

## NATIONAL PREVENTIVE MECHANISM

- visit to -

### LJUBLJANA PRISON NOVO MESTO DEPARTMENT

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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 of the Republic of Slovenia (hereinafter: Ombudsman), together with a representative of a contractual non-governmental organisation, the Legal Information Centre for NGOs (PIC), under the tasks and authorisations of the National Preventive Mechanism (hereinafter: NPM), in accordance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, visited the Novo mesto Department of Ljubljana Prison (hereinafter: NM Department or Department), without prior notice, on 21 October 2010. The previous visit of the NPM to this location took place on 26 May 2009.

The delegation was received by the Department manager and an educationalist. The visit took place between 8.20 and 13.00 hours. During this time the opening interview with the manager and the educationalist was carried out, living and some other units (library, surgery, bathroom and laundry room, store room...) were inspected and discussions were held with all prisoners who wished to have a discussion at that time; the visit concluded with a final interview with the manager and the educationalist.

The official capacity of the NM Department (35 persons) was exceeded this time, too. There were 23 detainees, 18 convicts and four persons serving imprisonment for the enforcement of fines - 45 persons in total (in 2010, until the day of our visit, there had been 57 convicts, 105 detainees and 203 persons serving imprisonment for the enforcement of fines). The comment of the Head Office of the Prison Administration of the Republic of Slovenia (HO PARS) was that the number exceeding the official capacity only by four imprisoned persons did not significantly affect the overcrowding, especially as the NM Department, acting in cooperation with the Office, immediately initiates the procedure for the transfer of detainees to other prisons or departments

when official capacities have been exceeded (21 detainees were transferred to other prisons by 21 October 2010). In principle, the NPM agrees that the overcrowding of the capacities of the NM Department may be tackled through transfers; however, the information that the official capacities had been exceeded by four imprisoned persons was in fact incorrect, as the precise number was 10.

Since the previous year's visit of the NPM, wooden bunk beds had been installed in the larger rooms of the detention tract. The interviews with detainees placed in these rooms, too, confirmed that this was a welcome improvement (i.e. no complaints concerning the furniture or equipment were made, quite the opposite). In one of the rooms (room number 6), however, detainees complained that the Department was infested with cockroaches and that they were often spotted in the room, too (they had been supposedly found in beds, wardrobes and similar). Although the manager clarified in the final interview that the Novo mesto health care institute had carried out the disinsectisation in August and September, we proposed, based on the mentioned allegations of detainees, that the situation should be re-examined and the nuisance finally eliminated, if necessary. The HO PARS confirmed that cockroaches had really appeared in the Department in August 2010, but the Department had implemented necessary measures as it immediately notified the Novo mesto health care institute which carried out the disinsectisation on 28 August and 18 September 2010; the NM Department accordingly notified the Office on 2 September 2010. The latter specially stressed that the Novo mesto health care institute had established that cockroaches had been most likely brought to the NM Department by one of imprisoned persons in his luggage or clothes, but we are of the opinion that these circumstances are not crucial; what is significant is that the mentioned nuisance should be/has been eliminated and this was the only reason why we highlighted the matter.

In the course of our visit, the manager explained that the planned painting of the premises within the Department had not yet been carried out because it had been impossible to find alternative accommodation for the imprisoned persons; the painting was supposed to take place the following week and be carried out by three convicts together with an instructor. The NPM welcomed this and expressed its expectations that the plans would be implemented. Apart from the improvement of the actual living conditions, this constitutes a possibility for the constructive activities of convicts in the period which they must spend in prison, and as a consequence, a form of their positive contribution.

In convict room no. 4 we noticed that two beds had been placed one beside the other and that a kind of 'conjugal bed' had been arranged in this shared bedroom. At the time it was used by a single convict, but the educationalist later explained that the convict used it with another convict. The NPM thinks that, even in the event of

consent of both persons involved, and especially in the event of its absence, imprisoned persons should not be allowed to set up such 'conjugal beds' or freely rearrange the furniture in shared bedrooms provided upon placement. In addition, Article 29 of the Rules on implementation of the sentence of imprisonment provides that "Each convict shall have his or her own bed...", while Article 12 of the House Rules of Ljubljana Prison (whose provisions shall apply mutatis mutandis to the NM Department) provides that a convict shall be "...allocated a room, a bed and a wardrobe". The HO PARS stated in its response report "that the mentioned room really contained three beds and the two convicts placed in it slept in separate beds; one of them placed an empty bed by his bed with the intention to prevent falling from the bed." We shall not attempt to address the explanation; what matters is that the personnel of the NM Department supposedly observed our warning and ordered the convict to place the empty bed where it belongs. The Office added a general remark that, according to the available information, the staff at the NM Department prohibit imprisoned persons to set up beds or freely rearrange the furniture in rooms with multiple beds; imprisoned persons are allocated their rooms, beds and wardrobes very clearly.

In 2010, until the day of our visit, there had been a case of a placement of an imprisoned person – detainee in an isolation unit, for about three hours. In spite of last year's clarifications of the HO PARS that the renovation of this room is not treated as a priority due to the lack of financial resources, especially as it is not used frequently, the NPM repeats that in view of the still existing conditions (bare walls, wooden bed with sharp edges...) and in view of its intended use, it considers the risk of self-injury (too) high. The Office again clarified that the equipment had not been replaced solely because of the absence of sufficient financial resources and added that the NM staff, when placing imprisoned persons in the special room, ensured the safety from potential injuries by constant video surveillance and additional implementation of direct physical supervision as part of self-injury prevention.

Similarly, there have not been any changes as to the re(arrangement) of the parking lot in front of the building and a part of the land bordering on the river Krka (acquisition of external areas for recreation, sports, walks and visits outside the Department) mentioned in the last year's response report by the HO PARS. In view of the grounds stated in the report – the lack of financial resources – we presumed that these grounds remained the same. And indeed the response report of the Office confirmed our supposition that the implementation of this project was prevented by the lack of financial resources, which can only be provided from the national budget of the Republic of Slovenia.

The clarifications of the HO PARS in the last year's response report that the organisation of daily showering was more difficult to set up for detainees than for convicts because considerable financial resources would be necessary for the installation of shower cabins and plumbing in the detention facilities, were also taken into account at this opportunity. The NPM may, to a certain extent, agree with the position that detainees have sufficient access to basic hygiene by being able to shower three times a week. Nevertheless, the interviews conducted with the detainees again revealed that this was one of the essential as well as most frequent complaints made by them. In addition, detainees in room 6 pointed out that on some days, they were only given an opportunity to shower just before the two-hour activities in the open. Due to considerable physical activity the effect of the shower is, understandably, much weaker than otherwise. Our remark was that the last year's response report of the HO PARS stated that information revealed that the great majority of detainees (also) participated in sports activities. Generally aware that it was unrealistic to expect building interventions mentioned by the Office last year, we proposed the introduction of a showering schedule for detainees enabling individual detainees or rooms at least showering after the stay in the open; it would be even better, of course, if showering could be provided to detainees more times a week than now.

Therefore it was encouraging to read in this year's response report of the HO PARS that the NM Department has, since 1 December 2009, enabled detainees to have a shower four times a week and before specialist examinations at the surgery outside the prison and before attending interrogations or court hearings. The Office added that the NPM proposal on the introduction of a showering schedule for detainees after the stay in the open had been largely implemented; only in events when objective reasons prevent the showering of all detainees after completed physical activities, does showering supposedly take place prior to the stay in the open.

A postbox for submitting forms has been placed in the corridor of the convict tract. It is locked and convicts may put their request forms in it. The NPM evaluates such an arrangement as good because it enables a much higher level of discretion than submission of request forms here or there within the rooms themselves. The latter was established in the detention section, where there is no postbox in the corridor; instead, envelopes have been placed on the inside of the door of the living quarters and detainees may submit their request forms there. Thus our proposal was that a similar postbox should be placed in the detention section of the Department like in the convict tract, for the stated reason. This was additionally supported by the clarification that the Ombudsman, when implementing the rights under the Human Rights Ombudsman Act, had already addressed a case when a detainee was prevented from submitting request forms by his fellow detainees who destroyed the

forms in the room, which caused almost tragic consequences for the detainee concerned. Unfortunately, the HO PARS provided the clarification that the proposed solution was difficult to implement with detainees. This was supported by the clarification that the movement of detainees in the corridor was limited, so forms could not be submitted to the postbox at all times; on the other hand, detainees had the opportunity to submit their mail as well as forms for interviews with the prison staff to a judicial police officer upon the morning count; the mail subject to time limits could be submitted any time. The mentioned proposal of the NPM will thus obviously not be realised, although it should not cause any considerable expenses or other major problems. As assured by the Office, the NM Department, following our inspection, again drew the detainees' attention to the described possibilities of submitting mail or application forms.

On the day of our visit, one of the convicts was working as a caretaker, one as a washer, one was carrying out installation works, and one was about to start employment outside the prison. The manager added that the agreement had been concluded with Golovec public service agency on the basis of which the work in two groups of three convicts would begin on the following Monday, each of the groups assembling small elements for three hours. Considering the situation in the Department (which, for example, does not have a workshop as such), as well as the current general economic situation, we welcomed the fact that convicts were enabled to work, with the expectations that the Prison would continue its efforts to find work for convicts. On the basis of the same circumstances, the NPM accepts the manager's clarifications that work for detainees and persons serving imprisonment for the enforcement of fines in the NM Department was not to be expected realistically, at least not in a foreseeable period. Nevertheless, we stressed that two of the detainees in detention room no. 7 had complained about the lack of opportunity to work.

On the other hand, it is precisely such circumstances that stress the existing need for the organisation of some other possibilities, especially therapeutic workshops. In its response reports concerning the NPM visits, the HO PARS repeatedly clarified that one of the conclusions of the consultation held in October 2008 and focused on the issue of work of imprisoned persons was that other options (service units, therapeutic workshops) would have to be found besides the existing public service agencies. Last but not least, the presentation of Ljubljana Prison, NOVO MESTO DEPARTMENT, found on the official website of the Ministry of Justice or PARS, states under the economic activities that, in view of the structure of imprisoned persons, "it is necessary to organise therapeutic workshops for the training of imprisoned persons with low employment prospects". Likewise, the Office wrote in its response report on the NPM visit to the Department in 2008 that "it seriously



considers and seeks new forms and approaches in providing work for imprisoned persons (service units, therapeutic workshops...).". Recently, the reply of the Minister of Justice No. 001-62/2010/4 of 19 August 2010 to one of the deputy's questions concerning the importance of work for the enforcement of penal sanctions contained the following statements: "The largest share, about 60 per cent of jobs, is provided by public service agencies (PSA's) operating on the market as business entities. Due to the economic crisis, which the PSA's could not avoid, the employment options in this field are being reduced. The options of employment by external employers are being reduced similarly. Other fields (house works, therapeutic workshops) are not directly influenced by market conditions, so the Prison Administration of the Republic of Slovenia (hereinafter: the Administration) makes efforts to ensure that the maximum amount of house works is done by the imprisoned persons themselves, which enables these persons to work and reduces the costs of prisons (own kitchens, laundries, various maintenance works, etc.)." On this opportunity, the NPM requested a clarification of which specific activities enabling work in therapeutic workshops had been undertaken from the end of 2008 to that moment.

The HO PARS fully agreed with our findings regarding the need to provide therapeutic work for convicts, especially as regards imprisoned persons with low employment prospects; in general, therapeutic workshops were introduced in the system six years ago, they are organised in Dob Prison where a work therapist has been employed to this end and appropriate facilities have been provided, too (at the moment, the work therapy is attended by about 60 convicts sentenced to three to seven years). In the Office's opinion, too, it is important that the work therapy is integrated into the employment system in prisons, i.e. that the most successful workers get an opportunity to be promoted to house works or even become employed by the PSA's.

In the NM Department convicts are generally serving shorter sentences, but the HO PARS is nevertheless aware that these convicts should be appropriately occupied, too; unfortunately, the reality of the current economic situation which will, as expected by the Office, reflect also in the field of staffing, does not allow for optimistic plans; and anyway, the NM Department should be strengthened in terms of staff in order to organise and implement therapeutic workshops. The Department has cellar facilities which could be suitable with proper renovation, but this would require considerable financial resources. The Office concluded by assurance that it would continue to provide imprisoned persons as many work opportunities as possible; thus the furniture for the newly built facilities at Dob, which can be made within their own production capacities, would be manufactured in the framework of the PSA's.

Meals are still delivered to the NM Department by the Sodexo prehrana in storitve d.o.o. company on a contractual basis. Detainees (who have all meals delivered to their rooms) did not have any complaints, they even expressed some commendations about the quality of food. On the other hand, the discussions with convicts as well as the book of comments and complaints in the Prison dining hall (where convicts and persons serving imprisonment for the enforcement of fines eat) revealed some criticism, especially as regards the (bad) taste of served food. In connection with this, the inspection of menus and the fact that most imprisoned persons did not complain about the food led to the conclusion that the criticism was based on too high expectations rather than on objective reality. The HO PARS fully agreed with us in this respect and expressed its opinion that the organisation of food for imprisoned persons in the NM Department was optimal; both the company delivering the food and the Department monitor the temperature of the prepared food daily; menus are displayed on the notice board and imprisoned persons have at their disposal the books of comments and complaints, where complaints are rare and even those allegedly unfounded.

As regards health care, no complaints were made by imprisoned persons. A general practitioner still visits the prison on Mondays and Thursdays and a psychiatrist comes once every 14 days. At the time of our visit, two detainees and one convict were undergoing methadone therapy.

Since the previous year, the Department staff increased by two judicial police officers (16 in total). Another educationalist has been employed, too. Two education groups have been organised since 1 January 2010.

The manager explained that the number of extra working hours performed by judicial police officers had reduced in comparison with the previous year, and that the situation in this respect was not as critical as shortly before that. According to the data provided by her, 613 escorted visits had been carried out in the Department until the day of our visit.