

**NATIONAL PREVENTIVE MECHANISM**  
**visit to**  
**LJUBLJANA PRISON**

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*Disclaimer: The following report contains only main findings regarding the visit. It was produced on the basis of the original report on the visit of the National Preventive Mechanism and the response of the authorities to it. It is intended for publishing purposes on the official Human Rights Ombudsman of the Republic of Slovenia webpage.*

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The Human Rights Ombudsman (hereinafter: the Ombudsman) visited Ljubljana prison (hereinafter: Prison) on 17 and 18 February 2009. As part of the implementation of the competences and tasks of the state prevention mechanism under 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 visit took place in the presence of representatives of two non-governmental organisations: the Legal-Information Centre for NGOs (PIC) and the Red Cross of Slovenia.

The Prison's official capacity is (still) 128 imprisoned people. At the time of our visit, the foreseen capacities were 55 detainees, 65 convicted prisoners and 8 people sentenced under infringement proceedings. On the day of our visit, the Prison housed 254 people (126 detainees, 126 convicted prisoners and 2 people in compliance detention), which means that the capacity of the Prison was exceeded by as much as 98%. The attempted resolution of the problem is the transfer of those imprisoned to other prisons, especially to Koper prison. Those meeting conditions for serving a sentence in a more open regime are transferred to the Open unit of Ig. This aggravates the structure of those imprisoned in the Prison, since it is mostly the "problematic" people that remain.

An obvious fact is that mere transfer to other prisons cannot be a sufficient solution. A solution should be sought in other ways, perhaps on the normative level, too, by an increased possibility of the alternative serving of a (shorter) sentence of imprisonment. The Head Office of the Prison Administration of the Republic of Slovenia (hereinafter: the Office) stated in the response to our report that it had practically exhausted all realistic possibilities for reduction of overcrowding of living quarters and other premises in the Prison. The unbearable situation has been presumably stressed by the line ministry, too, and the problem was fully presented to the Government of the Republic of Slovenia, which could take appropriate steps within its competences, since its responsibilities include the situation in implementing penal sanctions. As regards the information that the Ministry of Justice has planned the construction of a new prison, which has been recently made public, the Office stated that it was not realistic to expect its completion soon – the construction would take a long time, especially with the lack of appropriate financial resources.

Since our last visit, the number of beds in practically all rooms has only increased. Most rooms in the convicted prisoners section (closed and semi-open) had six beds (in the form of three bunk beds). Each person is allocated a small closet or a part of it. Most of these closets were without locks, while the opening of doors was often hindered by beds placed in front of them. The general condition of the inventory was poor; fully worn-out mattresses were

spotted in several rooms. Although the Office generally agreed with our proposal for improvement, it was of opinion that the Prison should pay more attention to the replacement of mattresses and day-to-day repairs than to the inventory replacement.

The Ombudsman has continually repeated that the overcrowding negatively influences the living conditions of imprisoned people, the provision of security and the Prison's employees. The worst conditions are frequently those of detention – which was largely true in this case, too. This is unacceptable, especially as detainees are presumed innocent.

Especially in the light of critical overcrowding and the resulting consequences, the situation in the Prison could be considered no less than inhuman.

We also saw the room intended for compliance detention. Its condition was very poor (metal bunk beds with torn mattresses, dirty walls, a damaged door for sanitary facilities and closet etc.). The room was also without a TV or radio set. The two people placed in it during our visit told us that they were given two- or three-day old newspapers at best. We suggested the (re)arrangement of the room or the replacement of inventory and the provision of regular access to at least one medium (TV, radio, press), while the Office stated in its reply that the Prison had implemented the transfer to another, supposedly more suitable, living facility.

Several rooms lacked a copy of the house rules or agenda. Although the Prison clarified in its reply that some individuals destroyed those on purpose, the Office agreed that the Prison had to make sure that house rules and agendas in the living quarters are always available in at least one copy.

Imprisoned people take showers in shared bathrooms with separate showers. As a rule, imprisoned people are able to shower every day, but we observed that hot water was not provided for this purpose in the afternoon. As for our proposal to eliminate this shortcoming, the Office explained that this was due to the insufficiently powerful hot-water installations. The heating plant of Ljubljana did not allow their replacement with more powerful ones, so the Prison intended to resolve the problem by more frequent showers in the morning or by equal distribution of showering throughout the day.

The Prison management observed our recommendation regarding worn-out towels made on our visit in 2007. We received the information that 378 new towels had been purchased. Complaints by prisoners on this subject were also rare. Thus our recommendation was that the Prison continue to replace torn and worn-out towels with new and warn those imprisoned not to use towels for other purposes (e.g. wiping floors). On the other hand, many prisoners complained that the bedding is still wet and creased when it comes from the laundry. Likewise, there were frequent "losses" of underwear, especially that of better labels. The Office agreed with our note that the Prison must ensure that the mentioned irregularities are eliminated.

The Prison is still without a drug-free unit as determined in Article 53 of the Rules on implementation of the sentence of imprisonment. The position of the Office is that this cannot be reasonably organised in the present conditions of overcrowding. According to the Prison estimate, about 50% of imprisoned people have drug problems; on our visit, 31 convicted prisoners and 19 detainees were taking part in methadone therapy. Smoking in the Prison is allowed only in rooms; however, there are no permanently determined smoking and non-smoking rooms. Although the Prison attempts to accommodate smokers and non-smokers separately, this is often hindered or impossible due to the overcrowding. Our recommendation in this respect was that the Prison should really try to ensure some permanent non-smoking rooms or to ensure to the fullest possible extent that non-smokers will not be accommodated in rooms with smokers. This is, after all, a legal requirement.

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Unfortunately, the Office's reply was that the Prison cannot afford any permanent non-smoking rooms in view of the overcrowding, because frequent transfer of prisoners is also necessary for security reasons.

In 2008, the Prison experienced 46 conflicts between imprisoned people, 63 injuries and 4 attacks on employees. In the Office's opinion, the increased conflicts are caused, besides overcrowding and the problem of illicit drugs, by the suspension of disciplinary penalty imposition; therefore, disciplinary measures should be introduced in the future against imprisoned people committing the gravest disciplinary violations and appropriate disciplinary penalties should be imposed.

Detainees are locked in their rooms for over 21 hours a day on average. The only daily activity outside rooms is movement on a small inner walkway, which limits the possibilities to exercise only to walking, running and table tennis (with only one table available). In addition, there is still no roof, which would allow prisoners to move outside in bad weather. The Office stated that the proposal had not yet been implemented because the required financial resources could not be ensured. Other opportunities for detainees to leave their rooms include fitness (an hour twice a week), visits (one hour a week), use of the telephone (ten minutes twice a week), short shopping in the canteen (three times a week as a rule) and showering (up to 10 minutes daily). On Saturdays, they are allowed to take part in the group cleaning of premises, which is commendable, but not enough in our opinion.

Our proposal that detainees should be allowed to spend more time outside their cells was rejected by the Office with the explanation that the spatial conditions in which the Prison operates did not allow for this; a prolonged stay on the inner walkway is impossible to provide because this activity must be implemented in groups due to the number of detainees, which makes the small walkway busy all day, while the large walkway is generally inappropriate for the stay of detainees in the open for safety reasons and is thus reserved for convicted prisoners. The Office added that detainees may spend a lot of time outside of living quarters when participating at hearings of competent judicial authorities, attending main hearings and visiting the doctor; the Ombudsman thinks, however, that we should consider more constructive possibilities (e.g. in the direction of appropriate rearrangement of the large walkway) before accepting the present conditions.

The position of convicted prisoners is, in this sense, much better. They are allowed different forms of socialisation, exercise and activities. In the semi-open regime, the cell doors are unlocked from 5.45 am to 10 pm, which we particularly commended. Besides fitness, the convicted prisoners have the opportunity of playing table tennis, basketball and football on the large walkway or exercise ground.

At the time of our visit, few people had regular work (15 people in house works and five in the public-utility institute). Overcrowding also causes problems in organisation of work, especially with regards to the provision of appropriate facilities. The Prison recently acquired some facilities in the cellar. This is where eight convicted prisoners in two groups now assemble coin boxes, working for three hours at a time.

We stressed, as many times before, that it would be proper if each person imprisoned in any prison and willing to work is allowed to work. This applies to detainees, too. Work contributes to social rehabilitation and positively influences the mental condition and self-satisfaction of an individual, as well as changes the perception of time and stimulates the feeling of doing something useful. Although the Office generally agreed, it stated that unfavourable economic conditions unfortunately influence the work of imprisoned people, too, since the possibilities of convicted people working on external sites have decreased due to the slowdown in orders. In its estimation, the issue of work must be devoted appropriate attention and time. This was

the intention of the consultation organised last year, in which the conclusion was adopted that other possibilities (service units, therapeutic workshops, etc.) should be sought besides the existing public-utility institutions and house works. The Office is aware that the realisation of these goals will require the co-operation of the Government, especially as regards allocation of necessary financial resources.

We also proposed that as many imprisoned people as possible should be encouraged to participate in the education programme "The Bridge to Education" (the only form of education organised in the Prison). This covered only 25 imprisoned people at the time of the visit, out of which only 9 (convicted prisoners) regularly attended it. The Office agreed with our proposal.

Drastic changes have been made in the field of health care. Health-care services in prisons are now provided within the public health-care network. This introduces the same standards as those outside prisons. Contractually employed doctors, who came to the Prison before, are still the same, but a contract for health-care services in the Prison has been now concluded with the Ljubljana health centre. The transition to the public health-care network on 1 January 2009 was, however, not fully implemented. The Prison had most difficulties with health insurance, because about 50% of imprisoned people had been without it even before imprisonment. The issue of paying the costs of issuing health cards also remained unresolved. Whatever the cause, many complaints were made by imprisoned people as regards the accessibility and quality of health care. Thus we strongly stressed that prisoners, regardless of the unenviable problems with the transition to the new system, must not be provided with poorer health care, and suggested that their relevant complaints should be examined. The remark of the Office was that the new system allows dissatisfied health-care users to lodge their own complaints through the official form, which the Ljubljana health centre is obliged to address.

The Prison regularly employs only two nurses with secondary degree, while at least six are needed. Thus, therapy in the periods without medical staff is still provided by guards. We reiterated our warning that this was inappropriate.

Since our last visit, the number of guards slightly increased from 102 to 108. According to the estimate by Prison management, at least 37 more would be required for normal working. Up to 14 guards are placed in the day shift (with regard to day activities), and up to 10 in the night shift (two to three per tract). On the basis of such placement, the legal frameworks of overtime work were not exceeded in 2008. Nevertheless, the Prison had to cancel some cases of escorting imprisoned people to court or external health-care institutions in 2008. This is, of course, not acceptable. As regards our opinion that imprisoned people are thus denied fundamental human rights, e.g. the right to a trial within a reasonable time, the Office expressed its opinion that individual cases did not bear an essential influence in this respect.

At the time of our visit, the educational service consisted of the head, two psychologists, one social worker and 6 educationists. Thus each educationist was in charge of over 40 imprisoned people on average. In view of this it was not surprising that we received numerous complaints of imprisoned people referring to the personal treatment by the educational service – it was supposedly poor, the waiting period for the treatment was up to a month and sessions were often performed in the corridors. With consideration to the number of imprisoned people, we can understand both the dissatisfaction with the work of the educational service on one hand and the clarifications on the excessive burden on expert workers on the other.

The number of imprisoned people, almost twice as high as admissible, is thus highly negatively reflected in their treatment, since an increased number of imprisoned people has

not matched by the necessary increase of appropriate staff. To this end, our suggestion was to examine the suitability of the staff structure, especially as regards the work of guards and the educational service, and to provide the appropriate number of staff as a result. This would eliminate the problems in providing escorts or other activities, while the educational service could guarantee its presence also by direct self-initiated visits to imprisoned people and encourage them to (more) active participation in the preparation and implementation of personal plans. The Office stated in its response that it had already implemented all activities necessary for the approval of the extended staff plan by the Ministry of Justice and the Ministry of Public Administration.

Some complaints by imprisoned people referred to food, but the Office clarified in its reply that meals are prepared in accordance with confirmed menus and correspond to the necessary daily intake of calories. Detainees repeated their remarks about not being given proper cutlery (knives) with their meals, and we reiterated that such treatment constitutes a violation of Paragraph 2 of Article 35 of the Rules on the Implementation of Detention. The Office confirmed that these violations did take place and attributed the responsibility to guards supervising the distribution of meals. It added that the Prison had issued a severe warning to guards in this respect, so further irregularities of this kind were not expected.

At the time of our visit, the Prison housed a considerable number of aliens (29 detainees, 8 convicted people). These were citizens of different countries (Italy, Hungary, former Yugoslav republics and others). According to the clarifications of the Prison, there were no communication problems; when necessary, translations were provided by other imprisoned people. Since such assistance may be questionable in our opinion, we suggested that the assistance of an official translator should be provided whenever communication with an imprisoned person is difficult. According to the statements of the Office, this is already the case; the Prison should also observe the provision referred to in Article 209 of the Enforcement of Penal Sentences Act as far as practicable.

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