

**NATIONAL PREVENTIVE MECHANISM
VISIT TO
KOPER PRISON, NOVA GORICA DEPARTMENT**

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.

After a prior notice, the Human Rights Ombudsman of the Republic of Slovenia (hereinafter, the Ombudsman) visited the Koper Prison, Nova Gorica Department (hereinafter, the Department) on 25 November 2009. The last visit of the Department was performed on 16 September 2008. Within the implementation of the tasks and competences of the National Prevention Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of RS, No. 114/2006), the representatives of contractual non-governmental organisations also participated in the visit, namely, from the Legal Information Centre for Non-Governmental Organisations – LIC and the Slovenian Red Cross.

During the visit we inspected, in particular, the living quarters and other areas of the Department and spoke with all prisoners who agreed to it.

At the Department, detention is executed and the prison sentence is served by the convicted persons from the Nova Gorica and Kranj jurisdictions relating to the 'Instruction on the Allocation and Sending of Sentenced Persons to Serve a Prison Sentence to Institutions for Serving a Prison Sentence'. The Department also executes compliance detention for all men from the Slovenian Littoral and Upper Carniola regions.

The capacity of the Department did not change from the last visit, namely, 32 persons, of whom 16 are located at the department for convicted persons (of which four beds are located at the semi-open department for executing compliance detention) and 16 at the detention department. According to the list, there were 26 prisoners at the Department at the time of our visit, namely, 12 detainees, 12 convicts (four in the closed, five in the semi-open and three in the open department), and two persons in compliance detention. The Head of the Department explained that one convict serves the prison sentence in an alternative manner; namely, during the week he is at home and goes to work, while during the weekend he comes to the Department for the serving of his prison sentence and is sent to the open department. According to the position of the Head Office of the Prison Administration (hereinafter, the Office), the available capacities are adequate at the moment, because only rarely does it occur that they are 100% occupied.

The rooms intended for the prisoners were clean and tidy at the time of the visit. Regardless, material conditions for the prisoners are still poor. With the exception of regular maintenance work (painting of living quarters, façade, doors and windows bars), nothing else was improved in the past years. The Office fully agreed with this finding, but it also added that it is an indisputable fact that the management of the Department strives, within real possibilities, to improve the living conditions. In principle, we agree because during this visit we

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determined, among others, that the arrangement of serving a prison sentence somewhat improved for the convicts of the closed department because the door of their living quarters is always unlocked even at night, thus, they have access to sanitary facilities outside the living quarters and may socialise with the convicts of the semi-open department.

In the room at the closed department and in two rooms at the semi-open department, there were no curtains for dimming the room or at least somewhat preventing the heating of the room in the summer months. We proposed that appropriate curtains are fitted and, according to the Office, the Department will soon implement this proposal. During the inspection of the single room at the semi-open department, we also noticed that there are no windows but only a large glass door with metal bars attached from the external side and ground glass over it almost to the top, so that the opening through which fresh air may enter the room measures only 20cm. Relating to our proposal that the possibilities for extending the ventilation opening be examined or some other solution for larger inflow of fresh air into the room found, the Office explained that it must be studied, whether this would reduce the safety of the Department and whether a potential enlargement of the window would require major construction works which are not part of the maintenance works. With regard to the fact that the Prison Administration of the Republic of Slovenia rents the department buildings and that the owner of these buildings is the Municipality of Nova Gorica, it is not clear whether the owner would even allow the construction works or be prepared to pay them.

This time, too, we determined that the rooms of the semi-open and closed departments still contain too much inventory (bunks and cabinets) than the number of convicts in the rooms. Consequently, the rooms felt even more overcrowded. This time, too, we proposed that the Department remove the redundant inventory from these living quarters. In its response report, the Office stated that the Department already removed two bunks at the semi-open department and, thus, helped to reduce the feeling of overcrowdedness.

The living conditions for the detainees have also not significantly changed or improved since the last visit. However, we did commend at least that the rooms were repainted and the shelves for TVs and tables were provided and, in particular, that the call bells were installed enabling an easier and faster contact with the duty prison guard. The Office, too, admitted that the conditions in the Department were poor; however, the department's personnel is doing everything in their power to maintain the order and cleanliness of the rooms, which is why the detainees do not complain about it. We agree, even though these are still one of the worst (material) living conditions for detention in the Republic of Slovenia.

At the time of the visit 10 convicts and two detainees were working. The Department still tries to provide work for all convicts who want to work and are capable of working, partly available also to those detainees without any health restrictions. The Head of the Department added that an increased number of orders was recorded, meaning that in the future even more prisoners will most likely have the opportunity to work. We commended this and encouraged the Department to continue to do so in the future, too. At the JGZ Emboplast workshop, products from plastics are still being made. We received several complaints regarding the temperature regulation of the workshop (heating in the cold months and cooling in the summer months). The conditions for the employed instructor are poor as well who, despite all the dust and dirt in the workshops, cannot take a shower. Therefore, we proposed that the options of installing a device providing appropriate cooling and heating and the possibility of providing a suitable room for the instructors to maintain their personal hygiene after work be examined. Relating to this, the Office replied that it would try to solve the difficulties with the heating and cooling of the workshops as soon as possible and according to the available funds, while our second proposal could not be implemented due to the existing spatial possibilities.

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The possibilities of providing education for the prisoners at the Department are promising, particularly with regard to the findings during our visit last year. The Office also confirmed that in the past year the Department invested a lot of effort in motivating the convicts to participate in various forms of education. It connected with the People's University of Nova Gorica, with which it tries to find a possibility of formal or informal education for every prisoner adapted to the individual's needs. The professional worker presents various possibilities for education already during the admission interview. We also commended that this year the Department enabled education at the Technical School Centre Nova Gorica to one of the convicts during his serving of the prison sentence. The need to provide the option of education is also evident in the fact that at the time of our visit seven convicts participated in various types of education and one detainee participated in primary school education.

The Department still does not have a room which would enable the prisoners recreation during bad weather. An attempt was made by installing a punchbag in the workshop's room of the semi-open department; however, it was later determined that the construction was unsuitable. The Office stated as well that such a room would be quite beneficial and of great importance for the prisoners' needs; however, the existing spatial conditions do not allow for the installation of fitness equipment into one of the Department's rooms. The operating conditions for the recreation room would only be adequately provided by major construction works, which cannot be implemented due to the facts that the Prison Administration is not the owner of these buildings and that there are not enough funds available.

The Department still provides two hours in the outside recreation area, but only for the convicts of the open and (partly) semi-open departments and the persons in compliance detention. This area also enables sports activities (e.g. ball games). A guard accompanies the convicts to the outside recreation area; contrary to the last year, it was determined that the doors to the recreation area are now being locked during the recreation time. Only an interior exercise area is available to the detainees and the convicts of the closed and (partly) semi-open departments which is, according to our assessment, completely inappropriate and which remained unchanged with regard to the findings of the last visit.

The premises for visits did not change.

The use of the telephone for particular departments is determined by the house rules (open department - every day between 7.30 PM and 8.30 PM and on Fridays between 10 AM and 11 AM; semi-open department – Tuesday, Wednesday, Thursday and Saturday between 6.30 PM and 8 PM and on Wednesdays between 10 AM and 11 AM; the convicts at the semi-open department who work in the morning may use the telephone between 9 AM and 10 AM; closed department – Monday and Friday between 6.30 PM and 7.30 PM and on Wednesdays between 10 AM and 11 AM). The Head of the Department explained that the prisoners of the semi-open and closed departments may also use the telephone on Saturdays and Sundays between 6.30 PM and 7.30 PM. The detainees may use the telephone on Wednesdays between 3 PM and 5 PM and on Mondays between 9 AM and 11 AM, while the convicts who work may use the telephone also on Saturdays and Sundays between 3 and 5 PM. In addition, all prisoners and detainees may also use the telephone outside the schedule if absolutely necessary (calls to various institutions or emergency calls to the family), which we welcomed.

The situation of the personnel employed at the Department somewhat improved in the last year. In addition to the Head of the Department, a social worker and an instructor at the workshop, there were 16 prison guards employed at the time of our visit and one was in the process of being employed. Their presence at the Department has remained unchanged since the last visit. Only two prison guards, one at the entrance and the other in the detainment premises, are present outside regular working hours (in the afternoon, at night

and on public holidays). We pointed out again that the presence of just two prison guards in the shift may (at least) present a danger that an efficient and quick action in case of an unforeseen event, which may pose a threat to the life and health of the prisoners or to the safety, will not be possible. Thus, the Office stated that it was aware of the fact that two prison guards do not provide for the adequate security at night, particularly relating to the appropriate safety of the personnel. The goal is that all separately located departments, of which part is also the detention, would have an adequate number of personnel, so that three prison guards would be available at night, in addition to fulfilling all regular duties. However, the decision on increasing the number of staff is under the authority of the Slovenian Government.

The Department still does not have a regularly employed nurse, neither a pedagogue nor a psychologist. The Office also agreed that their participation in the treatment of the prisoners would be without doubt sensible. Therefore, the employed social worker is responsible for all professional areas (education and free time, treatment of addiction, treatment of suicidal prisoners, treatment of sexual delinquents, postpenal treatment, etc.).

We did not determine the circumstances that would point to the excessive use of coercive means. The examples of their use are recorded in a special book. During the interviews, we did not receive any such complaints from the prisoners and, in 2009, only one case of their use was recorded to the day of our visit. In the same period, no disciplinary procedure was implemented.

In the single case of isolation in a special room, the isolation lasted only for a minimum required time, around 30 minutes, which also involved handcuffs on arms and legs. In inspecting this room it was determined that the room was under video surveillance and that there was no inventory that the person placed in this room could use for self-harm; however, since the walls and the doors are not padded, it is our assessment that the room is not suitable for the purpose for which it is being used. Thus, we proposed that the mentioned room not be used until the walls and the doors are appropriately protected at least in the case of placing a person in this room who poses a threat to himself. The Office replied in an explanation that the room was used very rarely and for a short time, and if a prisoner is placed in it, a prison guard continuously supervises him, thus completely eliminating the threat of self-injury. In addition, the Office's position is that, under the existing conditions, the prison guards have the possibility and the objective to prevent self-harm by using coercive measures, i.e. handcuffing. Relating to the fact that the room is also under video surveillance, a prison guard may act immediately. Based on the aforementioned reasons, the Office does not see the need to discontinue using this room until it is rearranged. The rearrangement of this room will be placed in the major maintenance plan and the implementation will depend on the available funds.

It should be mentioned that the work of the employees at the Department must be commended again, because we did not hear any complaints from the prisoners due to inappropriate treatment by the employees and, during the visit, we noticed that the atmosphere was pretty relaxed. Worthy of praise is also the fact that the Head of the Department is always available to the prisoners to talk. It is particularly encouraging that, even though the prisoners were transferred to the Department to serve the prison sentence from other institutions with better living conditions, they told us that, if they had to choose, they would not return to the previous institution precisely because of the correct attitude of the employees, despite the worse living conditions at the Department.

There were no complaints relating to the unavailability or (poor) quality of healthcare at the Department at the time of the visit. It is provided by the Nova Gorica Health Centre. Specialist examinations for the prisoners are provided at the Šempeter pri Gorici Hospital as

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well as at the Idrija Psychiatric Hospital. A general practitioner visits on Mondays and Thursdays and stays as necessary. The nurse collects the requests for an appointment with the general practitioner. She visits based on a contract from Monday to Friday for two hours a day and, among others, also prepares a therapy for the prisoners still administered by the prison guards. We pointed out again that that was not their job. The Office agrees as well and, like the Ombudsman, believes that the solution to this problem is to employ a nurse at the Department. A psychiatrist visits when required based on the request of the prisoners or usually once a week. A dentist for the prisoners is also available at the aforementioned health centre.

Issues related to narcotic drug abuse were recorded by three convicts and four detainees at the Department. One convict and two detainees were treated with the Suboxone medicinal product, and the others participated in methadone therapy. With regard to the treatment of addictions, the Department collaborates with the outpatient clinic for the treatment of drug addiction, which implements a "low-threshold programme". To this end, their psychiatrist visits the Department.

During the visit, we received no complaints from the prisoners relating to the food. The Department does not have its own kitchen, therefore, breakfast, lunch and dinner are provided by the residence hall for students based on a contract. As at the time of the last visit, the Department still enables the prisoners to make purchases, after prior order, through an external supplier, namely, on Mondays and Thursdays at 3 PM.

The Department does not have a special room intended as a library. The books were well organised, marked and stored in the social worker's office. The prisoners may choose a book from a list and the social worker delivers it to them. In addition to books, all required legislation is also available at the social worker's office.