

- NATIONAL PREVENTIVE MECHANISM -

Report on a site visit to

IG PRISON

Explanation

In the course of exercising the duties and powers of the National Preventive Mechanism (hereinafter: NPM) under 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: Ombudsman) carries out site visits to places of deprivation of liberty. Apart from representatives of the Ombudsman, representatives of contractual NGOs and, occasionally, independent medical and other experts and translators participate in visiting groups. The legal basis for carrying out control visits by the NPM is presented on the following website: [Varuh kot državni preventivni mehanizem](#).

This report contains only the essential findings of the visit with recommendations for the improvement of conditions or elimination of irregularities. It was prepared on the basis of the report on the NPM visit and the response report of the competent authorities. It is intended for publication on the Ombudsman's website.

Basic location information:

- ▶ **Type of location:** public institution for serving prison sentences (Institution).¹
- ▶ **Categories of persons deprived of liberty:** prisoners, detainees, women in compliance detention (subject to imprisonment for non-payment of fines) and female adolescents convicted to be sent to juvenile prison.
- ▶ **Official capacity and actual occupancy of the location on the day of the visit:** The prison can accommodate 86 imprisoned persons, of which 65 convicted prisoners, 18 detainees and 3 serving sentences of compliance detention).² At the time of our visit, 80 imprisoned persons were held in the Institution (75 convicted prisoners, of which 6 were serving their prison sentence under Article 12 of the Enforcement of Criminal Sanctions Act – ZIKS-1), 10 detainees and none in compliance detention.

Course of the visit and preparation of the report:

- ▶ The visit was announced and was carried out on 7 and 15 May 2014.³

¹ For adult convicted persons from all court districts in the Republic of Slovenia, regardless of the duration of the imposed prison sentence, young adult convicted persons (under the age of 23) from all court districts in the Republic of Slovenia, female adolescents from all court districts in the Republic of Slovenia sentenced to juvenile prison (who serve their sentence in a special unit for juveniles), for adult and young adult female convicted persons and female juveniles sentenced to juvenile prison from all court districts in the Republic of Slovenia, regardless of the duration of imposed prison or juvenile prison sentence; for women from all court districts in the Republic of Slovenia sentenced to prison in misdemeanours procedures; for detainees if the detention was ordered by district courts of Ljubljana, Kranj, Novo mesto, Koper, Nova Gorica and Krško.

² Since the last visit, the capacity of the institution has changed; previously, it could accommodate 84 imprisoned persons (of these, 67 convicted prisoners, 15 detainees and 2 for women serving the sentence of compliance detention).

³ The last NPM visit to the Institution was carried out on 29 January 2013, followed by a control visit on 25 February 2013.

► **Visiting group:** Four Ombudsman's representatives (Deputy Ombudsman, two Ombudsman Advisers and an employee) and three NGO representatives (one from the Slovenian Federation of Pensioners' Associations and two from the Legal-Informational Centre for NGOs – PIC) and an external expert for the field of medical and health care. Four representatives of Latvia also participated in the visit.

► **Content of the visit:** Introductory discussion with the Director of the Institution and the staff. This was followed by the inspection of premises and interviews with imprisoned persons who wished to be interviewed, and the concluding discussion.

► **Reporting:** The visit report was sent to the Head Office of the Prison Administration of the Republic of Slovenia (URSIKS) on 11 July 2014, along with the proposal that the report be discussed and that any positions with regard to our findings be submitted to us within 30 days; the relevant authority submitted its reply on 19 August 2014, i.e. 39 days after its delivery.

IMPORTANT FINDINGS AND PROPOSALS BY THE NPM AND THE RESPONSE FROM COMPETENT AUTHORITIES

► NPM particularly commended

- that windows in prisoners' rooms have been sealed since the last visit,
- that old metal furniture was partially replaced with new wooden furniture (seven bunk beds, one bed and six closets),
- that many free-time activities are available to prisoners,
- that rooms for future mothers are clean and tidy,
- that detainees' rooms are open, allowing them more movement outside their living quarters,
- that the Institution's library is nicely organised and also contains annual reports of the Human Rights Ombudsman of the Republic of Slovenia and NPM annual reports.
- that prisoners are, gradually and under supervision, allowed to use the Internet,
- that at the time of our visit, there were no complaints by prisoners regarding the attitude of judicial police officers – actually, we only heard commendations, and
- that no complaints were expressed by prisoners regarding the use of coercive measures and that their use was not noticed in any other sense.

► NPM proposal

► response from competent authorities

NPM: In view of the increasing number of convicted prisoners, we propose that an analysis of average occupancy of the detention unit be conducted for the past several years and that possibilities for further change or adjustment of the Ig Prison capacity be examined⁴.

Head Office of the URSIKS: The Institution's Director already explained that the Institution's official capacity is 18 persons in 5 detention rooms. As the number of detainees decreased in recent months and the number of convicted prisoners increased, the Institution decided to use two of those rooms for accommodation of convicted prisoners. We do not see any reason for the official change of capacity as the Institution is already flexible in accommodation. According to our experience, the number of detainees may increase sharply from time to time, which means that the Institution needs to provide a sufficient number of detention rooms.

NPM: We propose that you consider the comments related to the separation of individual regimes of serving prison sentences and that you provide us with your findings and potential measures.⁵

Head Office of the URSIKS: The convicted prisoners serve their prison sentence in three (closed, semi-open and open) regimes, which are not entirely separated. The prisoners held under semi-open regime that have not yet been granted extra-Institution benefits may be accommodated together with prisoners held under closed regime. On the other hand, prisoners held under semi-open regime that have been granted extra-Institution benefits may be accommodated together with prisoners held under open regime. The reasons for such accommodation of prisoners is the non-functional distribution of rooms, the size of rooms and high occupancy of the Institution. It should be noted that the Institution has not recorded any complaints by the prisoners regarding joint accommodation of persons under different regimes in the same room and that it does not cause any problems to

⁴ During our visit, it was established again that the number of prisoners has increased in comparison with our previous visit (58), while the number of detainees further decreased (10) as compared to our previous visit. For the first time, we observed overcrowding of the prison section – the capacity was exceeded by 10 prisoners, while the occupancy of the detention section further decreased (5 detainees).

⁵ During the visit, we again heard complaints by the prisoners that individual regimes are not entirely spatially separated. Convicted persons with different regimes of serving sentences and consequently with different daily schedules are placed together in certain rooms, which causes problems.

NPM: the convicted prisoners find the duty of reporting every hour during their stay outside the Institution to be disturbing, as they are subject to sanctions in case of late reporting.

NPM: We request information on the date of the most recent sanitary and hygienic supervision carried out in the living quarters of convicted prisoners accommodated on the third floor.⁶

NPM: We request an explanation regarding whether the Institution has

the staff either. To the contrary, the practice shows that prisoners under less strict regime in the same room may have a positive and motivational effect on persons under stricter regimes. A longer-term solution could be achieved by rearrangement of large rooms into smaller rooms, but we will propose that a facility for the purposes of the Ig Prison be built on the new location along with a facility that will be built for the purposes of the Ljubljana Prison.

Head Office of the URSIKS: The Institution is strongly in favour of openness, which is reflected in the large number of prisoners held under semi-open regime. As access to the Institution is very easy, with no ramp or protective fence, and due to its large area, the Institution imposed the compulsory hourly reporting for safety reasons. The Institution does not intend to change the said practice, as it is obliged to provide safety by, among other things, preventing potential escapes. Compulsory reporting ensures that potential escapes are detected as soon as possible.

Head Office of the URSIKS: Sanitary and hygienic supervisions are carried out every week or every two weeks. A prison nurse accompanied by the head of the education department and a female judicial police officer – operations manager carries out hygienic and sanitary supervision of rooms and living quarters. Occasionally, supervision of refrigerators is carried out, whereby all food exceeding “use by” date is eliminated. The prison nurse records the established discrepancies in her daily report, so further actions can be taken and suitable hygiene in the prison is ensured.

⁶ Considering the objective circumstances, living quarters of prisoners were nicely kept, as well as satisfactorily tidy and clean. Considering the fact that Article 60 of the Rules on the implementation of prison sentences stipulates that supervision of hygiene in the prisoners' living quarters (and other premises) be carried out by the Institution's health service,

been informed of any conflict or threats by a prisoner as to intentional infection of others (prisoners or perhaps even the personnel) – and how was it (or how would it be) handled if such a problem arose.⁷

NPM: We request an explanation as regards the (un)availability of disinfectants to prisoners and in what way (if at all) it has been explained to them.⁸

NPM: We request an explanation as to whether Article 63 of the ZIKS-1 or Article 49 of the Rules on the implementation of remand are complied with at Ig Prison – i.e. in what way are female prisoners informed about the possibility of confidential HIV and hepatitis testing and provided necessary information and advice about these diseases, or in what way they are provided confidential HIV and hepatitis testing along with consultation before and after the testing.
NPM: We request information on whether the windows in room 46 have been sealed and whether their sealing served its purpose.⁹

Head Office of the URSIKS: So far, conflicts or threats by any of the prisoners as to intentional infection of another prisoner have not been detected in the Institution. The prisoners have not complained about such issues so far. If such a problem occurred, the Institution would try to solve it through consulting and discussions or by relocation within the Institution or by isolating the person who poses a threat to others, in accordance with Article 98a of the Enforcement of Criminal Sanctions Act.

Head Office of the URSIKS: Disinfectants are available to prisoners from the operations manager and in the infirmary throughout the day. The prisoners are allowed to keep disinfectant tissues in their possession at all times. Prisoners are informed about this by a prison nurse and a doctor during admission.

Head Office of the URSIKS: All prisoners are informed of their access to confidential HIV and hepatitis testing during their first visit to the infirmary; part of the medical history conducted by a doctor during the first examination of a prisoner in the infirmary also relates to this. All persons in the Institution are also informed about preventive self-protective behaviour against infectious diseases through internal lectures held in the Institution by health personnel several times a year.

Head Office of the URSIKS: The

⁷ On the third floor, two prisoners (separately) told us they found it truly disturbing that they were accommodated in living quarters (also) with a prisoner who was known to be addicted to illicit drugs and was frequently involved in various conflicts whereby she openly threatened others that she would intentionally infect them with hepatitis C.

⁸ Several prisoners also pointed out that no disinfectants that would sufficiently disinfect hands are available in the Institution; furthermore, the staff allegedly told them they were not allowed to make their own such provisions. Sharing living premises and sanitary facilities with a person infected with hepatitis C was particularly pointed out.

⁹ Room 46 is a large room with 15 beds. During our visit, it was evident that this room was colder than the others. It was also confirmed by prisoners accommodated in this room when they told us that they need to wear warm clothes in the room or stay in their bed covered with blankets. They also told us that the room is also cold in winter and radiators are not warm enough to heat the room to a suitable temperature. The worn windows are said to permit the inflow of cold air from outside.

NPM: We propose that appropriate cleaning of drains is carried out, while at the same time, the management of the Ig Prison put more effort into raising awareness among the prisoners as regards proper use of toilets.¹⁰

NPM: We propose that all foam mattresses be replaced with suitable mattresses.¹¹

NPM: We propose that detainees be allowed use of fitness facilities outside the time dedicated for daily walk, as they should not be deprived of the time intended for outdoor activities in order to use the fitness room. NPM expects the management of Ig Prison to consider this possibility and to try to provide more activities for detainees (including the use of the fitness room). The detainees'

windows have been sealed in all the rooms, including room 46. The prisoners have not complained to prison management about having problems with room temperature. The room is located in the north-western part of the building and is consequently darker; however, lower temperatures in this room have not been observed so far. The Institution sees a bigger problem in the attitude of the convicted prisoners towards the room, as they fail to observe the instruction that the door should be closed and that aeration should be carried out according to regulations. The Institution sees no need to keep special records of room temperature, as the prisoners themselves would complain about the temperature if there were a problem.

Head Office of the URSIKS: The drain has been fixed several times. Every time the drain was clogged the Institution called the contractor to unclog it. The detainees are also regularly reminded to properly maintain clean rooms, most frequently by judicial police officers but also by the professional staff and the Institute's Director. Currently, more extensive remediation is not possible due to the lack of financial resources.

Head Office of the URSIKS: Mattresses are replaced as they become worn out and in accordance with the financial resources available. A few mattresses are always available at the Institution, so they are replaced when they are worn out or damaged.

Head Office of the URSIKS: The Institution always enables the detainees to spend their time in this way, within the possibilities and in accordance with the

¹⁰ In the detention section it was established that the smell of sewage is coming from the drains in room 3. The director explained that in case of drain (sewage) problems they contact Kanal, the company that provides regular cleaning. The last cleaning was carried out in March 2014; the director explained that objects of various types (sanitary pads, shirts, hair) have been found in drain pipes (sewage) that do not belong there, which was brought to the prisoners' attention.

¹¹ At the time of the visit, only foam mattresses without covers were used on certain beds.

rooms open into the lobby, which we see as a welcome additional opportunity for socialising. However, detainees would like their rooms to be even more open. In this regard, we propose this request be considered. We would like to know the exact time during which detainees' rooms are open. We also request information as to the time during which detainees are allowed to make phone calls.

NPM: We propose that the remarks relating to the lack of response by the staff be considered and request that we be notified of findings or potential measures.¹²

NPM: We propose that, in view of the increased number of convicted prisoners, the Institution make more effort to provide jobs for all female prisoners and, in particular, for detainees who would like to work.¹³

interests expressed by detainees. In accordance with daily schedules, they are allowed to use recreation facilities, for which they must apply in advance, but they generally do not choose to use them. They would rather use the common living room. Nevertheless, group recreation in the prison courtyard was organised this year as an additional sport activity for the detainees outside the daily walk time. The detainees may make phone calls every day between 9:00 and 10:00 as well as between 16:00 and 17:00 on Mondays, Wednesdays, Fridays, Saturdays and Sundays. We would particularly like to point out that, in order to make detention as open as possible, the Institution organises all free time activities in such a way that they take place outside the daily walk time.

Head Office of the URSIKS: During the NPM visit, the duties of professional staff at the detention section were carried out by a worker who retired on 1 July. The retired worker had not reported on such remarks by the detainees, and the Institution also has not received any complaints in this relation. Her work in the detention section was taken over by a new worker who has not recorded any remarks related to the fulfilment of detainees' requests. Head Office of the URSIKS: Convicted prisoners may be employed at the Institution for doing house work and within the public commercial institution JGZ Golovec. As regards house work, the prisoners work in the kitchen and the laundry room, while within JGZ Golovec, they mostly work in the field of paper products. The number of jobs is determined by systematisation and all workplaces in the

¹² During our visit to the detention section, we also received complaints as to the lack of responsiveness of the prison staff regarding various requests by detainees. It was said that on various occasions the staff needed to be reminded to fulfil the requests. Absence of the staff is allegedly a particular problem.

¹³ At the time of the visit, 29 prisoners were employed (19 in the JGZ Golovec workshop, 6 in the kitchen, 2 in the laundry room and 2 at outdoor locations); additionally, six prisoners are employed outside the Institution (Article 12 of the ZIKS-1). Unfortunately we discovered that the Institution provides no jobs for detainees. The number of employed (convicted prisoners) has increased since the last NPM visit, but the number of prisoners has also increased considerably.

NPM: We request an explanation of reasons or legal basis for the deduction of tax from the income received for work carried out by a convicted prisoner (foreigner).¹⁴

NPM: We propose that the prison consider employing an additional person in the laundry room.

NPM: We propose that, based on the recommendation given by our expert, information be requested about whether literature providing information related to protection against potential diseases will be made available in the waiting room.¹⁵

NPM: We propose that possibilities for rearrangement of infirmary premises in

kitchen and laundry room are taken. Workplaces within JGZ Golovec are not all taken, since occupancy depends on the amount of work provided by JGZ Golovec. Prison management constantly strives to provide more work for prisoners, of which it also reminds JGZ Golovec.

Head Office of the URSIKS: As soon as it was informed about of this issue, prison management investigated why the foreign prisoner was liable to pay tax. Examination of documents revealed an incorrect entry in the computer programme for calculating prisoners' pay. The prisoner has been notified of this finding and she was informed that her pay will be recalculated and that she will receive the missing difference in August together with her regular pay.

Head Office of the URSIKS: Two prisoners are employed full-time in the laundry room, while one works as an assistant. Before the number of prisoners increased, one prisoner was employed in the laundry room. The Head Office observes that the Institution already constantly checks job requirements in accordance with the number of prisoners.

Head Office of the URSIKS: At the Institution, there is no infirmary waiting room. The prisoners who want to be seen at the infirmary have to wait in the corridor, which is also used by the closed section prisoners and is highly frequented. Therefore, all prisoners have been informed by health personnel, particularly by the prison nurse, that all

¹⁴ During the NPM visit, we received a complaint by a convicted prisoner (foreigner) who, until January 2014, had been paying tax on the income she received for the work performed, despite the fact that other prisoners did not and do not pay such a tax. We pointed out this issue during our visit but we did not receive a complete explanation.

¹⁵ There is a big waiting room in front of the entrance to the infirmary working premises. It is an elongated walking corridor in which posters with health-related educational content could be placed, according to the expert's opinion. The expert suggests that promotional samples and small brochures on the prevention and spread of diseases, as well as educational literature from this field be placed on small tables. In this way, patients would acquire more health-related knowledge and could better protect themselves against potential diseases and, at the same time, the waiting room would be a more pleasant place.

accordance with the expert's findings or proposals are considered (nurse and doctor are not separated, which poses a problem – there is no privacy for patients and doctor).¹⁶

NPM: According to the expert's finding, we propose that the possibility of placing a wheelchair in the infirmary due to unpredictable conditions be considered.¹⁷

NPM: We request information about the prison staff's first aid training.

NPM: Based on the expert's finding, we propose that possibilities for the employment of an additional nurse be considered.¹⁸

flyers are available in the infirmary in a visible place.

Head Office of the URSIKS: We agree with the finding that the infirmary premises needs to be rearranged in order to ensure doctor-patient privacy. All this, however, is related to available financial resources and we believe that construction of a new facility for the purposes of the Institution would be a better solution.

Head Office of the URSIKS: An opinion as to whether equipping the prison infirmary with a wheelchair would be sensible was given by the prison doctor in charge who estimates that adequate first aid can be provided to any prisoner in the Institution. For urgent medical assistance, the Rescue Centre Ljubljana is always called, which carries out transportation of prisoners. Thus, according to the doctor's estimate, the Institution does not need a wheelchair.

Head Office of the URSIKS: Nurses are required to constantly renew their first aid knowledge within education required to maintain a working licence. Within the basic training of judicial police officers, special first aid training is organised where common types of injuries and other medical conditions are presented in particular. As such interventions of judicial police officers are highly successful, we estimate that training is successful and efficient.

Head Office of the URSIKS: We have

¹⁶ According to the expert, a general rearrangement of one room into several rooms would be necessary. The door from the waiting room would lead to the nurse room and from there, there would be access to the general practitioner's or the gynaecologist's consulting room. Besides this, an additional room for provision of medical care would also be gained in this way.

¹⁷ According to the expert, the general practitioner's consulting room definitely needs a mobile table and a wheelchair due to unpredictable conditions.

¹⁸ According to the expert, secondary education of nurses is sufficient for work in any of the Institution's infirmaries, while the patients don't have to wait unnecessarily. However, according to the expert's estimate, one more graduate nurse would be required for better medical care. At the same time, he also points out that it is definitely not good practice to have a patient, a nurse and a doctor all together in the same room during examination and potential therapy.

NPM: We propose that the possibility of setting up a patient room be considered.¹⁹

NPM: We request information regarding whether the Prison Administration of the Republic of Slovenia has any assessment of the success rate of existing methods of treatment of drug addiction and whether other options for treatment of drug addiction have ever been presented or offered.²⁰

already received the Institution's proposal to employ an additional medical technician to cover afternoon/evening needs. Unfortunately, we can only say that financial and normative limitations do not allow new employments.

Head Office of the URSIKS: The Institution already has a patient room. It is true that this room was refitted as a room for pregnant women and mothers with children, but it is also used as a patient room at times when no pregnant women are accommodated in the Institution. In case another prisoner needs to be placed in a patient room, she would immediately be placed in one of the rooms with sanitary facilities.

Head Office of the URSIKS: Treatment of addiction in prisons is conducted in accordance with the Expert instruction on treating drug addiction, which the Head Office of the Prison Administration of the Republic of Slovenia prepared in cooperation with centres for the prevention and treatment of addiction to illicit drugs. In prisons, different models are used in the treatment of addiction and substitution is only part of a low-threshold programme, which presents a lower risk of hepatitis B and C and HIV infection and is characterised by a lower prevalence and mortality rate and a higher quality of life. Being aware that addiction involves intertwining of biological and psychological conditions with social factors, the Head Office decided to use an integrated approach to the treatment of addiction, including not

¹⁹ According to the expert, the Institution has no proper patient room, but there is a room for pregnant women and breast-feeding mothers. In this room, there are two beds and a table for baby care and changing diapers. The room is clean and equipped with a bathroom and a toilet. The room next door holds furniture filled with many toys and accessories. According to the expert, a patient room would also urgently be required for the treatment of urgent conditions, acute diseases or worsened chronic conditions. It should be equipped with accessories for the treatment of female patients.

²⁰ The treatment of persons addicted to various psycho-active substances and general education of imprisoned persons is carried out by: an educator, a psychiatrist, a sociologist and a psychologist who coordinates the treatment. Occasionally, the team is joined by Mrs. Irena Lasič M.D. who is very active in treatment of addicts at the Metelkova Health Centre. The Projekt – Človek Society also helps addicts with a high-threshold programme. The addicts, there are usually 10–20 of them, are regularly given Methadone and Suboxone as substitutes for drugs. Adjuvant or additional therapy is also practiced as required.

NPM: We expect the number of employed judicial police officers to increase as soon as possible.²¹

NPM: We expect that employment in education service take place as soon as possible, as it has been approved by the Government of the Republic of Slovenia.²²

NPM: We request information as to how the Institution manages compliance with the legislative provision under Article 211 of the ZIKS-1.²³

only health care but also advisory activities and psycho-social support programmes carried out by professionals in prisons in cooperation with other institutions and NGOs. In 2013, 345 persons with difficulties related to illicit drug use were included in high- and higher-threshold programmes in Institutions. In 2013, 143 prisoners continued with their treatment in external institutions after serving their sentence.

Head Office of the URSIKS: Four judicial police officers were transferred from the Ljubljana prison to work in the Institution. We would also like to explain that, based on a public call, two female candidates have been selected to take the posts of judicial police officers, but their employment has not been implemented yet because the candidate who was not selected filed a complaint that is currently being considered by the Employment Relationship Complaints Commission.

Head Office of the URSIKS: As regards substitute employment in the education department, a public call was announced in June for the position of adviser-educator. The procedure is expected to be concluded in two to three months.

Head Office of the URSIKS: The prisoners are presented with the regulations related to the Enforcement of Criminal Sanctions at the beginning of serving their sentence. In case there is a

²¹ According to the Director's explanation, 27 positions for judicial police officers, including the head of safety department, are systemised and all positions are currently taken. The Director pointed out that fewer judicial police officers than this actually work, as three of them are currently absent due to maternity leave and three are exercising their right to reduced working hours or reduced overtime work. However, according to the Director, the number of judicial police officers will soon increase: two of them (transferred from other prisons) are already in the employment procedure. Furthermore, the Government of the Republic of Slovenia adopted a decision to approve employment of three additional judicial police officers at Ig Prison.

²² At the time of our visit, seven persons were employed in the education service, while one position, adviser social worker – trainee, was not taken. The Director explained that the number of employees will be further reduced when the head of the education and work department retires (which happened approximately 14 days after our visit). The Director also explained that the Government of the Republic of Slovenia approved two substitute employees and one additional employee.

²³ The Institution is obliged to provide free legal assistance to convicted prisoners for the protection of their rights under the ZIKS-1 and regulations adopted pursuant hereto (Article 211 of the ZIKS-1).

need for legal aid as regards the protection of rights during serving their sentence, prisoners are assisted by an expert or some other properly qualified member of the prison staff.