

**NATIONAL PREVENTIVE MECHANISM
visit to
RADEČE CORRECTIONAL FACILITY**

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.

Pursuant to the tasks and competences of the National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Human Rights Ombudsman of the Republic of Slovenia (hereinafter: Ombudsman) and representatives of contractual non-governmental organisations (the Peace Institute and the Legal Information Centre), after prior advance notice, visited the Radeče Correctional Facility (hereinafter: Correctional Facility) on 19 March 2008, which, as an internal organisational unit of the Prison Administration of the Republic of Slovenia, enforces an educational measure in a correctional facility, which has been imposed on a juvenile by a court. A minor remains in the Correctional Facility for at least one and no more than three years. When the court imposes the measure, it does not specify its duration but decides subsequently on its termination, taking account of the progress made in achieving the objectives of the individual treatment.

The programme of individual treatment for a minor is drawn up by an expert group and it specifies the group in which the minor is then included. The treatment of minors in the Correctional Facility takes place in (1) an original education group with semi-open regime (this treatment aims at a minor becoming aware that he needs to make some changes in his/her behaviour, and at realizing that he/she has possible shortcomings); (2) drug-free units (this treatment aims at spending quality leisure-time through intensive participation in free-time activities and at minors developing responsibility for themselves and their own behaviour); (3) open units (the aim is to maintain the changes achieved and prepare a minor for discharge; this group's motivation is particularly focused on education); and in (4) a special education group. In view of the progress made in achieving the objectives which were set in the individual treatment programme, a minor can move from one to another group or from a stricter regime to a less strict regime.

In the Correctional Facility, the living quarters and other premises are not confronted with overcrowding, since on the day of our visit, there were 28 minors, which accounts for nearly half (44%) of its official capacity taking account of the facility's total surface area (68 persons).

We did not observe any violations indicating cruel, inhuman or degrading treatment in the Correctional Facility. This, of course, does not mean that there is no room for improvement of certain current conditions. A report on the visit was prepared, containing findings and suggestions to improve the situation. The report was submitted to the Head Office of the Prison Administration of the Republic of Slovenia (hereinafter: Office) which adopted its position in regard to our opinions and proposals.

We found that, in principle, the Correctional Facility takes care of the cleanliness and good order of the living quarters; however, in view of obsolete infrastructure (electrical and plumbing installations, drainage, sewerage, central heating) and some worn-out equipment, some deficiencies were observed.

At the time of our visit, only the drug-free unit, the open unit and the girls' unit were connected to the duty room through call bells, while other education groups and the isolation unit for minors were not. The Office gave an assurance that, as soon as the necessary financial resources are made available, an internal telephone link will be installed between the duty room and all education groups, giving priority to the isolation unit, since minors are now experiencing problems with access to the rest room, because the guards sometimes respond to such requests from an isolated minor with delay. The Office further stated that, since our last visit, the Correction Facility had already rectified some established deficiencies (possibility of locking cloakrooms, bathroom doors, etc.), whereas deficiencies in other essential maintenance work on furniture and other equipment will be eliminated within the foreseeable future (fixing kitchen cabinet doors, replacing the TV antenna socket, etc.). Through regular maintenance work, the Correctional Facility is undergoing gradual renovation of the premises and equipment of the education groups; each year, the premises of at least one education group are fully renovated. The necessary work is carried out within the framework of educating minors and in cooperation with workshop instructors. A lack of funds is an additional reason for the relatively slow renovation of premises in the Correctional Facility, since funds provided at the level of the Prison Administration are primarily intended for solving the burning issue of spatial conditions of the prison at Dob pri Mirni. Furthermore, the real estate in which the Correctional Facility is located, after a denationalisation procedure, will probably be returned to the denationalisation beneficiary; the Office, therefore, is of the opinion that current major investments in these facilities are not sensible.

We found that the majority of living quarters do not have suitable natural light due to the relatively small windows. We therefore proposed that the Correctional Facility provides proper lamps (for reading, etc.)

The cleaning of premises is taken care of by the minors themselves, according to a pre-prepared schedule. In addition to their complaints about the poor quality of cleaning accessories, we also noticed a worn-out floor cleaning device. The device is evidently used for cleaning sleeping and other living quarters, as well as the sanitary facilities. In this regard, the Office does not see any obstacles to complying with our proposal to ensure additional appropriate accessories and cleaning agents of suitable quality.

As concerns healthcare, a general practitioner visits the Correctional Facility twice a week on the basis of a health care contract concluded with Community Health Centre Radeče. A nurse is present in the Correctional Facility for two hours a day. We pointed out that the Correctional Facility should ensure at least the constant presence of a nurse, who could also administer the therapy that she already prepares for minors; namely, the therapy is still administered by the guards. This is not acceptable since the administration of therapy is not the job of the guard service. Although the Office sees the solution in establishing a public health care service network, it agreed with our proposal and gave an assurance that it would encourage responsible persons in the Correctional Facility to ensure the presence of nurse for several hours.

Since we established that the number of smokers in the Correctional Facility is still high, we proposed that the possibility of introducing a program for giving up smoking should be examined. The Office responded to this proposal by a commitment to continue talks with the Institute of Public Health and non-governmental organisations, which implement these programmes, with a view to implementing a giving up smoking program.

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Educational measures in the Correctional Facility must be implemented in such a way as to enable a minor to be educated, to become skilled at and qualified for work, sports and creative and cultural participation. A correctional home must enable minors to complete their primary school obligation and acquire a profession. Their working time includes practical training, as well as school education and, in total, lasts 6 hours and 45 minutes a day.

Before being assigned to a workshop, minors undergo a medical examination; protective clothing and accessories must be provided by the Correctional Facility. Since we observed that worn-out protective gloves cannot ensure proper protection for minors and instructors at work, we proposed that the Correctional Facility should regularly replace them with new gloves, since this is the only way to provide conditions for safe work. Furthermore, there was a strong smell of paints and lacquers in the car painting workshop, due to the air-conditioning having been switched-off. The explanation was given that the air-conditioning system is regularly switched off due to its excessive noise. We underlined that it would be more appropriate to provide adequate personal protection against noise, since the air-conditioning system must serve its purpose. The Office claimed that a sufficient number of protective gloves as well as mufflers were currently available. Provided this is a matter of inappropriate use of protective equipment rather than its insufficient supply, the Correction Facility will have to require instructors to supervise the use of protective equipment on a more consistent basis. Further complaints about unpleasant situations of waiting for a guard, since there is no rest room in the workshop, were contested by the Office, who explained that a rest room is located in the neighbouring workshop where minors can also be accompanied by an instructor, not just by a guard.

The staff of the correction facility comprises educational service and guards. The educational service employs 10 persons: a head, educators (pedagogues), a psychologist and a social worker. They are all trained to diagnose suicidal behaviour (the Correctional Facility has had no suicide or suicide attempt for several years). There are 15 guards, including a commander and a female guard who performs the job of clerk for half of her working time.

Several minors drew attention to increasingly tense relations between them and guards, who were claimed to exercise excessive supervision over them, used insults and profanity and even denied exits from the Correctional Facility, even though they had already been approved by educators. On the other hand, minors mostly argued that, in principle, there were no problems in relation to educators and the leadership. We are aware that, merely on the basis of a visit of a few hours and the comments of minors, it is not possible to make an overall assessment of the conduct of guards; we believe, however, that all staff at the Correctional Facility should be regularly reminded of the commitment to fair conduct and communication, and that such irregularities should be properly and firmly penalised. The Office confirmed that it had already dealt with such a group complaint from minors but the appeal procedure dismissed the complaints about the urgency of this issue.

No excessive use of measures, which would pose additional burden on minors, was found. Nevertheless, some minors complained that disciplinary procedures, in particular waiting for a hearing, were lengthy. We proposed that the Correctional Facility should take the necessary steps to complete disciplinary procedures within a reasonable time, taking account of time limits prescribed by the rules for this purpose. The Office completely agreed with the proposal. The disciplinary commission must, at least 24 hours before the beginning of a disciplinary hearing, serve the proposal for the initiation of disciplinary proceedings on the accused person and set a deadline for the disciplinary hearing, which must be completed within three days; the decision on the imposition of a disciplinary sanction must be served on a minor within 24 hours.

Minor's contacts with the outside world are ensured by allowing visits and telephone conversations. The minors have the right to receive visits from immediate family members, while other persons are allowed to visit them if they have a positive influence on the minor's development. As a rule, the visits take place in a room for visits in which, due to the shortage of space, all visits (supervised and unsupervised) take place. We suggested that, for the purpose of visits, the necessary space and the degree of privacy are ensured by using other premises, since the facility is not fully occupied. The Office explained that such premises were already available, since visits also take place in the club room, which is used when individual minors express a wish to receive a visitor in privacy, without the presence of other visitors. The Office agreed that the Correctional Facility is obliged to ensure that, during supervised visits, guards do not listen to the conversation between a visitor and a minor, since their duty during supervised visits is only to prevent the exchange of objects or substances.

Similar difficulties relating to privacy have been encountered during telephone conversations; namely, the phone booth is located near the duty room, where guards presumably listen in to telephone conversations. The Office explained that Telekom would install a new phone booth, more suitable than the previous one, enabling its user to close the booth during the conversation. We also proposed that the Correction Facility should again acquaint minors with the possibility of the free telephone line to the Ombudsman (080 15 30). According to the Office, the Correctional Facility gave an assurance that minors in all education groups had already been acquainted with this possibility.

Some problematic aspects were also observed in the treatment of minors in a special education group, in which three minors were included at the time of our visit. We found that minors can be included in the special education group for up to several months, even though it is a seven-week programme, since they can advance only if the set objectives have been achieved. The decision on advancement is made without providing written information, which we considered to be inappropriate. In our opinion, a minor should be acquainted with the reasons for his/her stagnation or even regression in this group, on a regular basis and in writing. The Office claimed that this was already the practice; minors are officially and systematically acquainted with decisions of the expert group, which are adopted on a weekly basis, recorded in the form of minutes and filed separately in a minor's personal file.

Since one of the minors in this group also stressed not getting along with the other two minors who resided in the same section, we drew attention that the Correction Facility is obliged to take all necessary steps to prevent fighting, intimidation, exploitation, insults, humiliation or ridicule and to ensure that everyone is provided adequate security. In order to improve mutual relations, the permanent presence of guards in the common residence of the minors may not be sufficient, although, according to the minors, even this is not guaranteed. A minor said that he was alone all day long and not included in any of the social interactions with other minors and also had no sports activities. The explanation of the Correction Facility was that the minor concerned refused any help and discussion; we nevertheless believed that such isolation could not contribute to an improvement of the minor's situation, as additional psychological assistance might. The Office explained that the minor is unable to establish appropriate contact with the institutional psychologist, so the expert group of the Correctional Facility decided to refer the case to a pedagogue who is accepted by the minor as a male authority figure.

Possession and spending money by the minors is regulated by the House Rules of the Radeče Correctional Facility. A minor, together with the educator, prepares a monthly plan for the use of money. Under the house rules, the upper limit of money that a minor is allowed to carry is EUR 15. However, educators often limit the cash below this amount, in order to teach minors to be money wise. The Office agreed that additional limitation should be

regulated formally and legally by amending the house rules, since its current provisions do not provide for such arrangement.

There is currently no canteen in the Correctional Facility. This issue was resolved with an itinerant vendor visiting the Correction Facility twice per week in the evening. Minors complained about higher prices of the itinerant vendor but the director of the Correctional Facility explained that these were the regular prices of such vendors, who also supply homesteads in the neighbouring remote villages. In this context, minors are not allowed to buy tobacco products by themselves, pursuant to the Restriction of the Use of Tobacco Products Act.

Minors had various opinions about the food; the majority had no negative comments and were pleased with the food. The Office, therefore, was of the opinion that the complaints of a few minors about poor quality and quantity of food could not be well-founded. Notwithstanding, it agreed with us that additional attention of the Correctional Facility in the preparation of meals was always appropriate.