imprisonment for the enforcement of fines.

► **Official capacity and actual occupancy of the facility at the time of visit:** 128 (65 for convicts, 55 for remand prisoners and eight for men serving imprisonment for the enforcement of fines), actual occupancy 89 prisoners, 143 remand prisoners and three men serving imprisonment for the enforcement of fines: 235 imprisoned persons in total (84 per cent overcrowding¹).

¹ The overcrowding is thus still most acute among remand prisoners. In extreme cases, the situation is still resolved according to the agreement with the HO PARS, which stipulates that when the number of imprisoned persons reaches 245, the procedure of relocation to a less crowded prison is initiated.

Description of the visit and preparation of the report:

► The visit was announced in advance. It was carried out on 10 May 2011.

► **Visiting group:** three representatives of the Ombudsman (a bachelor of laws, an expert on criminal investigation), two representatives of selected non-governmental organisations (a representative of the Primus institute and a representative of the Red Cross of Slovenia) and a contractual expert on health care and treatment (M.D., specialist in psychiatry).

► **Scope of the visit:** preliminary and final interview with the prison director and the head of the educational service, visit of living quarters and some other premises of the prison, and interviews with imprisoned persons.

► **Reporting:** a report on the visit was mailed to the Head Office of the Prison Administration of the Republic of Slovenia (hereinafter: HO PARS) and a copy was sent to the prison on 11 July 2011, together with the proposal to discuss it, and notify us about its positions within 30 days; the Ombudsman received the relevant reply on 26 August 2011, i.e. 46 days after the dispatch.

SIGNIFICANT FINDINGS, NPM PROPOSALS AND RESPONSE OF THE COMPETENT AUTHORITY

► The NPM commended in particular:

- the clarifications of the prison that when missing clothes from the laundry are reported; these reports are examined and missing clothes of imprisoned persons are replaced if the fault of the prison is established, and
- efforts of the prison towards providing work for as many imprisoned persons as possible.²

² This time, the total number of convicts employed was 44. Most of them were employed in house work (21 in the kitchen, four in the laundry and one in the library), while six were employed at the Golovec Public Utility Institute (eight more convicts did three-hour assembly work for the institute). Seven remand prisoners also worked, five of them in house work (garbage collection, distribution of food) and two as wall painters. According to the manager's explanation, it was not possible to provide work for 20 imprisoned persons.

► NPM proposal

NPM: We recall that the Criminal Procedure Act (CPA) only exceptionally allows a minor to be placed in remand prison together with adults,³ and this should be done only when his interest and benefit has been established (Paragraph 2 of Article 473 of CPA). Thus, we propose that the prison, despite the court orders issued, establishes before the placement of minor remand prisoners whether such placement is necessary and especially in the interest and for the benefit of the minor. The Ombudsman will also point out this issue to the competent authorities.⁴

► Response of the competent authority

HO PARS: The prison carefully monitors the placement of a minor remand prisoner with adults, and when it notices that the placement is inappropriate in any way, it immediately acts and transfers the minor. The prison generally devotes particular attention to minor remand prisoners in the sense of Article 6 of the Rules on the Implementation of Remand. A psychologist carries out an opening interview with a minor within 24 hours of the arrival to remand prison, or on the first working day if a minor arrives in prison during the weekend or holiday. A psychologist notifies the prison manager about his/her findings and the situation of a minor remand prisoner every Wednesday at the expert group meeting. One of the obligations is to immediately establish contact with the social work centre of the area where the minor lived, and with the social work service of the court. Professionals of the competent social work centre as well as the social service of the court complete at least one visit of a minor remand prisoner. The prison cooperates with the aforementioned institutions promptly and in the form of teamwork. For minor remand prisoners, contacts with parents may be more frequent, usually taking place by phone and occasionally in person, during the visiting hours of prisoners – before or after the visit.

NPM: We found that six remand prisoners placed in Room 101 have only four cabinets for keeping their personal belongings. We propose that it should be checked whether other (shared) rooms of the remand department contain enough cabinets considering the number of remand prisoners placed in these rooms, and that a cabinet should be made available to each imprisoned person for keeping his personal belongings.

HO PARS: We clarify that Room no. 101, in which five remand prisoners are placed at the moment, contains five cabinets, four of them wide and one narrow. One of the wide cabinets is divided in half and intended for two remand prisoners in the event of six remand prisoners being placed in the room. There is no room available for installing any additional cabinets. The prison guarantees that enough cabinets are available to

³ On this visit, three minors were placed in the remand department together with adults. Two of them were placed in room no. 92 together with four adult remand prisoners. The present adults expressed their doubts about the appropriateness of such placement for a minor. One of the minors also expressed his doubts in the appropriateness of his placement, but he believed that he could not influence it. The documentation available established that minors were placed in the remand prison with adults on the basis of a very vague court order. This order determines only that a minor 'should be placed in remand prison together with adults who will not have a negative impact on him.' It was not evident from the order itself who determines, and in what way that adult remand prisoners will not have a negative impact on minors.

⁴ See the Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2011, case no. 6.3-27/2011.

NPM: We heard several complaints at the remand division about (especially better quality) clothes 'getting lost' in the prison laundry.

imprisoned persons in other rooms; although the cabinets are not of the same dimensions due to the lack of space, each imprisoned person is provided one for keeping his personal belongings.

HO PARS: We note that the prison has recently not received any complaints of imprisoned persons, because of allegedly lost clothes sent to the prison laundry for washing. All imprisoned persons are informed that clothes are washed at their own risk and that quality clothes or their sensitive parts should be handed for washing to imprisoned person's relatives on visits, which is also allowed under the rules in force. Although it does happen that parts of clothes are misplaced or returned to other rooms by mistake, such clothes are found in most cases. If clothes are not found, the prison offers substitute clothes to imprisoned persons.

NPM: The examination of the isolation room revealed that the padding by the doorframe is damaged (cut). We propose that the room should not be used until the deficiency has been repaired.

NPM: The examination of the patient room showed that the door to the toilet facility is damaged (broken), which poses a danger of injury, especially as persons with health problems are placed here as a rule.

HO PARS: The door in the patient room has been repaired.

NPM: The management has been also acquainted with the deficiencies of the reception room, number 132. The room is in a poor condition and the existing equipment has not been maintained properly. The toilet cover fell off, for example. We propose that the room be arranged appropriately, or that at least the deficiencies of the existing equipment be repaired, notwithstanding the fact that persons are placed in this room only for a short period.

HO PARS: We do agree with the NPM proposal that the rooms should be arranged appropriately, or that at least the deficiencies of the existing equipment should be repaired, notwithstanding the fact that persons are placed in this room only for a short period. At the same time, we would note that the prison devotes considerable care to the fact that deficiencies identified by the security service are reported to the maintenance service or to a caretaker, who are obliged to repair the defects promptly. The priority is given to emergency defects. That the number of repairs and restorations of equipment and rooms in the institution is not small is proven by the fact that 465 interventions for the repair of equipment, inventory and facilities were made in 2011 to 18 July. In addition, the prison regularly paints the living and other rooms according to a schedule prepared in advance, which is adjusted to the interests of ensuring safety in the prison.

According to this schedule, Room no. 120, which NPM mentions in the report, has been painted. Similar treatment was given to the damaged padding in the isolation room, while the toilet cover was replaced.

NPM: We expect that the construction of roofing on the inner walkway will actually take place.⁵

HO PARS: The reasons that the walkway does not have appropriate roofing are exclusively of a financial nature. As the tenders for the purchase of the necessary material for the construction of roofing have been acquired, we will try to find a prompt solution in cooperation with the prison.

NPM: We propose the examination of possibilities to purchase additional fitness equipment used by remand prisoners⁶ in a way not necessarily causing a financial burden (donation).

HO PARS: The prison will examine the possibility of purchasing additional fitness equipment in the way not necessarily causing a financial burden. We are of opinion that Article 27 of the Rules on the Implementation of Remand allows the organisation of other forms of recreation and sports apart from fitness. This is especially true for Ljubljana Prison as it has poor spatial capacities for fitness. Nevertheless, financial means were earmarked in 2010 for the purchase of three fitness benches and three weight lifting bars. One of these benches and a weight lifting bar is installed in the fitness room and available to remand prisoners. This year, we plan the purchase of three multi-purpose benches, one of which will be installed in the fitness room for remand prisoners.

NPM: We propose that the prison examine the possibilities of enabling a larger number of remand prisoners to work.⁷

HO PARS: We agree that work should be provided to as many imprisoned persons as possible, as well as that a larger number of remand prisoners should be enabled to work. We are of opinion, however, that the Golovec Public Utility Institute is obliged to provide work to as many imprisoned persons as possible, so we will carefully monitor the implementation of this obligation. Specifically, the Enforcement of Criminal Sentences Act provides that in order to ensure work opportunities for prisoners serving prison sentences, the administration shall organise appropriate forms of

⁵ Remand prisoners are guaranteed (in larger groups than before) an hour and 15 minutes of outdoor activities twice a day. The activities are still possible only on a small inner courtyard, where the roofing has not been constructed yet. According to the manager's assurances, the construction was classified as an urgent need in the plan.

⁶ The fitness facility available to remand prisoners was in poor condition, and the equipment was deficient and inappropriate; it consisted only of a few weights.

⁷ Despite the increased number of imprisoned persons enabled to work, it was established that the number of remand prisoners enabled to work is still small in view of their total number.

commercial activity as a composite part of the enforcement of prison sentences in Slovenia.

NPM: The prison does not have a drug-free unit as provided by Article 53 of the Rules on the implementation of prison sentences.

HO PARS: In view of the number of convicts who have problems with addiction to illicit drugs, the prison and we are well aware of the necessity of establishing such a unit, especially as a way of upgrading the treatment of addiction undertaken in the prison. The prison will continue to seek optimal solutions for establishing a drug-free unit, as it is currently prevented from doing this by the overcrowding of the prison.

NPM: Again, we encourage the educational service to keep as much contact as possible with imprisoned persons and enable active cooperation in the preparation and implementation of their personal plans.⁸

HO PARS: We have not encountered any non-responsiveness of the educational service on our visits. On our next visit, we will devote particular attention to this topic and seek appropriate solutions with the prison.

NPM: We propose a consistent implementation of disciplinary procedures when disciplinary violations are detected; the responsibility of the violator must be established and a prescribed sanction must be imposed on the violator.⁹

HO PARS: We fully agree with the proposal and note that the prison has, in the course of the year, introduced and completed a few disciplinary procedures against convicts who committed disciplinary violations, which will certainly have a positive impact on the reduction of severe disciplinary violations. We add that the prison must, whenever it detects a severe disciplinary violation by a convict, especially when this implies violence or threats to imprisoned persons as well as the prison staff, take appropriate disciplinary measures against such violators.

NPM: We propose that the prison examine the possibilities concerning the complaints of some imprisoned persons about high prices in the prison canteen.

HO PARS: The prison has undertaken certain measures in this respect. It introduced a weekly verification of prices, quality and organoleptic characteristics of goods in the prison store, and established that the prices of certain items are higher than listed in the tender estimate. After the warning the store keeper about the deficiencies, the vendor undertook to provide items suited to prices as soon as possible. The prison notes, however, that the vendor purchases large quantities of goods following the orders of imprisoned persons, which means that the vendor does not purchase

⁸ The educational service consists of its head, two psychologists, two social workers and eight education specialists. Imprisoned persons often complained about it (especially about its non-responsiveness).

⁹ We established that the prison did not carry out any disciplinary procedures against convicts in the previous year. This year, until the day of our visit, three proposals for the initiation of disciplinary procedure were made and one procedure was later stayed. In the other two cases, one proposal was made because of a physical attack on a fellow convict and one because of threats to an education specialist, an inappropriate attitude towards her and inappropriate behaviour.

most products at a flat rate; therefore, the goods available in the prison store are considerably influenced by imprisoned persons.