



REPUBLIC OF
SLOVENIA



HUMAN
RIGHTS
OMBUDSMAN

THE REPORT

OF THE HUMAN RIGHTS OMBUDSMAN
OF THE REPUBLIC OF SLOVENIA

ON IMPLEMENTING THE TASKS OF THE NATIONAL PREVENTIVE MECHANISM

UNDER THE OPTIONAL PROTOCOL TO THE
UN CONVENTION AGAINST TORTURE
AND OTHER CRUEL, INHUMAN
OR DEGRADING TREATMENT OR
PUNISHMENT

FOR 2021

2021



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YEAR 2021**

Ljubljana, June 2022



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1. IMPLEMENTATION OF TASKS AND AUTHORISATIONS OF THE NATIONAL PREVENTIVE MECHANISM IN 2021

1.1 GENERAL

In this document, the Ombudsman of the Republic of Slovenia (hereinafter referred to as: the Ombudsman) reports on the implementation of the duties and powers of the National Preventive Mechanism (NPM) in 2021 under the **Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (Optional Protocol), adopted by the United Nations General Assembly at its 57th session on 18 December 2002 and opened for signature and ratification from 4 February 2003.¹ **The Optional Protocol establishes a system of regular (preventive) on-site visits by independent international and national authorities to places where people are deprived of their liberty,² to prevent torture and other cruel, inhuman or degrading treatment or punishment.³** At the international level, the Optional Protocol establishes the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (CAT), and obliges each State Party to the Protocol to **establish, designate and maintain at the national level a visiting body or bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (NPM).**⁴

Each NPM is responsible for visiting all places of deprivation of liberty in the country and for checking the treatment of persons deprived of their liberty, with a view to strengthening their protection against torture and other cruel, inhuman or degrading treatment or punishment. Taking into account legal standards, NPM recommends to the relevant authorities how to improve the situation and treatment of persons and prevent torture and other cruel, inhuman, degrading treatment or punishment. With regard to this, they can provide suggestions and comments on applicable and proposed laws.⁵

In 2006, the Act on the Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) entrusted the Ombudsman with additional duties and powers⁶. We are convinced that this was due to the Ombudsman's constant attention to the petitions of persons deprived of their liberty and his preventive role in this field through their established and

1 For Slovenia, the Optional Protocol entered into force on 22 February 2007 – see Official Gazette of the Republic of Slovenia No. 17/07, IT No. 3/07.

2 The place of deprivation of liberty is set out in Article 4 of the Optional Protocol.

3 See Article 1 of the Optional Protocol.

4 In Article 17, the Optional Protocol stipulates the following: “Each State Party shall maintain, designate or establish, one year after the entry into force of the present Protocol or of its ratification or accession at the latest, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralised units may be designated as national preventive mechanisms for the purposes of the present Protocol, if they are in conformity with its provisions.”

5 See Article 19 of the Optional Protocol.

well-developed modus operandi of visiting places where persons deprived of their liberty are located. In addition, with regard to this, their independence (functional, personal and financial), which is guaranteed by the Constitution and the Human Rights Ombudsman Act, was certainly of relevance.

By being entrusted with the duties and powers of the NPM, the Ombudsman has become an integral part of the universally applicable system under the auspices of the United Nations that implements at international and national level an (additional) mechanism for the prevention of torture and other forms of ill-treatment of persons deprived of their liberty. **This is based mainly on regular visits to places of deprivation of liberty.** These preventive visits are intended to stop torture or other ill-treatment before it occurs.

Since 2015, a special NPM unit that does not deal with individual petitions but only visits places of deprivation of liberty and carries out other duties of the NPM has been operating within the scope of the Ombudsman's function.

This has ensured the separation of the two activities of the Ombudsman, i.e. preventive, which is carried out by the NPM, and responsive, which deals with the initiatives received. The need for such a separation is explicitly underlined in item 32 of the Guidelines on National Preventive Mechanisms (SPT)⁷ adopted at the Twelfth Session in Geneva that took place from 15 to 19 November 2010. It stipulates that where the authority responsible for the NPM carries out duties other than those under the Optional Protocol, the NPM's duties must be carried out within a separate unit or department that has its own staff and a separate budget. The exercise of the NPM's duties and powers is thus much more organised and therefore more efficient. Better organisation of the work also allows for better preparation, execution and reporting on each individual visit.

The operation of a special internal organisational unit of the Ombudsman that only carries out the duties and powers of the NPM, was also stipulated in 2017 in Article 50c of the Act Amending the Human Rights Ombudsman Act (ZvarCP-B)⁸ Furthermore, it also stipulated that the NPM be headed by a Deputy Ombudsman, who is authorised by the Ombudsman for a specific period of time.

In 2021, in addition to the Deputy Ombudsman and the Head of the NPM, Ivan Šelih, the following advisers to the Ombudsman continued to work in the NPM unit: Robert Gačnik, Bachelor of Criminal Justice and Security, Specialist in Criminal Investigation (responsible for visits to prisons, police stations, the centres for foreigners and the asylum centre), Jure Markič, MA, LLB (responsible for visits to social welfare institutions and psychiatric hospitals), and Ana Polutnik, LLB (responsible for visits to competence centres for children and adolescents (educational/correctional institutes) and other places where children are deprived of their liberty). In the second half of 2021, Sonja Božič Testen, LLB, joined the unit as a new member, and is also active mainly in the field of visits to places of deprivation of liberty of children and adults with developmental and physical disabilities.

6 Official Gazette of the Republic of Slovenia, No. 114/06 – International Treaties, No. 20/06.

7 Available at <http://www.ohchr.org/EN/HRBodies/OPCAT/Pages/NationalPreventiveMechanisms.aspx>.

8 Official Gazette of the Republic of Slovenia, No. 54/17.

1.2

COOPERATION WITH NGOS

Article 5 of the OPCAT stipulates that the Ombudsman shall exercise the functions and powers of the NPM. In addition, non-governmental organisations (NGOs) registered in Slovenia and organisations that have acquired the status of humanitarian organisations in Slovenia and are engaged in the protection of human rights or fundamental freedoms, in particular in the field of the prevention of torture and other cruel, inhuman or degrading treatment or punishment, may cooperate with the Ombudsman in carrying out controls at places of deprivation of liberty and in verifying the treatment of persons deprived of their liberty. The Ombudsman selects these organisations to carry out visits with them on the basis of an invitation to tender. The cooperation with the selected NGOs is governed in more detail by agreements.

The OPCAT also stipulates that persons from the selected organisations who are to participate in the performance of the NPM's tasks and powers must declare in writing in advance that they will act in accordance with the Ombudsman's instructions and the rules on the protection of personal and classified information in the performance of those tasks and powers, in the same way as the Ombudsman, his deputies and the Ombudsman's staff.

The OPCAT also stipulates that funds for expenses and remuneration of persons from organisations which, together with the Ombudsman, carry out the tasks or exercise the powers of the NPM, will be paid by the Ombudsman from their budget items in accordance with the rules issued by the Ombudsman after the prior approval of the Minister of Finance.⁹

Based on an invitation to tender¹⁰ the following NGOs were selected in early 2019 to participate for a period until 31 December 2021, with the option of renewal for one year:¹¹ Novi paradoks – Slovenian Society for Quality of Life (NP), Pravo za VSE Society (Pravo za VSE), Caritas Slovenia (Caritas), SKUP – Community of Private Institutions (SKUP), PIC – the Legal Information Centre for NGOs, Ljubljana (PIC), Peace Institute Ljubljana (MI), The Slovenian Federation of Pensioners' Associations (ZDUS), Spominčica – Alzheimer Slovenia – Slovenian Association for Help with Dementia (Spominčica) in Slovenian Foundation for UNICEF, an institution (UNICEF). With the exception of Caritas (due to staffing problems), we continued to work with all selected NGOs in 2021.

The selected NGOs carry out the tasks and mandates of the visits with their own representatives, qualified in the specific fields of monitoring, who participate as members of a team appointed by the Ombudsman for each individual visit. Each monitoring team shall thus be composed of representatives of the Ombudsman and of the selected organisations, taking into account the programme of visits adopted for this purpose by the Ombudsman in cooperation with the selected organisations, and, where appropriate, other circumstances that would make an immediate visit necessary.

⁹ The currently applicable Regulation was published in the Official Gazette of the Republic of Slovenia, No. 13/17.

¹⁰ It was published in the Official Gazette of the Republic of Slovenia, No. 84/18.

¹¹ We list the currently valid names of the organisations.

1.3

VISITS TO PLACES OF DEPRIVATION OF LIBERTY

The Ombudsman, in his capacity as NPM, visits (in accordance with the annual programme of visits) all places of deprivation of liberty in Slovenia, thereby checking the treatment of persons deprived of their liberty, with a view to strengthening their protection against torture and other cruel, inhuman or degrading treatment or punishment. Taking into account legal standards, NPM issues recommendations to the competent authorities on how to improve the situation and treatment of persons and prevent torture and other cruel, inhuman, degrading treatment or punishment. In relation to this they also make suggestions and comments on applicable or proposed laws, as stipulated in the Optional Protocol.

The main places of deprivation of liberty in Slovenia include the following:

- prisons with all their units and the Radeče Correctional Home,
- competence centres for children and adolescents with emotional and behavioural problems and disorders (CC) or educational institutions (EI),
- crisis centres for children and adolescents (CC),
- certain social welfare institutions (SWIs) – old people's homes and special social welfare institutions, as well as centres for training, work and care (CUDV) and occupational activity centres (OAC),
- psychiatric hospitals (PH),
- police detention and holding facilities at police stations (PS) and the Ljubljana Detention Centre,
- the Centre for Foreigners in Postojna (CT) and the Asylum Centre in Ljubljana with its branches (particularly reception areas),
- detention facilities with the Slovenian Armed Forces and
- all other places under Article 4 of the Optional Protocol (e.g. police intervention vehicles, etc.).

1.3.1 Visits in 2021

In 2021, we visited 60 places of deprivation of liberty, namely 21 PS, 12 SWI (old people's homes), 10 different locations of competence centres for children and adolescents (CC), 4 prisons and correctional homes (CH), 3 special SWI, 3 PH, 3 crisis centres for children and adolescents, the Centre for Training, Work and Care (CUDV) and the reception areas of the Asylum Home in the Logatec branch and the reception areas of the Asylum Home in Ljubljana. All but two visits (one to the prison) and one to the Centre for Training, Work and Care (CUDV) were **unannounced**. Ten visits were follow-up visits

(mainly to check that the NPM's recommendations from previous visits had been implemented).

We have made slightly more visits compared to 2020. However, in 2021, we have also adapted our visits to the pandemic of the infectious disease covid-19, following the measures we have taken to prevent the spread of this disease. We continued to follow the principle of »do no harm«, as we wanted to take all precautionary measures in a precarious situation, both for the members of the NPM and in relation to the persons and staff of the closed institutions. We have also taken into account the advice of the SPT to States Parties and national preventive mechanisms on the coronavirus pandemic (covid-19 disease).¹²

Also in 2021, a number of measures had to be taken to protect the health and safety of persons deprived of their liberty in order to control viral infection and prevent the infectious disease covid-19. Already in 2020, the Ombudsman warned that this should be approached in a way that respects human rights and fundamental freedoms, as this is a particularly vulnerable group. Any restriction on their rights must be carefully considered, proportionate, lawful and, of course, time-limited and regularly reviewed. It is encouraging that, in addition to restrictive measures to contain and control coronavirus disease in closed institutions (such as the ban on outside visits), some measures to alleviate the hardship of prisoners (such as more telephone options, video calling, interruptions of sentences for convicted prisoners, etc.) have also been taken in 2021 (e.g. more telephone options, video calls, etc.).

In addition to visits to closed institutions, we have also been closely monitoring the situation in closed institutions and the measures taken to prevent the spread of coronavirus disease, in the context of addressing broader issues, as we are aware that persons deprived of their liberty are particularly vulnerable and helpless. For example, we addressed the problem of overcrowding in some prisons, dissatisfaction with the food in Ljubljana Prison, poor living conditions (due to high summer temperatures) in Koper Prison, the issue of using technical solutions to locate a resident of an old people's home in case he/she gets lost, and the issue of restrictions on staying in the reception rooms in the branch of the Asylum Home in Logatec.

Details of the visits in 2021 are shown in the following table.

¹² Advice of the Subcommittee to States parties and national preventive mechanisms relating to the coronavirus disease (COVID-19) pandemic - CAT/OP/10; in Slovene translation in annex.

General information on visits in 2021:

	POLICE STATIONS + DETENTION CENTRE	PENAL INSTITUTIONS + RADEČE CORRECTIONAL HOME	ASYLUM CENTRE	PSYCHIATRIC HOSPITALS (INCLUDING A UNIT FOR FORENSIC PSYCHIATRY)	SPECIAL SOCIAL CARE INSTITUTIONS	OLD PEOPLE'S HOMES	COMPETENCE CENTRES FOR CHILDREN AND YOUNG PEOPLE	CRISIS CENTRES FOR CHILDREN AND YOUNG PEOPLE	CUDV	TOTAL
No. of VISITS	21	5	2	3	3	12	10	3	1	60
No. of ONE-DAY VISITS	21	3	2	3	3	12	10	3	1	58
No. of TWO-DAY OR LONGER VISITS		2								
ANNOUNCED VISITS		1							1	2
UNANNOUNCED VISITS	21	4	2	3	3	12	10	3		58
REGULAR VISITS	21	5	2	2	2	4	10	3	1	50
FOLLOW-UP VISITS				1	1	8				10
IN THE MORNING	21	5	2	3	3	12	1	3	1	51
IN THE AFTER- NOON							9			9

The Ombudsman involves experts with the broadest possible range of recommended specific skills in the exercise of the NPM's tasks and powers. As the selected NGOs are not able to provide some other relevant experts, and the Ombudsman does not have a person with a health care background on its staff, we had to select some of the missing experts from outside. Following a public notice inviting applications for inclusion on the list of medical experts who will provide the Ombudsman with expert assistance in establishing, clarifying or assessing facts that might indicate cases of torture and other cruel, inhuman or degrading treatment or punishment, in 2021, we selected five medical experts (three specialists in psychiatry, a specialist in general surgery and a specialist in orthopaedics) to support the Ombudsman in his visits to places where persons are deprived of their liberty, with the necessary expertise that the Ombudsman does not have. We have also included them in some of our visits in 2021.

The NPM prepares a comprehensive (final) report on the findings of each visit to the institution visited. This report also contains proposals and recommendations to remedy and improve the situation, including measures to reduce the likelihood of future irregularities or shortcomings.

The Ombudsman's representatives and representatives of the selected NGOs are involved in the preparation of the report on the visit. Each participant in the visit, including NGO representatives, must prepare a short report on their own findings from the visit, together with recommendations that form part of the monitoring report. The report is sent to the competent authority, i.e. the superior authority of the institution visited, with a proposal that it take a decision on the allegations or recommendations in the report within a set time limit and communicate this to the Ombudsman. The report is shared with the institution visited, and in some cases (e.g. visits to social welfare institutions, psychiatric hospitals and specialist centres or crisis centres for children and adolescents) a preliminary report is also produced. The Ombudsman's representative is usually responsible for drawing up the report on the visit, but a representative of the selected NGO may also be responsible.

The participation of representatives of the selected NGOs in the visits and final reports in 2021 is shown in the table below:

	POLICE STATIONS + DETENTION CENTRE	PENAL INSTITUTIONS + RADEČE CORRECTIONAL HOME	ASYLUM CENTRE	PSYCHIATRIC HOSPITALS (INCLUDING A UNIT FOR FORENSIC PSYCHIATRY)	SPECIAL SOCIAL CARE INSTITUTIONS	OLD PEOPLE'S HOMES	COMPETENCE CENTRES FOR CHILDREN AND YOUNG PEOPLE	CRISIS CENTRES FOR CHILDREN AND YOUNG PEOPLE	CUDV	TOTAL
PRAVO ZA VSE	5	1		2	2	6		2		18
FINAL REPORT	5	1		2	1	3		1		13
PIC	4	3								7
FINAL REPORT	4	1								5
PEACE INSTITUTE	7	1	2		1		1			12
FINAL REPORT	7		2							9
NOVI PARADOKS				2	1					3
FINAL REPORT										0
ZDUS					1	4	2			7
FINAL REPORT										0
SKUP	5	1				2	3	1	1	13
FINAL REPORT	5									5
UNICEF		1					5			7
FINAL REPORT										0
SPOMINČICA				1		4				5
FINAL REPORT										0

1.4

IMPLEMENTATION OF THE RECOMMENDATIONS ISSUED BY THE NPM

Implementing the recommendations of the NPM is an obligation of the State Party to the Optional Protocol. Article 22 of the Optional Protocol requires the competent authorities of the State Party to consider the recommendations of the NPM and to engage in a dialogue with the NPM on possible measures to implement the recommendations. **All recommendations and the competent authorities' responses to them from the visits of the NPM in 2021 are published in separate tables by visited institution on the Ombudsman's website.**¹³ Following the example and good experience of some national preventive mechanisms, in 2018 we decided to set up specific tables to review the recommendations issued by the NPM. We have also taken into account our own experience and needs in preparing them. First, we have identified the keywords we will use to tag each recommendation. We have identified twelve labels: **(1) general, (2) living conditions, (3) treatment, forms of work, (4) health care, (5) activities, (6) staff, (7) contact with the outside world, (8) nutrition, (9) handling undesirable behaviour, breaches of living rules, (10) records, documentation, (11) legal protection, channels of appeal, (12) transfer, discharge, (13) other.** We then created different headings in the spreadsheet, so that for each recommendation it is immediately clear which visit was made and in relation to which place of deprivation of liberty, at which location, what type of visit it was, which NGO was involved and whether an expert was also involved in the visit. The table lists the overall recommendation, a brief explanation of the recommendation if necessary, the type of recommendation (**systemic, general or individual**), the keyword mentioned above, the response to the recommendation and a commentary on the response if necessary, the findings from the audit visit and the response to these findings. We also enter in the table the good practices and compliments we have received in our work. On the basis of the responses received (from the visited institution or parent body) to the recommendations, we determine whether or not the NPM recommendation has been accepted and implemented by the visited institution and/or parent ministry. The implementation of the recommendations is regularly reviewed during follow-up visits to individual institutions and, where necessary, by means of monitoring visits.¹⁴

¹³ See: <https://www.varuh-rs.si/o-varuhu/organizacijske-enote-in-svet-varuha/drzavni-preventivni-mehanizem/levi-meni/priporocila-iz-obiskov-preglednice/?categories=111> (in Slovene only).

¹⁴ The tables of recommendations on our website are updated on an ongoing basis and the statistics in the tables published in this report cover the situation as of 15 January 2022.

1.4.1 Statistical overview of NPM recommendations in 2021

Recommendations by type

	INDIVIDUALLY	SYSTEMICALLY	GENERAL	TOTAL
ASYLUM CENTRE – RECEPTION AREAS ¹⁵			14	14
CENTRES FOR TRAINING, WORK AND CARE		1	14	15
OLD PEOPLE'S HOMES		3	67	70
PSYCHIATRIC HOSPITALS			71	71
SPECIAL SOCIAL WELFARE INSTITUTIONS		3	40	43
COMPETENCE CENTRES FOR CHILDREN AND YOUNG PEOPLE		2	21	23
CRISIS CENTRES FOR CHILDREN AND YOUNG PEOPLE		4	7	11
PRISONS (penitentiary establishment (ZPKZ) and units)		1	100	101
RADEČE CORRECTIONAL HOME			11	11
POLICE STATIONS	44		98	142
TOTAL	44	14	443	501

¹⁵ Reception areas of the Logatec branch Asylum Home and reception areas of the Asylum Centre in Ljubljana.

Recommendations by keyword

	ACTIVITIES	LIVING CONDITIONS	OTHER	RECORDS, DOCUMENTATION	ADDRESSING ADVERSE BEHAVIOR	TREATMENT, FORMS OF WORK	STAFF	LEGAL PROTECTION, COMPLAINT CHANNELS	FOOD	RELOCATION, DISCHARGE	GENERAL	CONTACTS WITH THE OUTSIDE WORLD	HEALTH CARE	TOTAL
ASYLUM CENTRE - RECEPTION FACILITIES	4	3		1		6								14
CENTRES FOR TRAINING, WORK AND CARE		5	3	1	1	1		3				1		15
OLD PEOPLE'S HOMES	10	17		2	6	1	3	24			1		6	70
PSYCHIATRIC HOSPITALS	6	12		8	7	11	4	15				5	3	71
SPECIAL SOCIAL WELFARE INSTITUTIONS	10	9		2	1	3	1	14				1	2	43
COMPETENCE CENTRES FOR CHILDREN AND YOUNG PEOPLE	1	3	3	1	3	4		6			2			23
CRISIS CENTRES FOR CHILDREN AND YOUNG PEOPLE		2		2			2	3			2			11
PRISONS (penitentiary establishment (ZPKZ) and wards)	11	36	1		1	12	13	1	4	1	2	8	11	101
RADEČE CORRECTIONAL HOME	1	8				1							1	11
POLICE STATIONS	2	41		49		19	3	21	3		4			142
TOTAL	45	136	7	66	19	58	26	87	7	1	11	15	23	501

Recommendations in the light of the response

	PENDING	NO RESPONSE	ACCEPTED – NOT IMPLEMENTED	ACCEPTED – IMPLEMENTED	WAITING FOR AN ANSWER	TOTAL
ASYLUM CENTRE – RECEPTION AREAS					14	14
CENTRES FOR TRAINING, WORK AND CARE					15	
OLD PEOPLE'S HOMES	2		30	33	5	70
PSYCHIATRIC HOSPITALS	2	8	16	12	33	71
SPECIAL SOCIAL WELFARE INSTITUTIONS	1		19	20	3	43
COMPETENCE CENTRES FOR CHILDREN AND YOUNG PEOPLE		2	6	7	8	23
CRISIS CENTRES FOR CHILDREN AND YOUNG PEOPLE			8	3		11
PRISONS (PENITENTIARY ESTABLISHMENT (ZPKZ) AND UNITS)	8		51	42		101
RADEČE CORRECTIONAL HOME			5	6		11
POLICE STATIONS	15		44	83		142
TOTAL	28	10	179	206	78	501

*At the time of writing (15 January 2022), we were still waiting for the response reports for the visit to the reception areas of the Asylum Home in Logatec and the reception areas of the Asylum Home in Ljubljana, the Maribor Youth Centre, the Pristan Vipava Senior Centre, the Vojnik PH and the ZUDV Dornava, as well as the response report of the Ministry of Labour, Family, Social Affairs and Equal Opportunities regarding the report from the visit to the Hrastovec social care institution.

1.5

INTERNATIONAL AND OTHER INVOLVEMENT OF THE NPM

In addition to visits to places of deprivation of liberty, the NPM carries out a number of other tasks or activities. This includes **drafting proposals and comments on existing or proposed laws.**

In 2021, the **Instruction on the allocation and sending of prisoners to serve prison sentences** (Official Gazette of the Republic of Slovenia, No 176/21) **was amended**, changing the regime of serving sentences in the Dob pri Mirni, Slovenska vas section of the Detention Centre from a semi-open unit to an open unit. At the same time, the instruction added the possibility of serving sentenced prisoners in a semi-open regime within the closed part of the Detention Centre Dob pri Mirni. The Prison Administration of the Republic of Slovenia explained that the main purpose of the amendment is to improve the possibilities of rewarding convicts within the closed part of the institution by introducing a semi-open regime in the closed part of the institution, which can increase the motivation of convicts to behave appropriately and to cooperate in the framework of their individual personal plans, and at the same time to unify comparable regimes between penitentiary institutions in other locations across Slovenia. With the change, the only semi-open ward in Slovenian prisons so far has become the Slovenska vas Open Unit, which is one of the four open units in Slovenian prisons – in addition to the Puščava Open Unit, which is also part of the Dob pri Mirni penitentiary institution, there are also open units comprising the Maribor (Rogoza) and Ljubljana (Ig) penitentiary institutions.

We welcomed the increased capacity for open regime imprisonment, but at the same time noted our concern that the change in the location of the semi-open regime of the Dob pri Mirni remand prison would have an adverse impact on the semi-open regime itself in this, admittedly the largest remand prison. It is therefore encouraging to see the message from the Prison Administration of the Republic of Slovenia that they are striving to increase the number of placements in freer regimes, as the rehabilitative value of imprisonment, as set out in Article 45a of the Criminal Code (CC-1), is better realised in a freer regime. In recent years, the proportion of convicts serving a lighter sentence has stabilised at between 30% and 33%. Finally, the space constraints and the occupancy of each section of the prison must also be taken into account in the allocation of regimes.

In 2021, the Minister of Justice also issued the **Rules on Amendments and amendments to the Regulation on the carrying, storage and maintenance of weapons, on types and the uniform of judicial police officers and their position markings and the use, marking and equipment of vehicles** (Official Gazette of the Republic of Slovenia, No. 163/21). During the drafting process, it was pointed out that, during the NPM's visits to penitentiary establishments, we had repeatedly heard

comments from trade union representatives concerning the reimbursement of the cost of maintaining uniforms when they do not the so-called dry-cleaning, which is regulated in Article 24 of the existing Regulation, and that the drafting of the amendment to the Regulation is an opportunity to regulate the reimbursement of costs for cases where judicial police officers wear certain parts of their uniform (e.g. shirts, polo shirts, socks, etc.) wash their own clothes at home, in a way that would also get a monthly allowance, as this maintenance also comes with a cost. This proposal was considered by the Ministry of Justice, but no changes were made to the reimbursement of expenses as the Ministry of Justice considered the current arrangements to be appropriate.

In the process of drafting an amendment to the Enforcement of Criminal Sanctions Act (ZIKS-1) we welcomed the **intention to regulate in a systemic (legal!) way the emergency measures** that will enable the Prison Administration of the Republic of Slovenia to ensure the safety and health of prisoners in the event of an emergency, such as an epidemic or a natural disaster.

It is undoubtedly necessary to restrict or withhold certain rights and legal benefits of imprisoned persons in the event of an emergency, and it is therefore right that any restriction of otherwise legal rights should be regulated by law, since, in accordance with constitutional and judicial review, the executive power may not regulate issues that fall within the sphere of legislative regulation in an original manner. The Constitutional Court also emphasises that the requirement for the legal basis to be specific is particularly stringent when it concerns restrictions on human rights and fundamental freedoms. Of course, it should also not be overlooked that certain human rights and fundamental freedoms laid down in the Constitution of the Republic of Slovenia may exceptionally be suspended or restricted only in a state of war or emergency (Article 16 of the Constitution of the Republic of Slovenia).

As some of the measures envisaged under the proposed amendment to the ZIKS-1 interfere with legal rights (e.g. outdoor living, visits, receiving mail), in our view, the proposed amendment to the ZIKS-1 should also provide for adequate safeguards against any arbitrary restriction of rights. We also missed that the envisaged assessment by the Government of the Republic of Slovenia of the existence of an emergency did not provide for safeguards that could limit its discretion, such as the duty to consult and cooperate with experts and to inform the public of the circumstances and expert views relevant for the decision on the measures to be taken. Last but not least, it would be good if the proposed amendment to the law also provided for certain compensations in the event of restriction or withholding(?) of the rights of imprisoned persons (such as, for example, increasing the possibility of contacting relatives by telephone or online conversations), which has been the practice so far.

We also contributed to the drafting of **the Regulation amending the Regulation on the enforcement of educational measures**. This follows the Act on the Intervention for Children and Youth with Emotional and Behavioural disorders in Education (ZOOMTVI), which, in one of its transitional provisions, also provided for the harmonisation of the existing Rules on implementation of educational measure.

The Ministry of Justice has taken note of our comment regarding the amendment of Article 1 of the current Rules, in that it is now clear that the Rules will no longer regulate the enforcement of the educational measure of committal to an educational institution. We have also suggested that consideration should be given to aligning the deadline in Article 17 of the existing Rules for the drawing up of an individual plan. The ZOOMTVI provides, as does theon the guidance of children with special needs, that the deadline is 30 days. In this respect, the Ministry explained that the proposed amendment to the Rules is limited to the solutions necessary for the implementation of the CCTV Act, while other substantive changes will be the subject of a possible subsequent amendment.

An amendment to ZNPPol is also under preparation. The Ombudsman also participated in the drafting process with his comments, in particular in the part of the proposed legal regulation which, in the light of the Ombudsman's handling of initiatives to date, we consider to have a greater impact on the protection of human rights and fundamental freedoms and legal certainty in the Republic of Slovenia.

Finally, we would like to highlight the Draft Debureaucratisation Act, whose main objective is to improve the situation in Slovenia with regard to administrative barriers and the competitive business environment. This also provided for amendments to Article 57 of the Minor Offences Act (ZP-1). The Ombudsman considered that these amendments constitute an unacceptable interference with fundamental constitutional rights, which also apply to alleged offenders, and a reduction of their legal certainty, and therefore we (also) commented on the draft law in this respect. As the proposed amendments to the ZP-1 were dropped in the subsequent drafting process, we have withdrawn our comments.

We also prepared answers to questions from various networks or other NPMs and bodies, attended various education, training and other meetings where we presented our work (e.g. at Mental Health Days).

In December, we again participated in the implementation of a training programme for newly recruited judicial police officers, with Deputy Ombudsman Ivan Šelih presenting the work of the Ombudsman to the judicial police officers, and the Ombudsman's advisor Robert Gačnik, Specialist, presenting the work of the NPM.

In the context of the development of guidelines and statutory instructions for the preparation of the Police Work Plan and the planning of the supervision of the Police, **we met again this year (as is customary) with the Police Directorate and Other Security Directorate of the Ministry of the Interior.**

We have also continued to be active in the South-East Europe (SEE) NPM Network,¹⁵ which aims to establish better cooperation, exchange experiences and undertake a number of joint activities to more effectively carry out the tasks and mandates of the NPM for the SEE region under the Optional Protocol.

These and other activities of the NPM are also reflected in the overview of other NPM activities in 2021, which is annexed to this report.

¹⁵ See <http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/south-east-europe-npm-network/>.

1.6 FINANCE

Article 5(2) of the Human Rights Ombudsman Act stipulates that the amount of funds for the Ombudsman's work shall be determined by the National Assembly in the State budget. However, the Ombudsman's own budget includes a separate allocation for the work of the NPM under the sub-programme "Implementation of the tasks and powers of the NPM".

In 2021, we spent EUR 130,388 on salaries and other staff expenses. Of this, salaries and allowances amounted to EUR 104,069, annual leave allowance to EUR 2,625, reimbursements and allowances to EUR 2,849, merit allowances to EUR 2,242, other staff expenses to EUR 318, employers' social security contributions to EUR 17,117, and collective supplementary pension insurance premiums under the Law on Supplementary Pension Insurance for Civil Servants to EUR 1,168.

In 2021, EUR 38,377 was spent on material costs under the Option Protocol. Of which EUR 8,405 for office and general supplies and services, EUR 333 for special supplies and services, EUR 198 for communication services, EUR 452 for mission expenses, EUR 2 054 for other operating expenses and EUR 26,935 for office rents.

In 2021, we spent EUR 8,231 of the funds earmarked for cooperation with NGOs, of which EUR 5,869 on other operational expenditure and EUR 2,362 on current transfers to non-profit organisations and foundations.

	ALLOCATED FUNDS (SP) IN EUR	APPROVED BUDGET (AB) IN EURO	FUNDS SPENT IN EUR	REMAINING BALANCE OF APPROPRIATIONS AGAINST THE APPROVED BUDGET IN EUR
IMPLEMENTATION OF TASKS AND AUTHORISATIONS UNDER THE NATIONAL PREVENTIVE MECHANISM	207.553	193.383	176.996	16.387
SALARIES	131.053	131.053	130.388	665
MATERIAL COSTS	65.000	53.230	38.377	14.853
COOPERATION WITH NGOs	11.500	9.100	8.231	869

1.7

CONCLUDING REMARKS

Encouragingly, we can also conclude this report by reporting that no cases of torture were identified by the NPM during his visits in 2021. However, the NPM has repeatedly drawn attention to cases that may constitute inhuman or degrading (ill-treatment) of individuals deprived of their liberty through recommendations for improvement.

In addition to the most important preventive effect of the visits, which aim to prevent torture or other ill-treatment before it happens, we note that **in many of the establishments visited, the living conditions and treatment of persons deprived of their liberty have improved in 2021, precisely as a result of the NPM's recommendations.**



Again, we can be largely satisfied with the responses of the competent authorities (in particular the institutions visited) to our findings and recommendations for improvement, as they respond regularly and show a willingness to cooperate. However, we stress that in order to improve the situation of persons deprived of their liberty in one way or another, even better and deeper cooperation between the relevant ministries is needed, especially in areas where systemic changes are needed.

The visits carried out in 2021 are reported in more detail in Part 2 of this report. Here, however, we highlight just some of the key findings.

Visits to care homes continue in 2021 **was marked by the SARS-CoV-2 epidemic** and the restrictions that were partly linked (especially at the beginning of the year) to the general restrictions in the country, but also to specific measures related to the protection of this particularly vulnerable population of citizens. In 2021, as in many years before, we found out during our visits to old people's homes, **that problems remain in obtaining legal grounds for detention in care homes where staff do not protect residents by traditional unit locking** (regardless of the type of lock). In addition, they are also **the procedures for verifying secure compartments are too slow**, some nursing homes are even considering closing their secure units due to overcrowding. **Staffing constraints**, the staffing crisis linked to the epidemic of COVID-19 has been alleviated thanks to the (intervention) recruitments, but the responsible ministry still has the responsible task of changing the staffing norms for social welfare institutions of this kind. And on our visits in 2021, we also found **a number of examples of good staff work and good practice**, that undoubtedly contribute to better living conditions for residents.



Visits to **special social welfare institutions** in 2021 were also marked by the difficulties and hardships caused to the residents and staff of these institu-



tions by **epidemija bolezni covid-19**. In 2021, when the epidemiological situation during visits slightly better, we found that **the measures taken have to a large extent affected the living conditions and lives of the residents**. In addition, **overcrowding in secure units** should be pointed out (again), which has had an impact on the quality of life of all residents in these units, and has also led to a significant increase in the workload of staff. In the light of the above, we can conclude that the situation of these institutions remained the same, each institution coping with it as it knew how, more or less on its own.



During our visit to the **Forensic Psychiatry Unit**, which operates within the Department of Psychiatry of the UKC Maribor, we also again **we again found overcrowding**. This is a systemic issue that has remained unresolved for many years, indeed since the opening of the unit. Particular attention should be paid to the following (the NPM has been pointing this out since the opening of the Forensic Psychiatry Unit) **the insufficient number of judicial police officers in the otherwise systemised posts** in the security desk, which has a significant impact on the safety of patients and staff, and also prevents patients from being able to stay outdoors sufficiently. The need for security screening of newly admitted patients to the Forensic Psychiatry Unit would necessitate the recruitment of at least one female judicial police officer. Another important issue that NPM repeatedly encounters during its visits to **psychiatric hospitals** is **the implementation of special protective measures (SPM)**. The facilities used to perform physical restraint are often inadequate, as they do not provide sufficient privacy for the restrained patient, and staffing constraints mean that constant (continuous) supervision of the restrained patient is not always guaranteed.



During our visits to **crisis centres for children and adolescents**, we have once again observed that the concept of these institutions, whose essential elements were the short-term and voluntary nature of the placement, has changed considerably with the new tasks under the Act on the Protection of Children and Adolescents and the Act on the Protection of Human Rights and Fundamental Freedoms. We also found that **The Ministry of Labour, Family, Social Affairs and Equal Opportunities has not (yet) amended the 2010 Clarifications and Expert Guidelines for the operation of crisis centres and the intervention service within the Regional Service for Coordination and Assistance to Victims**, which are the (more detailed) basis for the operation of crisis centres for children and adolescents, although it had already committed itself in 2020 to examine the operation of crisis centres in the light of the new tasks imposed by the National Assembly and, on this basis, to develop a concept of operation that would be uniform and consistent with the current legislation in the field of social protection.. We therefore again recommended that the Ministry of Labour, Family, Social Affairs and Equal Opportunities consider the need to regulate the functioning of crisis centres for children and adolescents in a comprehensive manner or to provide new clarifications on the functioning of crisis centres in the light of their new tasks. **It is encouraging that the Ministry of Labour, Family, Social Affairs and Equal Opportunities has taken into account the repeated recommendation of the NPM on the need to**



change the staffing norm for crisis centres for children and adolescents and has changed the norm from five to six professionals. In order to ensure that crisis centres are actually staffed as soon as possible, we have recommended that the Ministry of Social Affairs and Social Development also provide the competent social work centres with adequate financial resources for staffing crisis centres for children and adolescents in line with the staffing norm. The crisis centres for children and adolescents visited have accepted all the recommendations and, based on their reactions, many of them have already been implemented.

During our **visits to centres of expertise for children and adolescents with emotional and behavioural problems and disorders**, we again recommended that the Ministry of Education, Science and Sport, in cooperation with other relevant ministries, take an active approach to addressing **the problem of use of and dependence on psychoactive substances or other addictions among children and adolescents** in the centres of expertise, to adopt appropriate management protocols as soon as possible and to provide the centres of expertise with all the assistance they need to manage these problems. As we have observed during our visits that more and more children and adolescents need more help and more structured and intensive help or therapeutic treatment due to the more difficult problems they face (not only addictions, but also various mental health problems, heteroaggression, autoaggression, other more difficult emotional and behavioural problems, etc.), we have **welcomed the introduction of the ZOOMTVI, which now also gives specialist centres the legal possibility to set up intensive groups**, at the same time, we recommended that the Ministry of Education, Science and Sport, in cooperation with other relevant ministries, take a more active approach to addressing the more difficult problems faced by specialist centres in the treatment of children and adolescents and provide assistance to specialist centres in the establishment of intensive groups and in the design of treatment programmes for children and adolescents in such groups. The Ministry of Education, Science and Sport accepted both recommendations of the NPM and highlighted the implementation of the ZOOMTVI, which should help to address the issue. The protocol for the cooperation of the expert centres with the social work centres and the educational programme with standards for the behaviour of expert workers in crisis situations, which were also mentioned several times by the Ministry of Education, Science and Sport in its responses, and in the latest response of the Ministry of **had not yet been adopted**. The responses of the competence centres for children and adolescents visited showed that the recommendations made were largely accepted and many had already been implemented.

We also visited the **Dr. Marijan Borštnar Dornava Training, Work and Care Institute (ZUDV Dornava)**, where in 2021, after years of warnings about the need for systemic treatment of children and adolescents with the most severe forms of mental health disorders **a special secure unit, called the Specialised Unit for Children and Young People with the Most Severe Mental Health Disorders (Specialised Ward), was opened in Dornava Training, Work and**





Care Institute). During the visit, the NPM found out how the treatment of children and adolescents in this department is carried out and what challenges and problems are faced by the children and adolescents in Dornava Training, Work and Care Institute. During the first visit to the Specialised Unit, the NPM found that the placement of a minor with severe mental health problems in the Dornava Training, Work and Care Institute is likely to be of greater benefit to the user than placement in a secure unit of a (special) social care institution among adult users. The user is still included in the education programme, but the training institutions also provide professional treatment for minors that is more tailored to their needs, as they provide social welfare services and a special education programme for children and adolescents with mental, physical and behavioural disabilities. However, the work with (under-age) users, who are included in the Training, Work and Care Institute on the basis of the provisions of the Mental Health Act (ZDZdr), is a different concept of work, and the ZUDV Dornava is still adapting to this in terms of content, the staff is being trained, and the provisions of the ZDZdr must be followed in the treatment of the users.



As regards the **reception areas of the Asylum Centre**, we would point out that **many of our recommendations from our previous visit have been implemented.** However, it remains problematic **the lack of an adequate legal basis**, necessary for any restriction of movement or interference with the individual's personal liberty, especially since on this visit, we were also able to see that the number of foreigners has increased and that they are waiting longer or longer still to apply for international protection.



Visits to the prisons or their units revealed **that less than half of the recommendations made (42 out of a total of 101 recommendations) had been accepted and already implemented, and we were also able to see that a number of recommendations from previous visits have been implemented.** Most of the recommendations that have not yet been implemented (51 this year) relate to deficiencies or errors that have been identified and require additional time or financial resources to be implemented.



It is also encouraging to note that when we visited **the Radeče Correctional Home**, we also found, **that several recommendations have been implemented since the previous visit, including some that we had to repeat several times in the past.** This has certainly contributed to the improvement of the situation in PD Radeče, which is also reflected in the fact that we found significantly fewer shortcomings or irregularities during this visit.



Also during our visits to **police stations** in 2021, we were able to see that **PS or the Ministry of Interior are implementing the recommendations of the NPM.** It is encouraging, **many of the recommendations (83 in total) have been accepted and implemented in 2021.** As regards the recommendations that have been accepted and not yet implemented, it was noted that they are also recommendations that have been recurring for a long time and require more time and financial resources to be implemented.

2.

VISITS TO PLACES OF DEPRIVATION OF LIBERTY

2.1

VISITS TO SOCIAL WELFARE INSTITUTIONS (OLD PEOPLE'S HOMES)

In 2021, we carried out **four unannounced regular visits to older people's homes**, namely to the Ptuj Retirement Home, the Franc Salamon Trbovlje Retirement Home in Prebold, the Dr Jože Potrč Poljčane Retirement Home in Slovenska Bistrica and the Na Fari Retirement Home in Prebold. **A total of 52 recommendations were made during these visits, of which 24 have been implemented, 26 have been accepted but not yet implemented, and two have not been accepted, which we would like to draw attention to**, based on the response of the homes visited to the previous visit reports. In addition to these visits, we carried out a further **eight follow-up visits**, mainly to check the implementation of our recommendations from the previous visits (we made 18 new recommendations during these visits, which, together with the recommendations from the regular visits, represents 70 recommendations).



2021 je **was also marked by the SARS-CoV-2 epidemic**, however, the situation in nursing homes improved thanks to the availability of the vaccine (the first elderly were vaccinated at the end of 2020). In particular, there were fewer and fewer severe cases, fewer referrals for treatment and, most importantly, fewer deaths caused by COVID-19. However, during our visits to old people's homes this year, we were also aware of the restrictions, which were partly linked (especially at the beginning of the year) to the general restrictions in the country, but also to the specific measures related to the protection of this population, which is certainly particularly vulnerable in terms of health. In 2021, the NPM has also consistently adhered to the »do no harm« principle by stopping visits during the most epidemiologically serious periods in early 2021, as well as in November 2021, when the number of infections and related referrals to treatment in the community was increasing rapidly, by testing NPM members before visits and by complying with the PCT condition. Above all, he followed this condition by consistently using all the necessary protective equipment (wearing certified FFP2 masks throughout the visit, disinfecting his hands, keeping his distance). The NPM has interrupted its visits to nursing homes only in the most epidemiologically difficult situations, while at the same time, in compliance with the principle of »do no harm«, it has tried to improve the conditions of residents who, because of illness, frailty or other reasons, need institutional care in their old age.



In 2021, as in many years before, we found that **problems remain in obtaining a legal basis for detention in homes where staff do not protect residents by traditional unit locking** ((regardless of the type of lock). In fact, homes usually refer to other forms of protection (usually staff-assisted protection) as personal

monitoring, following the Guidelines for Working with People with Dementia in Institutional Care, prepared by the Ministry of Social Affairs and Health of the Republic of Slovenia. Visits to such in nursing homes, we usually find that staff stop, restrain, turn around, persuade the resident with dementia to leave, for their safety of course return. It is therefore **methods which, although otherwise provided, constitute a restriction on the personal freedom of the occupant.** **We therefore believe that the Ministry should, on the basis of the otherwise good definition in the above-mentioned guidelines, ensure (if necessary, also by checking in the social welfare institutions themselves) that units which meet the definition in Article 17(2) of the ZDZdr are called secure units, and in wards which operate according to non-restrictive principles (personal monitoring, household group), ensure that restrictions on the personal freedom of the residents (in whatever form) do not occur in any case.** Strict compliance with the legal requirements for restricting personal liberty is essential, as such restrictions without a legal basis are unlawful and, in extreme cases, may even constitute a criminal offence



In 2021, we again encountered a case where **a nursing home had been waiting for the verification of a secure unit since 2010.** This is one of the reasons why, due to the insufficient number of (verified) secure wards, there is still **overcrowding of such units in individual care homes** (more on this below). For example, one of the homes visited had a 24-bed secure unit in place when it opened in 2010, and an application for its verification was immediately submitted to the Ministry of Labour, Family, Social Affairs and Equal Opportunities. The Ministry has not made a decision on the application, but in 2019 it (again) asked the nursing home to answer what their plans are for the department and whether they insist on verifying it. Following the appeal, the management of the establishment, taking into account the negative experiences of the past (overcrowding), decided to withdraw the application for verification of the secure unit. In the light of this decision, the number of places in the secure unit would start to decrease and, in the foreseeable future, the secure unit would no longer exist. The reason for this decision was, as stated, that despite warnings of the difficult situation **of overcrowding, no effective (systemic) solution was found.** They themselves no longer want a secure unit, which, in addition to overcrowding, means worse living conditions for the residents, staff shortages and, above all, worse security conditions on the unit. **We again recommended that the Ministry of Labour, Family, Social Affairs and Equal Opportunities decide on the applications for verification of secure units as soon as possible.** It is unacceptable that some applications have apparently not been decided on, even though they were submitted ten years ago. The Regulation on the staffing, technical and spatial conditions for the performance of mental health tasks by providers of institutional care and social work centres and on the procedure for their verification does not only set out the requirements to be met by providers within a certain time limit, but also the obligation to verify the protected units. It is not insignificant that the deadline for meeting the conditions for verification actually expired in 2021 and has not (yet) been extended.



In the past, the NPM has identified overcrowding in the secure units of individual nursing homes in Primorska, which have secure units for residents



with dementia. Overcrowding is most often caused by a court order to keep a resident in the secure unit of a particular care home. Not only did such accommodation worsen the living conditions of all the residents in the secure unit of the particular social welfare institution, it also placed an additional burden on the employees of the institution. The overcrowding of secure units and the associated hardship, as noted above, is largely due to the limited number of secure units in such institutions, according to the NPM. The fact is that while many nursing homes have units for residents with dementia, some of them stress that they do not have a unit, in addition to various methods of protection that can be restrictive for residents (e.g. stopping, distraction). Although our enquiries in four older people's homes where there was a history of overcrowding in the secure unit found that in two homes the secure units did not have residents placed over capacity, it **was worrying to learn that overcrowding still occurs from time to time.** It is also worrying that in two homes, there were more residents in the secure units than the capacity of the unit. On a visit to one of these retirement homes, staff told us **a number of challenges they face due to overcrowding.** Not only does this worsen the living conditions for all unit residents, it also puts even more strain on the already »understaffed« staff and raises the issue of safety. While there is already a shortage of medical staff in the secure units, the issue of costs is not negligible, as the part dedicated to medical care remains uncovered (it is linked to the capacity of the unit). The placement of residents by the Court is also problematic due to the existing waiting period, as the queue is skipped when the Court places a resident, although it is possible that the resident so admitted does not need a secure unit as urgently as someone else on the waiting list.



The staffing crisis linked to the COVID-19 epidemic has been alleviated by the (intervention) recruitments made. However, this has not been a systemic solution to the staffing shortage that nursing homes have been facing for a long time. **In 2021, we therefore also drew attention to the (too) low staffing levels at night, especially as there is often no (continuous) staff presence in the secure unit at that time.**



On visits in 2021, we found **a number of examples of good staff work and good practice,** that undoubtedly contribute to better living conditions for residents, which we highlight below.



During our visit to the Ptuj Retirement Home, we particularly praised the individual resident-friendly practices. We welcomed the move of the secure unit (E3) from the third floor to the first floor, where a large terrace will be available for residents. In unit E3, the walls of the corridor, common areas and lounges were decorated with residents' artwork, paintings and arrangements related to the upcoming holiday during our visit. We praised the personalised organisation of activities, the programmes and activities carried out to improve the well-being of residents, the efforts to reduce the number of multi-bed rooms and the inclusion of (therapy) animals in residents' activities. We have found it good practice to have extra staff on Saturdays (a social worker one week, an occupational therapist the next, a physiotherapist on the third Saturday). We commended the

availability of all the necessary documentation on the bulletin boards of the secure unit and the possibility of visits during the epidemic (which also took place during the red zone, of course with all the necessary precautions in place).

During our visit to the Ptuj Retirement Home, we made 11 recommendations, including **Ptuj Retirement Home has accepted and implemented three of them, eight recommendations were still awaiting implementation at the time of the response received.** The Ptuj Retirement Home has already added a graphical representation (pictures of activities) to the timetable, which is definitely better adapted to the needs of residents with dementia, and has also added the activities that will take place at the end of the week to the timetable. It has supplemented the form for consent to the use of technical means of fall prevention with a legal notice on the possibility of revocation.



The recommendations still awaiting implementation were to obtain a court decision before placement in a secure unit in the case of a resident who is unable to consent to placement in a secure unit, to introduce a check of call bell response times at shorter intervals, to consider the possibility of conducting surveys (or at least a separate set of surveys) and an analysis of the results specifically for unit E3, and to review the complaints, suggestions and compliments inbox at shorter intervals, up to a maximum of once every 14 days. The recommendations were also to be taken into account in the implementation of the recommendations. The implementation of the recommendation to restructure the staffing structure of the Ptuj Retirement Home to include a night shift worker with higher or higher medical education is linked to the change of the staffing norm for retirement homes, which is already mentioned in the introduction to this chapter. Two recommendations related to the care of residents, namely that the clinical pharmacist should be particularly vigilant in prescribing antidepressant therapy alongside somatic medication and that sufficient therapy should be provided to patients on nursing units. Another recommendation awaiting (full) implementation was that if a serving table or hand restraint is installed, there should be constant, continuous supervision by staff who should remove the restraint as soon as the resident indicates that he/she wants to move, as this could otherwise be considered a special protection measure (SPM).

We also visited the Franc Salamon Trbovlje Retirement Home in Prebold and found a number of good practices and praised individual resident-friendly practices. We particularly appreciated the fact that during the NPM visit, all areas of the secure units were cleaned and ventilated, and the staff of the secure units tried to involve the residents in the activities. During the NPM visit, we already received the form »Special Protection Measure Implementation Sheet« and particularly appreciated the fact that it contains both a section for »preventive measures taken before the introduction of the SPM«, where one of the options is ticked, and a section for »measures taken after the introduction of the SSC«, which are entered in narrative form.



When we visited the Franc Salamon Trbovlje Retirement Home in Prebold, we made 14 recommendations, including **eight of which have been accepted and**





implemented, six recommendations were still awaiting implementation at the time of the response received. The recommendation to try to ensure that overcapacity in secure units no longer occurs and, in particular, to ensure that the resident who is additionally accommodated is provided with the same living conditions as the other residents (including the installation of a call bell key) has been implemented, the recommendation that, in the event that relatives do not bring items from the resident's past, the staff, in agreement with the resident, decorate each room with items made by the resident in occupational therapy or with pictures of the resident involved in individual unit's own activities. The Franc Salamon Trbovlje Retirement Home in Prebold has also already implemented the recommendation to provide the residents of the secure units with all the items necessary for basic personal hygiene (in addition to toilet paper, also towels and soap) in the toilets, taking into account, of course, the safety specificities of each individual resident. The recommendation to pay attention to the dates of expiry of the detention and to always (at least) submit proposals for extension within the statutory time limit (14 days at the time of the NPM's visit) has been implemented, as well as the recommendation to pay attention to cases in which protective measures could restrict the resident's ability to move around. In such a case, it must be ensured that the obstruction is removed immediately if the occupant so requests, and if the removal of the obstruction is not possible due to concerns about the safety of the occupant (or others), the procedure set out in Article 29 of the ZDZdr (special protection measure) must be followed. A recommendation was made to check the complaints, compliments and suggestions boxes more frequently (they are currently checked every seven days, which is adequate) and to record all verbal complaints received, as these can also reveal individual problems or systemic irregularities. The recommendation on the graphical presentation of the activity schedule was also implemented, as such a presentation is easier for the residents to understand, it makes it easier for them to understand the planned course of the day or week, as well as the recommendation on contacting individual representatives of the rights of persons with mental health problems covering the area of the Unit to come and introduce themselves to the residents, relatives and also to the staff, or to obtain (additional) material regarding their work.

The Franc Salamon Trbovlje Retirement Home in Prebold will in future follow the recommendation that if it becomes aware of intimate contacts between two residents, it will (only) have an appropriate discussion with them, if necessary (including about finding a suitable solution or place for such contacts) and will, if necessary, consult the doctor of its choice if it considers that such contacts may affect the health of one or both of them. Recommendations on efforts to involve staff in the survey, on supplementing the consent form for placement in a secure unit with legal information as defined in Article 74(3) of the ZDZdr, on obtaining a court decision before placing a resident in a secure unit, on establishing a record of adverse events and on placing a notice on where to obtain complaint writing tools have not yet been implemented.



During our visit to the Dr Jože Potrč Poljčane Unit in Slovenski Bistrica, we also identified a number of good practices and praised individual resident-friend-

ly practices. When we visited the rooms, we noticed that each room had its own bathroom, which was adequately equipped with the necessary toiletries, i.e. soap, towels and toilet paper, as well as a waste bin, and the rooms were decorated at the time of the NPM's visit, and they each had a large window, so that the rooms were airy and bright. We also praised the pictures on the walls and the cleanliness of the unit. The fire extinguishers in the Dr Jože Potrč Poljčane Home Unit in Slovenski Bistrica have been installed in a way to prevent wheelchair users, as well as other residents, from bumping into them. Staff attitudes towards residents were respectful and an online satisfaction survey was made available to all three target groups in 2020. During our visit, we learned that the two residents, who are a couple, share a room (they are otherwise separated by gender), as they have a positive impact on each other. We commended the record-keeping for psychiatric appointments, the record-keeping for falls and pressure ulcers, and written complaints. The legal notice on the declaration of consent for placement in a secure unit was in accordance with Article 74 of the ZDZdr.

During our visit to the Unit of the Dr Jože Potrč Home in Poljčane in Slovenska Bistrica, we made 11 recommendations, including **four of which have been accepted and implemented, six recommendations were still awaiting implementation at the time of the response received, and we would like to point out that one recommendation was not accepted by the visited institution.** The unit of the Dr Jože Potrč Poljčane Home in Slovenska Bistrica has already implemented the recommendation to post the current version of the house rules on notice boards, to mark the letterbox for complaints, compliments and suggestions, to indicate where to obtain the tools for writing complaints, and to record all verbal complaints. The recommendation to take care when protective measures might restrict the resident's mobility and to ensure that the obstruction is removed immediately if the resident wishes it has been implemented. The unit of the Dr Jože Potrč Poljčane Home in Slovenska Bistrica will implement the recommendation by interviewing residents and relatives who do not have their rooms decorated and by suggesting that they decorate their rooms with products and photographs that were taken during their stay in the unit. The unit will make decorations to be placed on the door of each room to help residents find their way around the unit and find their room as part of occupational therapy sessions with residents. To help residents and their families know when activities are taking place, a weekly timetable of activities, including weekend activities, will be posted in the dementia unit and the website will be enhanced with posts of occupational therapy activities planned and carried out. To help residents understand the timetable of activities, graphic images of the planned activities will be added to the timetable in the future. The unit of the Dr Jože Potrč Home in Poljčane in Slovenska Bistrica will contact representatives of the rights of people with mental health problems and invite them to visit and present their work. A list and contact details of such agents have already been posted on the notice board.

However, the unit of the Dr Jože Potrč Poljčane Home in Slovenska Bistrica did not accept the recommendation that in the case of a resident who is unable to



give consent for placement in a secure unit, a court decision should be obtained before placement in the unit, in accordance with the provisions of the ZDZdr. The response to the preliminary report shows the position of the Dr Jože Potrč Poljčane Home that the unit for persons with dementia, called Spomini in vezi (Memories and Connections), does not have the status of a secure unit under the Dementia Act and therefore does not accommodate residents on the basis of a court order. If the applicant does not sign the application for admission, the psychiatrist will interview the applicant and if the person agrees to the admission and signs the agreement, the admission will be granted. Otherwise, the institution will not take the person or will refer the person and his/her relatives to guardianship arrangements. Based on the findings during the visit, the NPM was satisfied that, in terms of the way in which the residents living in the Spomini in vezi unit are protected, this unit meets the definition of Article 17(2) of the ZDZdr (secure unit). During the visit, we also looked at the declaration of consent to detention, which was signed by all the residents in the unit at the time of the NPM's visit. This statement also contains relevant legal information and can therefore be a suitable basis for placement in a secure unit (in accordance with Article 74 of the ZDZdr). However, the NPM's recommendation refers to possible future cases in which residents would not be able to sign such a declaration or would not be aware (due to their health condition) of the meaning of their consent, and thus a court would have to be informed in order to provide a legal basis for keeping the resident in the secure unit (Article 75 of the ZDZdr et seq.). According to the reply received from the visited institution, we further clarified that the definition of a protected unit is linked to the fulfilment of the conditions of the above-mentioned legal provision (Article 17(2) of the ZDZdr) and not to the granting of the status. It is true that the competent ministry can decide on the verification of a secure unit, but this is only a matter of determining whether the individual conditions are met (according to the Regulation on the staffing, technical and spatial conditions for the performance of mental health tasks by providers of institutional care and social work centres and on the procedure for their verification) and not of deciding whether they meet the legal definition.



Also when we visited the **a Fari Prevalje Old People's Home praised the efforts made to ensure** that, even in the worst epidemiological situation, relatives were kept regularly informed about the situation in the institution and information was made available on the website. We praised the cleanliness and size of the Home's outdoor areas, the bathrooms in the secure units, which were equipped with the necessary toiletries, i.e. soap, towels, toilet paper and a waste bin, the airiness, tidiness and cleanliness of the rooms, as well as the pictures on the walls of both units. When we looked at one of the residents' files, we found that it contained all the information about his diet. As the living conditions and, above all, the care and satisfaction of the residents depend to a large extent on the staff, we particularly appreciated the fact that the staff called out to the residents, were respectful, addressed them appropriately and did not speak to them in a »childish« way. We welcomed the accessibility of the resident's doctor even outside the published opening hours of the clinic, the keeping of records of written complaints, the accessibility of information on the representatives of the rights of persons with mental health problems (posted on notice boards),

as well as the careful keeping of residents' files (during the inspection we found that they contained signed declarations of placement in a secure unit).

During our visit to the Na Fari Prevalje Old People's Home, we made 16 recommendations, of which the institution accepted and implemented **nine, while six recommendations were still awaiting implementation at the time of the response received, and we would like to point out that one recommendation was not accepted by the institution visited.**



Na Fari Prevalje Old People's Home has already implemented the recommendation that if the relatives do not bring items from the resident's past, the staff should decorate each room with products made by the residents in the occupational therapy sessions, in agreement with the resident, or place pictures of the resident participating in the individual activities of the unit. It has also implemented the recommendation to provide a graphical presentation of the activity timetable, which will make it easier for residents to understand and understand the planned course of the day/week, to record the times of the activities on all timetables (including group activity timetables), and to prepare and publish (only) one activity timetable instead of several timetables. The Na Fari Prevalje Old People's Home explained that, in order to make it more accessible, it had made it easier for residents' relatives to fill in surveys on the satisfaction with the services provided by the institution online, and this is becoming a regular practice. The home also explained that the possibility of overlooking a resident in need of a medical check-up is excluded, as both the outpatient nurse and the doctor know all the residents well, as well as their relatives. The recommendation to supplement the legal instruction on the consent form for placement in secure units (Zarja and Mavrica), in accordance with Article 74(3) of the ZDZdr, has been implemented. The Na Fari Prevalje Old People's Home also explained that if a resident with a wheelchair is turned around, the staff will immediately release the brake and help the resident to leave the room safely, without bumping into other residents. Staff are vigilant to ensure that the protective measure does not restrict mobility and always terminate the protective measure immediately if the resident requests it. New (single) letterboxes for comments, complaints and compliments have already been installed in secure units, along with a note on where to get a writing instrument, and the letterbox is emptied every 14 days.

The Na Fari Prevalje Old People's Home accepted, but has not yet implemented, the recommendation made in response to the previous report that care be taken in the placement of the call bell buttons to ensure that they are accessible to residents in a way that they can actually reach and use them (i.e. that they are functional), and also the recommendation that the schedule of activities be published online, so that relatives can follow the schedule and adjust the timing of their visits to the activities being carried out. Na Fari Prevalje Old People's Home explained that anomalies regarding the precise definition of the reason for which a certain therapy was prescribed (both psychiatric and somatic medication), as well as the indication of the frequency of administration, were already being corrected. The home did not explicitly respond to the recommendation to publish a timetable for the clinic that reflects as closely as possible the actual

opening hours, so that residents (and their relatives) can know when they can access the home doctor. However, as he had already stressed in the introduction to his reply to the previous report that the NPM's recommendations had been (or would be) taken into account, we believe that he will work to implement this recommendation, which will be verified during the next visit. The recommendation that in the case of a resident who is unable to give consent for placement in a secure unit, a court decision should be obtained before placement in the unit, in accordance with the provisions of the Mental Health Act, and that the Na Fari Prevalje Old People's Home should contact the representatives of the rights of persons with mental health problems who cover the area of the Home and propose that they come and introduce themselves to the residents, their relatives and the staff, was still awaiting a response to the previous report.

It should be noted in particular that the Na Fari Prevalje Old People's Home has not adopted the recommendation to pay attention to the difference between secure and high-security units, the difference between personal protection and personal monitoring, and the consent required for the placement of a resident in a secure unit. The reply to the previous report indicates that the Mavrica and Zarja units for people with dementia are household groups with personal monitoring. Residents are free to leave the unit at will and move freely (or accompanied by staff) in and out of the home. Some residents visit the occupational therapy rooms daily, others go to the buffet for a coffee or to socialise in the lobby on the ground floor, and some go for a walk in the park. Residents from other units come to visit the units, giving them the opportunity to socialise and move around around the home and surroundings. Staff try to provide personalised monitoring as a non-intrusive, individualised treatment, based on the resident's wishes and based on trust and motivation to ensure the resident's safety. Staff are careful not to restrict residents' mobility, and any obstruction is removed at the resident's request. Also, the exit/entrance of the Zarja household group is not »camouflaged« with a photo-tape of sunflowers. The glass has been dressed in cheerful colours with a touch of homeliness, warmth and well-being, which is not disturbing to residents and relatives alike. In the light of the reply, we further clarified that the important question is whether the residents know that it is just a photo wallpaper and whether they are aware that it is stuck on the (unlocked) exit door from the unit, despite the photo wallpaper. In our experience, at least in some other care homes with similar decorations, people with advanced dementia are no longer able to recognise the exit door from the unit, at least because of the photo wallpaper. This de facto prevents them (whatever the purpose of the photo wallpaper) from being able to leave the unit independently. This may of course be right in itself, and has never been the subject of criticism by the NPM, provided that this method of security ensures adequate safety for persons whose disorientation in space and time, as a result of their medical condition, would make it dangerous for them to leave on their own. Of course, if there is a restriction on the occupant's personal freedom, there must be an appropriate legal basis for this. As seen during the visit itself, both the barring of the door and the distraction of the resident (when one resident tried to leave the unit during the visit, he was arrested and directed back by the unit staff) show that the concept of personal monitoring, at least for all residents, may not yet be fully operational.

In 2021, eight care homes were visited to check compliance with recommendations made by the NPM during its visits in previous years, i.e. unannounced monitoring visits. We visited the Tezno Senior Citizens' Home, the Senior Citizens' Centres in Gornji Grad, Trnovo, Medvode and Črnuče, the Škofljica Senior Citizens' Home, the Bor Senior Citizens' Home in Črni Vrh nad Idrijo and the Pristan Senior Citizens' Centre in Vipava. During these visits, we made 18 new recommendations, in addition to verifying the implementation of recommendations made during previous visits. Of these, nine recommendations had already been implemented by the homes, four were still awaiting implementation and five were still awaiting a response from the home at the time of writing (the deadline for responses had not yet passed).

We made 17 recommendations during our regular visit to **the Tezno Old People's Home** in 2020. During a follow-up visit in 2021, we were able to see that of these, the Tezno Senior Citizens' Home **had accepted and implemented eight of the recommendations, nine recommendations had been accepted but not yet fully implemented.** Most of the outstanding recommendations were related to the renovation of the secure unit, and that better living conditions are mainly linked to obtaining funding and making the investment, which undoubtedly takes some more time. During his visit, the NPM also made a **new (systemic) recommendation, namely that the Ministry of Labour, Family, Social Affairs and Equal Opportunities should place the list of representatives of persons with mental health problems on the website** in a way that makes it easier to find, together with a definition of their competences, and in a place that is general and therefore not (only) linked to one of the institutions where the representatives carry out their tasks. In its response, the Ministry of Labour, Family, Social Affairs and Equal Opportunities explained that it fully agrees with the NPM's recommendation and will take a more transparent and accessible approach to regulating the list of representatives of the rights of persons with disabilities. The Commission will also consult the European Public Health Agency and make the necessary arrangements on the website of the Ministry of Labour, Family, Social Affairs and Equal Opportunities by the end of September 2021. The Ministry of Labour, Family, Social Affairs and Equal Opportunities agrees that the list of mental health rights representatives, together with the definition of their competences, should be positioned in such a way that the information is more widely accessible and consistent with their purpose, tasks and competences. **For these reasons, the recommendation is considered to have been accepted, but had not yet been implemented at the time of the response.**

We made 13 recommendations during our regular visit to **the Gornji grad Senior Centre** in 2020. On this visit, we were able to see that, of these, the Centre **had accepted and implemented 12 of the recommendations, which is certainly to be commended. One recommendation has been accepted by the Centre, but not yet fully implemented.** However, it should be stressed that this recommendation is (mainly) linked to the completion of the construction of the new unit, which, according to the explanations received during the visit itself, will take place in the near future. We have not made any new recommendations on this visit, but we have **made some compliments on existing practices identified.** We praised the daily record of activities attended by the resident, as well as the



weekly summary of the resident's activities. As some of the residents did not fully understand the animator because of her protective mask, she wrote the letters on paper for them to read and praised them for their participation. Residents, with the help of staff, hung colouring sheets on the walls, and there was also a bunny family made of wood in the corridor, and we commended the staff for their efforts to decorate the unit.



We made nine recommendations during our regular visit to **the Trnovo Senior Centre** in 2016 and five recommendations during our thematic visit in 2019. On this visit, we were able to see that, of these, the Centre **accepted and implemented six recommendations made during the 2016 visit and three recommendations made during the 2019 visit**, which is certainly to be commended. It should be noted, however, that **while the three recommendations made during the 2016 visit and the two recommendations made during the 2019 visit have been accepted by the Centre, they have not yet been fully implemented**. We expressed our expectation that the Centre will work to implement these recommendations as soon as possible. On this visit, we also made one new recommendation, which was that the software that prints out residents' therapy should be adjusted so that all the information is printed out each time. As the therapy sheets are printed in the unit files, this can lead to unwanted dosing errors for this (or other) therapy. **In its response to the previous report, the Centre reported that it had already implemented the recommendation. During our visit, we noticed** the clocks installed and accurate to help residents keep track of time, and we commended the centre for these efforts.



During a regular visit to the **Medvode Senior Citizens' Centre** in 2016, we made 17 recommendations. On this visit, we were able to see that **there were 10 recommendations have been accepted and implemented, seven recommendations made during the 2016 visit have not yet been fully implemented**. We expressed our expectation that the Medvode Senior Citizens' Centre will implement these recommendations as soon as possible. We also made seven new recommendations on this visit, including **five have already been implemented**. The recommendation that the institution should change the batteries of the watches, either on its own or in agreement with the relatives (if the watches were brought in by them), so that they would work properly, has already been implemented, as they can be an important factor in orientating residents with dementia over time; the recommendation that staff regularly sign the attendance board has also been implemented. The Medvode Senior Citizens' Centre explained that the staff explain to each resident the meaning of the emergency call, its functions and its use. Residents always have the call system at their fingertips and staff make more rounds at night, as they are aware that many residents are unable to identify what the call system is for. The recommendation was implemented that the bathrooms of the secure unit should be properly equipped and all necessary toilet facilities installed to enable residents to effectively take care of their personal hygiene, as well as that the door handles leading to residents' rooms should be regularly repaired, as the closing of the rooms ensures, among other things, the privacy of the residents in the room. In response to the previous report, the Centre explained that staff members repair

handles, sinks, doors and other items damaged or destroyed by residents on a daily basis. **However, two recommendations were still awaiting implementation**, more efforts to encourage relatives to bring objects to enhance the resident's memory (objects from his childhood, youth) and objects related to his social network (pictures of his children, grandchildren, the place where he used to live, and so on), or, in the absence of relatives, to involve staff in decorating the resident's room, in accordance with the resident's wishes in the first instance, and to cover or secure the hole in the patio door until the new air conditioning unit is installed. **On our visit, we particularly commended** the possibility to serve meals (especially breakfast) where it is most convenient for the resident to eat, and the attitude of the staff towards the residents, which was respectful, patient and friendly.



During our regular visit to **the Črnuče Senior Citizens' Centre** in 2016, we made nine recommendations. On a follow-up visit in 2021, we were able to see that of these **The Centre had accepted and implemented seven recommendations, two recommendations had not yet been fully implemented**. During the visit in 2021, we provided the recommendation that in the case of a resident who is unable to give consent for placement in a secure unit, a court decision should be obtained before placement in the unit, in accordance with the provisions of the ZDZdr. **The recommendation was accepted, but not yet implemented, according to the Centre's response**. When we visited **particularly appreciated the tidiness of the area in front of the department**, the lawn was lined with discarded car tyres and planted first with flowers and later with herbs and vegetables.



During our regular visit to **the Škofljica Old People's Home** in 2018, we made 14 recommendations. On this visit, we were able to see that there were **12 recommendations have been accepted and implemented, two recommendations have not yet been fully implemented by the Škofljica Nursing Home**, it should be noted that the implementation of one of them is subject to a change in staffing norms, which is the task of the competent ministry (the Ministry of Social Affairs and Human Resources). The Škofljica Old People's Home is **has already implemented two recommendations made during this visit**, that the consent form should be supplemented by a statement that revocation of consent may be express, but may also be inferred from the actions of the resident, and that a suitable letterbox for complaints, compliments and suggestions should be installed in the secure unit, accessible to both residents and their relatives.



In 2021, we also carried out a monitoring visit to **the Bor Old People's Home, Črni Vrh nad Idrijo**. During this visit, we mainly checked whether there was any use of PFDs in the home, as during our regular visit in 2018 we found an increased number of physical restraints with belts. On this visit, we found that SPMs have been discontinued since November 2018. However, with regard to the implementation of safeguards, we have made a recommendation to the Bor Old People's Home to ensure that when a wheelchair is fitted with a safety belt (while the wheelchair is being turned) or when an arm is being restrained (e.g. when a cannula is fitted), residents' personal freedom is not restricted or that in the event of such a restriction, compliance with the Article 29 of the ZDZdr (SMP)



is followed. **The recommendation has already been implemented in the light of the response to the previous visit report.**

In 2021, we also visited **the Pristan Vipava Senior Citizens' Centre**. During this monitoring visit, we mainly checked whether the secure units of the institution visited were overcrowded, as identified during the 2018 visit. We say more about this in the introduction to this chapter. We made five recommendations based on our findings, and were awaiting a response from the Vipava Senior Citizens' Centre at the time of writing. Two recommendations were of a systemic nature, addressed to the Ministry of Labour, Family, Social Affairs and Equal Opportunities, namely that the Ministry should decide on applications for verification of secure units as soon as possible (we also write more about this in the introduction to this chapter) and that it should verify the existence of secure units in individual old people's homes (sometimes there are units where residents' personal freedom is de facto restricted, »hidden« under other labels, e.g. the Commission should also ensure that the number of places available in the secure units of older people's homes is sufficient to ensure that overcrowding in the units of older people's homes does not continue to occur, either by re-classifying existing units or by opening new secure units. We recommended that the Pristan Senior Citizens' Centre should ensure that residents who do not require adequate security, and for whom there is no legal basis to detain them, leave the unit without the involvement of staff (opening the door on request). We pointed out that if this is not possible, the situation of all residents of this unit is similar, as they cannot leave the unit on their own (this is also the meaningful definition of a secure unit in Article 17(2) of the Act) and the detention (also of these residents) must be subject to an appropriate legal basis. We also recommended that when admitting a resident to a secure unit, the Pristan Senior Citizens' Centre should comply with the provision of Article 74(2) of the Act, which stipulates that the resident's consent must be an expression of his or her free will, based on an understanding of the situation and formed on the basis of an adequate explanation of the nature and purpose of the treatment. Consent must be made in writing. Subject to the above conditions, consent can only be given by the occupant, and cannot be given by any other person, including the occupant's guardian. We also recommended that the Pristan Senior Citizens' Centre align the legal instruction of the declaration of consent with the third paragraph of Article 74 of the ZDZdr, which states: »A person who has consented to his admission to a secure unit may at any time, expressly or by any action from which it may be inferred, withdraw that consent and request that he be discharged from the secure unit. In this case, the person must be dismissed immediately.«

2.2

VISITS TO SPECIAL SOCIAL WELFARE INSTITUTIONS

In 2021, the NPM visited **three special social care institutions** (two regular visits and one follow-up visit), which provide institutional care services for adults with mental health problems and intellectual disabilities.

Two themes in particular characterised the visits in 2021. The first was related to the observed **overcrowding in the secure units of** the visited special social care institutions, which affected the quality of life of all the residents in these units, and also represented a significant increase in the workload of the staff. In the light of the above, we can conclude that the situation of these institutions remained the same, each institution coping with it as it knew how, more or less on its own. One of the institutions visited took residents **still accommodated residents in a common room** and tried to provide them with as much privacy as possible, while the other, when bed capacity was exceeded, placed them in a room otherwise dedicated to the PVU. We have repeatedly pointed out the problems of overcrowding in the secure units of these institutions in the past, including in the NPM's annual report for 2020. The second topic was related to **the problems and hardships caused to residents and staff in special social care institutions by the epidemic of covid-19**. Even in 2021, when the epidemiological situation was slightly better at the time of the visits, we could see that the measures taken had affected the living conditions and the life of the residents in general.



As part of its regular visits, the NPM visited the Nina Pokorn Grmovje Home and the Hrastovec Social Care Institution (SVZ) in 2021. During these visits, he made 43 recommendations, of which 20 have been accepted and implemented, while 19 are still pending. For at least some of the latter, as explained in more detail below, either due to overcrowding in the secure unit or due to constraints related to the Covid-19 epidemic, the implementation did not materialise. One recommendation has not been accepted and three systemic recommendations had not yet received a response from the responsible ministry, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, at the time of writing the report.



During our visit to the Nina Pokorn Grmovje Home, we identified some good practices. We particularly commended the efforts made to ensure that the facility allows residents to go out (for walks, trips to the countryside, to the shops) and to have contact with their relatives, even in times of the epidemic and the related restrictions. We praised the animation activities during the week and



the nice, model smoking area and the park in front of the secure unit. During our visit to the NPM, we reviewed the records kept by the Home for psychiatric appointments. The records are kept on special forms that go in the resident's file, and are also kept separately in an internal notebook. We commended the exemplary record-keeping in both areas, as well as the careful and systematic management of residents' medical records.



During the visit to the Nina Pokorn Home, the NPM made 13 recommendations, of which the following were **eight of which have been accepted and implemented**. During our visit, we also visited the newly opened Spominček unit, which is dedicated to residents with a leading diagnosis of dementia, in addition to the secure unit. We pointed out that the Nina Pokorn Home should have opted for one of the existing working and security concepts clearly defined in the Ministry's guidelines for this unit. In its response to the previous report, the Nina Pokorn Home explained that the Spominček Unit operates as a personalised unit. He explained that this way of guarding ensures the security of the residents, which means unobtrusive monitoring in the true sense of the word, i.e. that the staff do not restrict the personal freedom of the residents.

During the visit, we also made some recommendations related to the living conditions in the secure unit. We recommended that the Nina Pokorn Home also provide residents who are placed in extra beds or additional beds when the secure unit is overcrowded with a suitable bedside cabinet, a bedside lamp and a larger wardrobe for their personal wardrobe. We considered the recommendation to have been implemented, as the Home strives to provide good living conditions for residents, and the responsibility for additional accommodation beyond the capacity of the secure unit (and thus deterioration of the residents' living conditions) does not lie with the Nina Pokorn Home. As we said in the introduction, this certainly shows that overcrowding has a significant impact on the quality of living conditions and the quality of life of all residents in the secure unit, and also means an increased workload for staff.



Nina Pokorn Home improved epidemiological situation **also implemented a recommendation to provide (even more) opportunities for residents to socialize with (veterinary-treated) animals**, as the experience so far seems to indicate a positive (therapeutic) impact on the residents of the contact with animals. Nina Pokorn's home informed the »home« psychiatrist of the recommendation to state the reasons for taking medication as needed unambiguously, indicating the first or second choice medication when several different medications are prescribed as needed. The psychiatrist has already introduced this method of prioritising medication for certain residents, and will follow it consistently for all residents in the future.



In response to the recommendation, the Nina Pokorn Home has made appropriate changes to the legal notice in the resident's declaration of consent to be placed in a secure unit, has appropriately labelled the letterbox for complaints, compliments and suggestions, and has attached a note next to the letterbox explaining where residents can obtain the necessary pens

and sheets of paper. It also decided that the letterboxes would be checked more frequently (every 14 days), that complaints received (including anonymous complaints) would be dealt with by the complaints committee, and that replies on the handling of anonymous complaints would be posted on the secure unit's notice board.



Five recommendations were still awaiting implementation at the time of the Nina Pokorn Home's response to the previous report.

We have repeatedly pointed out in the past, and again during this visit to the Nina Pokorn Home, that residents in institutional care in social care institutions must be provided with a sufficient number of activities. Residents should be encouraged to take part in activities, but not forced to do so. It is also important to ensure that activities are provided at weekends, which is a particular challenge for the home as there are fewer staff at weekends. However, it is absolutely wrong to neglect this aspect and leave the occupants to fend for themselves (e.g. sitting in front of the TV). Of course, at the time of the visit, it had to be taken into account that due to the worsening epidemiological picture, the provision of activities was limited for various reasons, and in response to the previous report, the Nina Pokorn Home explained that unfortunately, the staff had not yet been able to reintroduce all the activities. In its response, the Nina Pokorn Home also stressed that each unit of the home is like a big family, where, even at weekends, staff members provide various animation activities, creative workshops and time outside the unit, according to the wishes of the residents, as two guardians are part of the two permanent teams on the units. They often cook a hot meal together, go to the golf course in the park or visit the relaxation room. In order to ensure the privacy of the residents, we recommended that the Nina Pokorn Home should consider installing a lock on the toilet doors that would allow the door to be unlocked from either side despite the key being inserted. It seemed inappropriate to us that the door should be unlocked or even locked to ensure safety, as it is clearly not pleasant for a resident to have another resident or staff member enter such a room while performing hygiene needs. The recommendation was accepted, but has yet to be implemented. We also often point out the need to decorate the rooms (both the common areas and the residents' rooms) in the facility visited, to create a homely atmosphere as close as possible to what the resident is used to in his or her home environment. It should be borne in mind (and the reason for the poor decoration was also given in the response by the Nina Pokorn Home) that the visit was carried out in slightly better, but still challenging, epidemiological conditions. As already mentioned, living conditions are worse in the converted calming room, where the Nina Pokorn Home places a resident when the unit's capacity is exceeded. We recommended that an emergency call button be installed in this room to ensure the necessary security, but this recommendation has not (yet) been implemented due to technical constraints. We also recommended that a separate room be made available for a discussion with the mental health rights representative, but this recommendation has not yet been implemented, precisely because the secure unit was overcrowded when the room used for visits was occupied.





The NPM also found some good practices during its visit to the SVZ Hrastovec. We particularly appreciated that all residents in B2 ward have their own cosmetic and hygiene bag, which is kept by staff and handed out to residents when they need it for personal hygiene tasks. This piece of privacy within institutional care gives residents a sense of individuality and helps them to take care of themselves and their belongings. We also praised the efforts of SVZ Hrastovec to decorate Ward B3, including the residents' rooms.



The NPM made 30 recommendations during its visit to the SVZ Hrastovec, of which the following were **12 of which have been accepted and implemented.** The NPM is particularly alert during visits to cases where torture and cruel, inhuman or degrading punishment or treatment have occurred or may occur. We therefore recommended that SVZ Hrastovec pay attention to injuries to residents, investigate the cause of the injury if the origin is unclear, and, above all, prevent incidents of corporal punishment through regular monitoring and the possibility of anonymous reporting of ill-treatment, both for residents and staff. In response to the recommendation, the facility explained that it does not tolerate violence and is therefore vigilant about all injuries to residents and staff and reports them to the police, and an incident sheet is kept on all perceived injuries. As we did not find an activity plan in all units, we recommended that the plan for the current month should be communicated in good time to the unit staff and posted on the unit notice board to the unit residents. We also recommended that, for people with reduced reading or comprehension skills, such a plan should include graphic elements (a picture or sketch of the planned activity), be more detailed, possibly including daily activities (e.g. meals, time for personal hygiene, going to bed, etc.), as this will help the resident to structure their day and decide which activities they will take part in. We recommended appropriate animation and encouragement for residents to ensure that the activities are better attended. In our response to the previous report, we were informed of the monthly activity plan and were assured that it is published on the departmental notice boards. SVZ Hrastovec has implemented the recommendation on the necessity of regular maintenance of the items in the secure units, in particular the replacement of the destroyed toilet seat in V1 ward. It implemented the recommendation to inform the competent social work centre in the event that a guardian abuses the task entrusted to him/her and the recommendation to align the legal notice on the first page of the consent form for admission to a secure unit with Article 74 of the Act on the Protection of Human Rights and Fundamental Freedoms. If there is a late application to the court for an extension of the detention, this may mean that the legal basis for keeping the resident in the secure unit is terminated. We therefore recommended that SVZ Hrastovec pay attention to the timely submission of proposals, and the institution has implemented this recommendation, as can be seen from the response, by adding a section on the form for the implementation of the PVU on the measures taken after the PVU was discontinued (e.g. therapeutic talk), and by placing a notice next to the boxes for complaints, compliments and petitions, where residents can get paper and pen to write a complaint. SVZ Hrastovec has also implemented the recommendation to allow residents to call a mental health advocate, lawyer or other

person who can assist them in exercising their rights from the institution's or the resident's phone, regardless of the restrictions on free or time-limited calls.

At the time of receiving the response from SVZ Hrastovec, 14 recommendations were still awaiting implementation. Thus, when recommended to install a reading light (wired or wireless) for a resident who wanted and would actually use it (e.g. for study purposes), the facility responded that it would take an individual approach to installing the lights. It will also look into additional technical possibilities for installing emergency call buttons in V1 and V2 wards to allow residents to call for help in an emergency, with the aim of to encourage residents to spend time outdoors, plans to redesign the outdoor areas in front of V1 ward (including the installation of sun shades, benches, tables, board games, etc.). We recommended that SVZ Hrastovec place even more emphasis on the involvement of residents in individual activities, especially with appropriate positive encouragement, and also that it make even more effort to ensure that residents only watch the TV programme with appropriate staff animation (explanation of the content). In the light of the feedback received, this recommendation will be implemented in those units where it makes sense to do so given the capacity of the residents to understand the content being broadcast. SVZ Hrastovec announced that it will decorate the rooms of the secure units according to the possibilities and the level of understanding of the residents, and will install photo wallpapers in individual rooms. He explained that unit B3 accommodates people with severe intellectual disabilities who are used to a certain routine and structure of the day, so he is gradually introducing a variety of activities for them. These persons need more staff to ensure adequate security when engaging in activities, and the staffing standard needs to be revised. SVZ Hrastovec will remind psychiatrists prescribing therapy for residents to take care when prescribing antipsychotics and (as far as possible) to rationalise their prescribing for demented residents (avoid prescribing several antipsychotics at the same time). SVZ Hrastovec still places a resident who is unable or unwilling to consent to placement in a secure unit before a court decision, for which there is no legal basis in the ZDZdr. In its response to the previous report, the Institute explained that it had already tried to carry out the emergency procedure under Article 53 of the ZDZdr in individual cases, but the hospital had refused to admit the resident and had had to take its own action to ensure his safety. The amendment to the ZDZdr, which was still under inter-ministerial coordination at the end of 2021, provides for emergency admission to a secure unit of a social welfare institution. In its response to the NPM's report, the SVZ Hrastovec assured that it would make a special point in the meetings with the staff in the secure units to ensure that the records of the SPMs were carefully filled in. We have also made several recommendations to the Hrastovec SVZ regarding the handling of complaints, compliments and initiatives from residents and relatives. Thus, we recommended that the Instructions for the handling of applications from residents of the SVZ Hrastovec be aligned with the indications on the actual emptying of the complaint boxes, so that in case of (re)closure of units due to a poor epidemiological situation, arrangements are made, that the complaint boxes



are regularly emptied also during periods of restricted movement of residents and staff from unit to unit and that residents are also given the opportunity to submit complaints, compliments or petitions anonymously during these periods, and that any restrictions or changes to the channels of complaint are immediately posted on the unit notice boards or by the complaint, compliment and petition boxes, in addition to being announced verbally. We also recommended that the Instructions for the handling of residents' applications at SVZ Hrastovec clearly state that a resident who can be identified from the complaint should always receive a written response, with a proper explanation of the decision and legal advice. In its response to the previous report, SVZ Hrastovec explained that, with regard to all recommendations relating to the handling of complaints, compliments and petitions, it had already started the process of drafting amendments to the Instructions for the handling of applications from SVZ Hrastovec residents, which would be adopted by the end of 2021, with effect from 1 January 2022. SVZ Hrastovec also explained that it will actively assist residents in establishing and maintaining contact with members of their religion, and, where appropriate, to allow them to participate in religious services or visit a place of religious significance (pilgrimage centre, mosque, etc.), on an individual basis, according to their expressed wishes.



We would like to point out in particular that the SVZ Hrastovec has not accepted the recommendation that an activity plan should also be prepared for Saturdays and Sundays, as the residents are also present in the facility on those days and it is not right to leave them to their own devices (and, according to the explanation received, visits on weekends are quite rare). In its response to the previous report, the facility explained that activities are planned from Monday to Friday, some on Saturday, and on Sundays the residents are free, as the planned schedule of activities attempts to reproduce the normal rhythm of life outside the facility according to the normalisation concept, where the weekend or Sunday is a day off work. We were surprised by the explanation. Indeed, in the environment outside SVZ Hrastovec, individuals are usually free from work commitments at the weekend. But that certainly doesn't mean they are inactive. In addition. It is during this time that they do or take part in activities they particularly like to do (leisure activities). It is important to bear in mind that this concept cannot be fully developed, especially in secure units. Residents in these units are confined to the unit and, because of this limitation and the constraints imposed by their specific mental condition (long-term mental illness and/or intellectual disability), are unable to independently follow or participate in activities they might wish to do. Perhaps there could be fewer occupational therapy activities and more fun, sporting activities at the weekend. And for these, residents are definitely (also or even more so at weekends) dependent on the help and encouragement of staff.



Three of the recommendations made were of a systemic nature, addressed to the MDDSZ. At the time of writing, although the deadline for a response had already passed, we were still awaiting a response from the Ministry. We have therefore (again) recommended that the Ministry of Labour, Family, Social Affairs and Equal Opportunities, with the necessary support of the Gov-

ernment of the Republic of Slovenia, immediately find appropriate solutions to the unsustainable situation of overcrowding in the secure units of social welfare institutions. We also pointed out that the situation undoubtedly indicates a violation of the rights of individuals placed in secure units. In addition. The unsustainable conditions in such units, which have been going on for so long (ten years and more), can undoubtedly be defined as ill-treatment of residents, which is not the responsibility of the institutions themselves, much less of the employees in the secure units, but of the state, which fails to ensure that the conditions are right to prevent overcrowding in secure units (anymore). We also recommended that the Ministry of Labour, Family, Social Affairs and Equal Opportunities take into account the recommendations of the NPM, and in particular those of the experts who participated in the visits, when reforming the staffing standards for social care institutions, with particular emphasis on assessing the number and profile of staff needed in units with polymorbid residents. On the basis of the opinion of the expert who participated in the visit to the SVZ Hrastovec, we also recommended to the Ministry of Labour, Family, Social Affairs and Equal Opportunities that, when drafting amendments to the ZDZdr, in view of the fact that it concerns the introduction of a SPM in a social welfare institution, it should propose the possibility of introducing a SPM, similar to that which is provided for psychiatric hospitals, also by a health care worker.

The NPM also carried out one follow-up visit to the SSA unit in 2021 to verify the implementation of the recommendations made during the regular visit in 2020. The NPM did not make any new recommendations during this visit.

On 31 March 2021, the NPM carried out an **unannounced follow-up visit to the Lukavci Home, a unit in Veržej**, primarily for residents with a leading diagnosis of dementia. The visit examined the implementation of the 19 recommendations made by the NPM at the time of the regular visit in 2020. **Of these, we were able to see that the home has accepted and implemented 14 recommendations, which is certainly to be commended. However, it should be noted that while five recommendations have been accepted by the home, they have not yet been fully implemented, and we expect the home to place particular emphasis on these recommendations and their implementation in the future.**



2.3

VISITS TO PSYCHIATRIC HOSPITALS



In 2021, the NPM carried out three visits to psychiatric institutions (two regular visits and one follow-up visit). **Visits were certainly marked by the COVID-19 epidemic.** Thus, in the **Vojnik Psychiatric Hospital**, we entered only the women's unit under special supervision, following the principle of »do no harm«, as the male unit was restricted due to active infections of the patients. For this reason, we were also able to identify certain limitations related to family visits.



During our visit to the **Forensic Psychiatry Unit**, which is part of the Department of Psychiatry at the Maribor UMC, we **again found that it was overcrowded.** This is a systemic issue that has remained unresolved for many years, indeed since the opening of the unit. At the time of the audit, there were 11 patients in the 12-bed F1 ward, but most wards had between 12 and 14 patients. Ward F2 is also usually overcrowded, with 18 beds and usually over 20, even up to 25 patients, and 21 at the time of the NPM visit. Sub-unit E2 has still not been implemented due to the lack of staff (nursing staff, occupational therapists, clinical psychologists, psychiatrists) who could be adequately trained in addiction treatment. On the basis of the findings of this visit, we stressed the need to address the problem of overcrowding as soon as possible, either by opening an E2 ward or by other appropriate means. The response received indicates that there are a higher number of patients in the Forensic Psychiatry Unit with a compulsory treatment and protection measure in hospital, for whom no improvement in their condition is expected. The Unit therefore considers that these patients need to be placed in a suitable social care institution, where they would have an incomparably better quality of life than at the Unit. Despite the fact that the Forensic Psychiatry Unit regularly states this in its reports to the competent courts, the implementation of the measure is usually extended to a period of up to five years, which, in its view, is completely illogical and to the detriment of the patients, who suffer additional frustration and dissatisfaction as a result of this. This is also reflected in behavioural symptomatology and consequent actions such as SPM. At the time of the response to the NPM report, the Unit had five patients on F1 ward who, in its view, were unnecessarily occupying beds. The issue of transfer of individual patients to social care institutions would be largely solved by opening an institution (or a unit of one of the existing institutions), which would be dedicated mainly to post-forensic patients. As we are aware, a project to set up such an institution is underway at the Ministry of Labour, Family, Social Affairs and Equal Opportunities. With regard to the difficulties in obtaining adequate staff for the opening of E2 ward, we recommended that the Department of Psychiatry of Maribor UMC inform us of the requests already made to address the staff shortage (as mentioned in one of the replies below), and also to (re)inform Maribor UMC as well as the Ministries of Health and Justice about the staffing problems and inform the Ombudsman of their response.

Of particular note (and the NPM has been pointing this out since the opening of the Forensic Psychiatry Unit) is the **under-occupation of the otherwise regularised posts of judicial police officers in the Security Office**. Not only does the lack of judicial police officers have a significant impact on the safety of patients and staff, but it also prevents patients from being able to remain long in outdoor areas. The opinion of the Head of the Department, who pointed out on this visit that the need to carry out security checks on newly admitted patients would make it necessary to recruit at least one judicial police officer, should also be taken into account. The Prison Administration of the Republic of Slovenia, in its response to the preliminary report of this visit, explained that the Maribor Prison (Maribor Prison – the Security Office at the Forensic Psychiatry Unit is organisationally part of the Security Department of Maribor Prison) **is informed about the problems. He fully understands the unit's plight** and is helping to the best of his ability, given their limited staff resources. According to the Prison Administration of the Republic of Slovenia, the employment of at least one female judicial police officer would not eliminate the above-mentioned problem, as a newly admitted patient can be referred to the Unit at any time, and it is not logistically feasible to cover all shifts with one female judicial police officer in order to ensure that all newly admitted patients are screened by a female judicial police officer. The Maribor Prison had planned to transfer one judicial police officer from their institution to the Forensic Psychiatry Unit in 2021, but due to their high staffing needs, they had to postpone the transfer. Both Maribor Prison and Prison Administration of the Republic of Slovenia fully agree with the NPM's recommendation and will take this problem into account in the new calls for judicial police officers, but the problems will continue to be solved by agreement between Maribor Prison and the Forensic Psychiatry Unit, taking into account the current needs.

Another important issue that the NPM repeatedly encounters during its visits to psychiatric hospitals is the implementation of the SPM. The facilities used to perform physical restraint are often inadequate, as they do not provide sufficient privacy for the restrained patient, and staffing constraints mean that constant (continuous) supervision of the restrained patient is not always guaranteed During our visits to the Forensic Psychiatry Unit and the Psychiatric Hospital Vojnik, we also recommended that a **separate room be provided for the sole purpose of carrying out the SPM, and that sufficient staff be provided to allow direct supervision of the SPM**. From the response received to the previous report of the Forensic Psychiatry Unit, we understood that with the (current) staffing it is not possible to ensure a permanent staff presence directly next to the patient, but only from the control room. Article 29 of the ZDZdr provides that a person who has undergone a SPM shall be supervised, his/her vital functions monitored, and he/she receive professional treatment throughout the duration of the SPM. If the action were to be monitored from the staff room, such monitoring would still need to be continuous and to such an extent direct as to allow immediate intervention in the event of a danger to the patient (e.g. (re)asphyxiation in the event of vomiting, a cry for help). The recommendation was mainly related to the arrangement of a special room for the SPM, i.e. a room that would not also be used as a living room for other patients (e.g. due to space constraints).



In 2021, the NPM made two regular visits to hospitals for people with mental disorders, to the Maribor UMC, Department of Psychiatry, Forensic Psychiatry Unit, and the Vojnik Psychiatric Hospital. He made 60 recommendations during his regular visits.¹⁶ At the time of writing this report, a response (after several emergencies) was received from the Maribor UMC, Department of Psychiatry, Forensic Psychiatry Unit. Of the 27 recommendations, six have been accepted and implemented, while 13 are still pending. Two recommendations were not accepted and six received no response. At the time of writing the report, we were still waiting for a response from the Vojnik Psychiatric Hospital (the deadline for responding to the 33 recommendations had not yet passed).



During our visit to the Maribor UMC, Department of Psychiatry, Forensic Psychiatry Unit, we found some good practices or gave several compliments.

Thus, when we inspected the premises of F1 unit, we found that it was in an excellent state of repair and that the walls of the premises had obviously been recently repainted, as had the walls of the corridor, common areas and rooms of F2 ward. In the latter, there were also a few more paintings on the walls to make each room more welcoming. In an interview with the Head of the Security Office, it was noted that the number of staff had increased by three judicial police officers compared to the NPM's 2017 monitoring visit, and that as of 2019 the Security Office also has a suitable official vehicle to escort patients outside the Forensic Psychiatry Unit. In view of the increased number of judicial police officers, an additional judicial police officer is deployed every day (for four hours) to supervise the implementation of the walks, which is certainly appreciated. The NPM's visit also found that there was no excessive use of coercive measures by judicial police officers, who used them in (only) two cases between 1 January 2020 and 10 February 2021.

Visiting the Maribor UMC, Department of Psychiatry, **Forensic Psychiatry Unit, we made 27 recommendations.** The Forensic Psychiatry Unit has already accepted and implemented six recommendations. The recommendation that the Forensic Psychiatry Unit should work to address the staffing shortage was thus implemented. While the Unit has already made the relevant requests, it cannot influence the decisions of the competent services. It is particularly worrying that it is facing further staff departures because staff are being offered better financial and working conditions in other institutions, especially abroad, and above all less exposure to threats. The recommendation to consider the possibility of setting up a special room for family visits with patients has been implemented. Such a space is provided, but visits were not carried out at the time of the drafting of the response due to the exacerbated epidemiological situation (COVID-19). Recommendations were implemented to ensure that patients are given the opportunity to shower within a timeframe that ensures adequate hygiene, to give patients house rules on admission, to allow them to contact a lawyer (by phone), especially in cases where they do not have sufficient resources to use their own mobile phone. We also recommended that the Forensic Psychiatry Unit pay special attention to cases of alleged violence and prevent or deal with them in a timely manner. Patients' complaints of physical violence by staff should be taken seriously, and evidence that it has occurred should be record-

¹⁶ A further 11 new recommendations were made by the NPM at the time of the follow-up visit (presented below), making a total of 71 new recommendations made by the NPM in 2021.

ed with the help of an appropriate specialist doctor, and appropriate action should be taken in the case of proven unprofessional behaviour (e.g. hitting, punching). We are pleased to note that such an important recommendation has been implemented and we have received an explanation that, in the event of such complaints, staff members analyse the incident in a team meeting, as well as through individual discussions with those involved. The Unit stressed that it should also take into account the fact that the incidence of dissociative personality disorder in forensic departments globally is above 50% and in this context it occasionally records easily manipulative allegations of excessive use of force. It is not insignificant that the employees of the Unit are often subjected to serious threats, in which case, in their view, there is virtually no institutional protection for the employees at risk, which, as they stated, is very frustrating.

The Forensic Psychiatry Unit had accepted 13 recommendations but had not yet implemented them at the time of writing.

Thus, the recommendation to address the problem of overcrowding as soon as possible, either by seeking to open Section E2 as soon as possible for the purposes of the Unit or by other appropriate means, as already mentioned in the introduction, has not yet been implemented. However, it should be noted that due to overcrowding in the ward, it is still not possible to provide all patients with a wardrobe and a bedside cabinet. We recommended that the Forensic Psychiatry Unit should install some more pictures in Ward F1 to give the room a more welcoming feel, taking into account the safety risks of such decoration. In response to the previous report on the visit, we have learned that the house rules that would apply specifically to the Unit are (still) with the legal department of Maribor UMC for formalisation. Another recommendation awaiting implementation was that the Unit should consider ways to reduce the risk of hetero-aggressive behaviour in a way that minimises interference with patients' privacy. We also drew particular attention to the adequate occupancy of the systemised posts of judicial police officers, which is important not only to ensure the safety of patients and staff, but also to ensure that patients stay in outdoor areas for a sufficient length of time (more than 30 minutes a day, which was the maximum possible at the time of the NPM visit, given the understaffing). We say more about this in the introduction to this chapter. During the NPM visit, patients were usually dressed in pyjamas. The Forensic Psychiatry Unit agreed with the recommendation that it would be useful to provide more appropriate daywear, which could be sportswear, to patients during the day, even in the wards under special supervision, and will address a request to Maribor UMC regarding the provision of sufficient sportswear in all appropriate sizes. At the time of the NPM's visit, the investor for the installation of a suitable shelter on the outdoor promenade was still awaiting agreement, and the technical possibilities for making video calls were still being determined, which was certainly important at a time when visits were restricted for reasons of preventing the spread of COVID-19 infections. The recommendation to provide a separate space for the SPM and direct supervision of the handicapped patient has not yet been implemented, and more on this in the introduction to this chapter. The regulation of the procedure for recording patients' oral complaints in legal documents was (only) under preparation at the time of receiving the response to the previous report, and the option of exercising outdoors, in the park, and not only in the specially secured atrium, was suspended due to patient absconding.





Two recommendations were not accepted by the Forensic Psychiatry Unit.

Thus, for security reasons, the recommendation that the Unit should consider the possibility of upgrading the internet network so that, under certain conditions and with appropriate protection, a wireless (Wi-Fi) network would also be available to patients was not accepted. In the Forensic Psychiatry Unit, always and without exception, according to the assurance received, milder measures (interview, de-escalation techniques, additional medication therapy) are applied prior to the performance of a SPM, but no recommendation was made to amend the SPM forms accordingly, on which such (preliminary) measures could be recorded.



Despite repeated requests, the Forensic Psychiatry Unit did not (explicitly) respond to six recommendations.

We expressed our conviction that, in view of the general appreciation for the recommendations made, the NPM will endeavour to implement them, and will pay particular attention to this during his next visit to the Unit. Thus, we did not receive a response to the recommendation that the Forensic Psychiatry Unit should ensure that the patient's privacy is not invaded during the performance of a SPM due to the possibility of other patients looking at the patient undergoing the SPM (discussed in the introduction to this chapter). For prolonged measures of this kind, we recommended that the Unit consider the possibility of improving the quality of treatment by arranging for the possibility of watching television in the SPM room itself, with appropriate technical protection, and that the staff involved in each SPM should be (re)recorded. We also did not receive a response from the Forensic Psychiatry Unit to the recommendation that when prescribing medication »as required«, it should state the maximum number of times per day that a person can receive such medication, to consider placing the complaints, petitions and opinions box in a way that is accessible to ward residents, and to consider (safely) placing the complaints, petitions or opinions box in the vicinity of the box.



During our visit to the Vojnik Psychiatric Hospital, we also found some good practices and gave several compliments.

We welcomed the activities and efforts that the hospital is putting into ensuring activities for patients and that they run as smoothly as possible, even during a period of COVID-19 infections, as well as the opening of a gerontopsychiatric ward. During the epidemic, visits took place outside (in the fenced yard for this ward) or in the multi-purpose common area in good weather, and a talk with an advocate was possible in the reception clinic. This has ensured confidentiality for patients, which we welcomed, as well as the option for patients who do not have their own clothes to obtain clothes from the social services fund for the purposes of going out or attending appointments. Washing of personal clothes for those patients who are not provided with this service by their relatives is provided by the hospital without compensation. We also praised the patients' participation in daily ward activities, such as clearing the dining table and so on.

We made 33 recommendations during our visit to the Vojnik Psychiatric Hospital. At the time of writing, we were still waiting for a response from the hospital. We recommended that the hospital should make the NPM report known to the staff or those responsible for implementing the individual recommenda-

tions, that the hospital should consider and respond to the recommendations, if appropriate, set its own objectives to address the recommendations and develop an action plan, the implementation of which would then be periodically reviewed. We also recommended that the Vojnik Psychiatric Hospital continue its efforts to open a gerontopsychiatric ward as soon as possible, that it provide patients with night lights at every bedside, that staff actively encourage patients to participate in daily activities, including by adapting them to their wishes and needs, and that the rooms of female patients are not locked (except when necessary for security reasons, e.g. when ventilating the room), as this will also prevent them from accessing their personal belongings. Furthermore, we recommended that the Vojnik Psychiatric Hospital furnishes the patient rooms, and to a greater extent the corridors, with patient products that have aesthetic (but also optimistic) value, to implement video surveillance in room no. 1, to inform the patient who is placed in the room verbally and to post a notice in front of the entrance in accordance with Article 74 of the Data Protection Act, and to consider the possibility of obtaining a space where patients can socialise with visitors without disturbance and with a certain degree of privacy. We also recommended that the toilet door be fitted with a lock that can be locked from the inside and unlocked from the outside in the event of danger, and that the facility consider providing more privacy for patients when showering, as shower cubicles do not have doors, but only plastic curtains, which largely compromise privacy. We recommended that the restriction on the use of own underwear should be determined on an individual basis and thus limited only to patients who do not change their underwear regularly and otherwise do not take care of their personal hygiene, and only until their hygiene improves. When dealing with patients with different mental illnesses, it is undoubtedly right that the approach to their treatment should be different, and that the restrictions imposed on them to ensure their safety should be tailored to their state of health. For these reasons, we also recommended that access to patients' personal belongings and other personal items should be restricted to those patients whose medical condition might make access to their clothing and other personal items a danger to themselves or others. The Vojnik Psychiatric Hospital could consider giving patients who are able to take care of their personal belongings keys to lock their cabinets to prevent unauthorised access by other patients. An individual approach would also be necessary when assessing whether, with due consideration of the risks, individual patients should be allowed to be outdoors on their own. At a time of risk of the spread of SARS-CoV-2, we recommended that the hospital consider making disinfectants available to patients at all times and, due to ingestion risk, consider installing disinfectants that are minimally toxic or that do not pose an ingestion risk (e.g. foam or gel disinfectant placed in a dispensing container that does not allow for the dispensing of large amounts of disinfectant at one time). We recommended that Vojnik Psychiatric Hospital work to ensure sufficient numbers of doctors, more frequent somatic examinations of patients and the participation of senior staff members in the WHO QualityRights Toolkit training, which is important from the perspective of respecting patients' rights. In addition to the consistent completion of forms on admission and consistent record-keeping, we also recommended that the hospital adapt the form for consent to keep a patient in a ward under special supervision to Article 38 of the ZDZdr. During our visit to the Vojnik Psychiatric

Hospital, we also made some recommendations related to the implementation of the SPM. Thus, we recommended that if physical restraint is performed, only patients undergoing such a measure should be in the room where the SPM is performed. We also recommended that the medical records should always show if and which mitigating measures were taken before the introduction of SPM, and that the SPM forms should be completed with a section on the measures taken before the introduction of SPM (e.g. discussion, de-escalation techniques, additional drug therapy, etc.). The forms must also show the reasons for the extension of the SPM, as this is only permissible if it is strictly necessary and professionally justified. We also made some recommendations related to patient complaint channels to the Vojnik Psychiatric Hospital. Thus, we recommended that the hospital **post a description of the complaints channels on the notice board in the women's ward, consistently review and empty the complaints and compliments boxes, at least every 14 days, and preferably even more frequently, possibly daily, to ensure that complaints are dealt with quickly and efficiently.** We also recommended surveying target groups (patients, relatives, staff) even in changed (epidemiologically unfavourable) situations, as this is the only way to ensure continuity of satisfaction monitoring. We recommended that the Vojnik Psychiatric Hospital make more effort to implement activities for patients, including during weekends and holidays, and that (possible) bans or restrictions on the use of mobile phones be written down and posted on ward notice boards.

The NPM also carried out an unannounced monitoring visit to the University Psychiatric Clinic Ljubljana (Ljubljana UPC) in 2021. At the time of our regular visit in 2016, we made 33 recommendations (which are still valid at the time of this visit). During the 2016 visit, the NPM also made a recommendation to the MoH to respond to the wishes and suggestions of the UPC and to inform us as soon as possible about the efforts to open a properly equipped paedopsychiatric ward in Slovenia. As the Intensive Child and Adolescent Psychiatry Unit was opened in 2019 and the NPM had already visited the Unit twice, there was no need to verify compliance with this recommendation during this visit. On this visit, we were able to see that of the 33 recommendations, UPC has accepted and implemented 9, 24 of the recommendations made during the 2016 visit have not yet been fully implemented. We expressed our expectation and encouraged the clinic to fully implement these recommendations as soon as possible.



On this visit to Ljubljana UPC, we praised the new decoration of the reception units (especially the photo wallpapers), as well as the efforts made to find the most optimal solution to ensure the privacy of the disabled patient.

We also made 11 new recommendations at the time of the visit, of which Ljubljana UPC has already implemented six. Ljubljana UPC has thus already implemented the recommendation that patients whose health does not dictate otherwise should not only be allowed to wear daywear, but also be actively encouraged to do so. In its response, UPC explained that the provision of daily clothing during the epidemic (when there were no visits) was somewhat difficult, as patients had to wait for their relatives to deliver what they needed to

a specific place, but committed to continue to strongly encourage patients to wear personal clothing, or at least (hospital) trainers if they do not have them. UPC has already implemented the recommendation to allow patients who wish to shower outside the opening hours of the bathrooms to do so. We believe that hygiene is one of the basic elements of an individual's self-image and dignity, which undoubtedly has a positive impact on the course of treatment. It has also implemented the recommendation to post a timetable of activities on the notice board of each ward (including each ward under special supervision), to make patients aware of the possibility of using the computer and to determine how it is to be used or any time limits that may be necessary, to give residents permanent and unrestricted access to mailboxes allowing anonymous submission of complaints, compliments or suggestions, and to ensure regular mailbox content check and the timely processing of applications submitted in this way. We also recommended that Ljubljana UPC try to provide more telephone lines in I3 ward (and also in other wards, if similar problems occur there) so that the service line is not occupied by patients' calls, and at the same time to ensure that patients have the right to use the telephone (Article 12(2) of the ZDZdr). The response to the previous recommendation shows both agreement with this recommendation and that arrangements are already underway with telephone service providers for additional telephone lines.

However, it should be noted that **three recommendations have not yet been implemented by Ljubljana UPC and two recommendations have not been explicitly addressed.** Thus, the recommendation to record the patient's consent (signed if possible) to perform the physical restraint SPM in a room where other patients are present has not yet been implemented. While the clinic is preparing a new form for the implementation of SPM, which will include such a section, the clinic warned that obtaining a signature of consent will not always be possible, as SPM of physical restraint is the last point of de-escalation techniques when patients are no longer able to behave or speak in an orderly manner due to their mental state, when they are a threat to themselves or others, agitated, aggressive or do not understand the content due to cognitive decline. According to the response of Ljubljana UPC, we considered that in the cases described above, when or until the patient does not give consent (regardless of the reason), the clinic should carry out the SPM separately from other patients, thus respecting the particularly sensitive position of the patient when carrying out such a measure. While Ljubljana UPC agreed with the recommendation to inform the court of the detention of a minor without exception, in the event of a court decision there is no need to continue to obtain the minor's, his guardian's or legal representative's consent for detention in the Centre for the Treatment of Drug Dependence (CZOPD). However, she pointed out that this was because of an agreement with the court, and also that children and adolescents in special units are not treated in the CZOPD. We were surprised by the clinic's reply, as we had received information about the treatment of minors in the CZOPD from the centre itself, as well as an explanation of the court's decisions (indicating that this is a placement in a units under special supervision). We have reiterated that a minor's consent to placement in a special supervision unit, when or if the minor is capable of declaring his or her will (taking into account his or her age, maturity and awareness of the consequences of placement), may be a sufficient



basis for placement. If the minor is unable to express his or her will (for one of the reasons mentioned above), the court must be informed of the detention. Due to space constraints, UPC has also not yet implemented the recommendation to expand the treatment programme for adolescents and children who use drugs within the CZOPD, and thus to formally establish a small inpatient treatment programme in the CZOPD for those adolescents for whom outpatient treatment is not successful and who are therefore no longer treated (in the same group) as adults, in addition to the outpatient clinic, the individual and group treatment, or the day hospital.

UPC did not explicitly respond to the recommendations that the limit of calls per day (one call per day) should not include calls to the Mental Health Advocate, the Patient's Rights Advocate and the Patient's Advocate, and that it should ensure that the schedules of the smoking rooms in the admission wards are consistent, as conflicting information may cause confusion for patients. However, we are confident, as can be seen from the responses to some of the other recommendations, that it has already implemented them or will do so in the near future. We will certainly pay particular attention to the implementation of these recommendations during the next NPM visit.

2.4

VISITS TO CRISIS CENTRES FOR CHILDREN AND YOUNG PEOPLE

NPM visited **three crisis centres for children and adolescents** in 2021. We visited the **Kresnička Youth Crisis Centre in Radovljica** on 31 March 2021, the **Crisis Centre for Children and Adolescents in Slovenj Gradec** on 28 July 2021 and the **Celje Youth Crisis Centre** on 20 October 2021. This is the first time the NPM has visited these crisis centres, all of which were regular and unannounced. We made a total of 11 recommendations during our visits, four of which were addressed to the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MLFSA) and seven to the crisis centres visited. Of the four recommendations made by the NPM to the Ministry, **three recommendations are still awaiting implementation** (in two cases the same recommendation was made twice or on visits to two different crisis centres). Also, **the fourth recommendation we made to the Ministry of Labour, Family, Social Affairs and Equal Opportunities was not implemented when we received their response, but we subsequently learned that the Ministry had implemented the recommendation. Three recommendations were accepted and implemented by the crisis centres visited, four recommendations were accepted but were still awaiting implementation at the time of their response.**



The NPM started to visit the crisis centres for children and adolescents, which operate as organisational units of social work centres,¹⁷ in 2020. Following the entry into force and application of the Family Code (FC), we have also received confirmation from the Ministry of Social Affairs and Labour and Social Welfare (MDDSZ) that crisis centres are subject to placements made in accordance with Article 162 (according to which the court, for the protection of the best interests of the child, issues a temporary order removing the child from the parents and placing him/her with another person, in a crisis centre, in foster care or in an institution) and Article 167 of the Family Code. Article 167(2) of the Optional Protocol applies to Article 167(4) of the Optional Protocol (according to which, in the event of serious danger, the social work centre shall remove the child from the parents and place him/her with another person, in a crisis centre, in foster care or in an institution before the court decides on the application for an interim order).

At the first visit to the Crisis Centre for Children and Adolescents¹⁸ in 2020, we made systemic recommendations to the Ministry of Labour, Family, Social Affairs and Equal Opportunities, which we have repeated in two visit reports this year. During our visits to the crisis centres in 2021, we learned once



¹⁷ Slovenia has nine crisis centres for children and adolescents, for children and adolescents aged 6 to 18, and one crisis centre for children, for children up to the age of 6.

¹⁸ Report on the visit to the Ljubljana Crisis Centre for Youth (No 12.2. - 33/2020 of 16 November 2020).

again that the concept of crisis centres for children and adolescents, which had as its essential elements the short-term and voluntary placement of a child or adolescent, had changed with the entry into force of the Domestic Violence Prevention Act (ZPND), according to which victims of domestic violence or perpetrators of violence are to be placed in crisis centres for children and adolescents, and especially with the entry into force of the Act, which introduced the placement of children and adolescents in crisis centres on the basis of court decisions, has changed considerably. We found that the functioning of crisis centres is still not regulated in detail. The tasks of the crisis centre for children and adolescents are defined in *the Catalogue of public powers, statutory tasks and services provided by social work centres*, which is prepared and updated by the Community of Social Work Centres of Slovenia, which has the right to provide social work services to children and adolescents in accordance with Article 68 of the Law on Social Work of the Social Welfare Act (ZSV), the public authority to determine the catalogue of tasks performed by social work centres as social welfare services, as tasks entrusted to them by law as public powers and as tasks imposed on them by other regulations. In 2010 (after the crisis centres became part of the Service for Coordination and Assistance to Victims of Violence on the basis of the Act on the Protection of Children and Adolescents), the Ministry of Social Affairs and Social Development issued (only) the *Explanations and Expert Guidelines for the Operation of the Crisis Centres and the Intervention Service within the Regional Service for Coordination and Assistance to Victims of Violence* (No.0075-14/2010-1, 14 September 2010), which are (more detailed) the basis for the operation of crisis centres for children and adolescents.



The NPM had already pointed out to the Ministry of Labour, Family, Social Affairs and Equal Opportunities in 2020 that, in the NPM's view, the clarifications and instructions issued indicated that the functioning of crisis centres was not fully and clearly regulated in the regulations and that, in this respect, it would be reasonable to consider whether the functioning of crisis centres should be regulated more comprehensively in the regulations. Given that crisis centres for children and adolescents have also been providing placements compliant with the CPA since 2010, when the clarifications and guidance were issued, we also recommended that the Ministry (at the very least) update the clarifications or guidance accordingly. In 2021, we repeated this recommendation twice.¹⁹

In response to the reiterated recommendation, the Ministry of Labour, Family, Social Affairs and Equal Opportunities responded that, even before the entry into force of the CPA, children and adolescents were placed in crisis centres in accordance with the provisions of the Marriage and Family Relations Act (ZZZDR) However, according to the Ministry, the regulation in the DZ, which does not provide for placement in a crisis centre in the context of measures of a more permanent nature, is in line with the nature of placement in crisis centres, which is systemically defined as short-term. **The Ministry of Social**



¹⁹ Report on the visit to the Kresnička Youth Crisis Centre (No 12.2 - 16/2021 of 1 July 2021) and Report on the visit to the Celje Youth Crisis Centre (No 12.2 - 48/2021 of 30 November 2021).

Affairs and Labour and Social Welfare also replied that, in the light of the changes introduced by the National Assembly, it would examine the *Explanatory Notes and Expert Guidelines for the operation of crisis centres and the intervention service within the Regional Coordination and Victim Assistance Service* in terms of whether the tasks and concepts of placement in crisis centres for children and adolescents were still adequately defined.²⁰



In our report on the visit to the Kresnička Youth Crisis Centre, we also recommended that the Ministry of Social Affairs and Human Development review the adequacy of the staffing standard for crisis centres for children and adolescents and, if necessary, amend it.²¹ The Ministry replied that the adequacy of the staffing standards in crisis centres is already being coordinated in the Working Group on Standards and Norms in Social Work Centres, which is composed of the following representatives of the Ministry, trade unions and the Community of Social Work Centres. During our visit to the Celje Youth Crisis Centre, we learned that the staffing standard for crisis centres for children and adolescents has been changed. The NPM welcomed the change in the staffing norm from five to six professionals per crisis centre for children and adolescents and recommended that the Ministry of Social Affairs and Social Welfare also provide the competent social work centres with adequate financial resources for the recruitment of staff in crisis centres for children and adolescents in line with the staffing norm. In its response to the final report on the visit to the Celje Youth Crisis Centre, the MDDSZ stated that additional recruitment in 2021 was not admissible under Article 60(4) of the Law on the Enforcement of budgets of the Republic of Slovenia for the years 2021 and 2022 (ZIPRS2122). **was also explained that in 2022, all necessary procedures for increasing the staff and financial plans of the social work centres would be carried out, taking into account Article 65(7) of the Act on the Execution of the Budgets of the Republic of Slovenia for 2022 and 2023 (ZIPRS2223), which allows for an increase in the number of employees in 2022 for justified reasons related to ensuring the smooth implementation of activities.**



We made three recommendations to **the Kresnička Youth Crisis Centre in Radovljica**. The recommendation to set up a special mailbox where children and adolescents who wish to remain anonymous could submit a complaint, suggestion, opinion or compliment regarding their stay and accommodation in the Crisis Centre has been accepted by the Crisis Centre and has already been implemented. The recommendation to rectify the equipment in the premises was only partially implemented by the Crisis Centre (replacement of defective roller shutters) and was still awaiting implementation (rectification of the problems caused by poor sealing of windows and doors), although a response was received. At the time of the response, the recommendation to amend the form had not yet been implemented. *Arranging a stay in a crisis centre for young people* in a way that would also be suitable for children and adolescents

²⁰ The Ministry of Labour, Family, Social Affairs and Equal Opportunities responded in the same way to the above recommendation, which was repeated by the NPM in two visit reports (letter No 070-61/2021/2 of 5.8.2021 and letter No 070-99/2021/2 of 3.1.2022).

²¹ This is also a recommendation we made to the Ministry of Labour, Family, Social Affairs and Equal Opportunities when we visited the Ljubljana Youth Crisis Centre in 2020.

placed in the crisis centre under the FA is recommended and the crisis centre explained that it intends to do so as soon as possible. We commended the Kresnička Youth Crisis Centre for its efforts in organising and implementing additional programmes and activities for children and adolescents, as well as for the orderliness and transparency of the documentation related to the treatment of children and adolescents. We also praised the organisation of the crisis centre during the epidemic and their efforts to provide a safe environment for children and adolescents and staff.

We also made three recommendations to **the Crisis Centre for Children and Adolescents in Slovenj Gradec**. The Crisis Centre has already implemented the recommendation to set up a special box for anonymous complaints, suggestions, opinions or compliments. Two of the recommendations have been accepted by the Crisis Centre, but have not yet been implemented, according to the Crisis Centre's response. These are recommendations on the modification of the Declaration of Acceptance form (to make it also suitable for children and adolescents admitted to the crisis centre under a CPA) and on the maintenance of the equipment in the garden of the crisis centre. We praised the Crisis Centre for Children and Adolescents in Slovenj Gradec for developing an individual plan in which the child or adolescent is also involved to a large extent and can express his/her expectations, wishes and needs in this way. We also commended the organisation of the crisis centre during the epidemic and their efforts to provide a safe environment for children and adolescents and staff, for keeping the centre clean and providing transparency of documentation relating to the treatment of children and adolescents. We have also made a recommendation that **the Celje Crisis Centre for Youth** set up a special mailbox where children and adolescents who wish to remain anonymous can submit a complaint, suggestion, opinion or compliment about their stay and accommodation in the crisis centre. The Crisis Centre has already implemented this recommendation. We commended the Celje Youth Crisis Centre for their efforts in organising and implementing additional activities for children and adolescents, for the organisation of the crisis centre during the epidemic, for their efforts to provide a safe environment for children and adolescents and staff, and for the many opportunities for distance learning, for children and adolescents to express their opinions, comments, suggestions and complaints about their stay in the crisis centre, and for creating or maintaining pleasant living spaces that contribute to children and adolescents (and staff) feeling comfortable and respectful of the premises and the programme the institution runs. **We also praised the presentation of the Crisis Centre to primary and secondary school pupils, which has been taking place for several years now, with each class of schoolchildren visiting the Crisis Centre, where staff members give them an overview of how the Crisis Centre operates and what children and adolescents can do to find help. This helps children and adolescents to remember the location of the crisis centre, to become more familiar with the activities of the crisis centre and to relieve them of any distress they may feel in situations in which they need the help that a youth crisis centre can provide.**



2.5

VISIT TO THE CENTRE FOR TRAINING, WORK AND CARE

In 2021, NPM visited the ZUDV Dornava. Representatives of the NPM visited the Specialised Ward, which is dedicated to the treatment of people with the most severe forms of mental health disorders. **After several years of drawing attention to the need for a systemic treatment of children and adolescents with the most severe forms of mental health disorders, the Dornava Mental Health Centre was established in 2021**, with the first user joining the unit in June 2021. At the time of the NPM's visit, there were a total of five users in the Specialised Unit, only one of whom was under a court order, and the Specialised Unit was still being renovated.

When we visited ZUDV Dornava **welcomed the activities and efforts that ZUDV Dornava is making during the epidemic of Covid-19 to facilitate the integration of users into the life of the institution and to ensure safe contact between users and their relatives.** We observed that the bathrooms are equipped in a functional way, they are also adapted for physically disabled users, and users have access to the bathrooms throughout the day, which ensures that they can maintain their personal hygiene (which most users need assistance with) and thus preserve their personal dignity. There are also beautifully landscaped outdoor areas. During the first visit to the Specialised Ward, the NPM found that the placement of a minor with severe mental health problems in the ZUDV Dornava is likely to be **of greater benefit to the user than placement in a secure unit of a (special) social care institution among adult users.** The user is still included in the education programme, but the training institutions also provide professional treatment for minors that is more tailored to their needs, as they provide social welfare services and a special education programme for children and adolescents with mental, physical and behavioural disabilities. However, the work with (under-age) users who are detained in ZUDV Dornava on the basis of the provisions of the ZDZdr is a different concept of work, and ZUDV Dornava is still adapting to this in terms of content, the staff is being trained, but the provisions of the ZDZdr must also be followed in the provision of services in these cases.



During our visit to ZUDV Dornava, we made 15 recommendations to improve the living conditions and care of the residents. At the time of writing, we were still waiting for a response from ZUDV Dornava (the deadline for responding to the recommendations had not yet passed). For example, we recommended that ZUDV Dornava protect unprotected electrical wiring in a room being renovated and to which users have access. We also recommended that it consider installing bedside cabinets where users could put small personal items and night lights that would use the to allow users to safely go to the toilets at night. We found irregularities in the implementation of video surveillance, therefore

we recommended that ZUDV Dornava, in the case when video surveillance in the user's room is absolutely necessary, to post a notice about video surveillance in front of the room in accordance with Article 74 of the Act on the Protection of Personal Data, and to organise the work in the Specialised Department in such a way that only a limited number of employees can view the live image transmission. We also recommended that ZUDV Dornava place increased emphasis on the appropriate decoration of corridors and users' rooms. As at the time of the NPM's visit there were four users in the Specialised Ward who could not be identified as having been placed in the Specialised Ward on the basis of the relevant legal basis, we recommended that ZUDV Dornava inform the court about the admission of users to the Specialised Ward in accordance with the provisions of the ZDZdr. We also recommended that, when initiating, conducting and terminating a SPM, it strictly comply with the provision of Article 29 of the ZDZdr on the implementation of SPMs, including by keeping appropriate records and informing the persons for whom the Act so provides. The recording of SPMs should also indicate what measures were taken prior to the introduction of the SPM (milder, less aggressive measures to prevent the introduction of the SPM as a last resort). The ZUDV Dornava must take into account that the duration of the SPM can only be as long as it is strictly necessary (and in any case not longer than the duration of the SPM), and that during the PVU, one of the staff members must be present at all times to supervise the user, monitor his/her vital functions and treat him/her professionally for the entire duration of the SPM. We recommended that the ZUDV Dornava, when renovating the premises of the Specialised Unit, take into account the provisions of the Regulation on the human, technical and spatial conditions for the implementation of mental health tasks for institutional care providers and social work centres and on the procedure for their verification regarding the space for the implementation of the SPM. We also recommended that ZUDV Dornava place a mailbox in an appropriate location in the Specialised Ward to provide users and their relatives with the possibility of submitting an anonymous complaint, compliment or suggestion, and that it arrange for the information on the rights of persons and the house rules to be placed on one of the unit's notice boards, as well as for the information to be included in a leaflet. We also made a recommendation to ZUDV Dornava to ensure that users have privacy when using the telephone and that it does not listen to or record conversations.

In addition to the recommendations made by ZUDV Dornava, we have also made recommendations to the relevant ministries in order to facilitate better conditions for the treatment of users. We recommended to the Ministry of Labour, Family, Social Affairs and Equal Opportunities that ZUDV Dornava provide all the necessary financial resources for the inclusion of adult users of 24-hour institutional care in the service of guidance, care and employment under special conditions and that ZUDV Dornava provide separate premises for the implementation of the special education programme as soon as possible. We recommended that the Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Ministry of Education, Science and Sport consider the possibility of arranging a formal framework for the inclusion of children and adolescents who are enrolled in the ZUDV Dornava on the basis of the ZDZdr in the education and training programme.

2.6

VISITS TO SPECIALIST CENTRES FOR CHILDREN AND ADOLESCENTS WITH EMOTIONAL AND BEHAVIOURAL PROBLEMS AND DISORDERS

In 2021, the NPM visited **three specialist centres for children and adolescents with emotional and behavioural problems and disorders**. On 19 April 2021, we visited four educational groups at the **Frana Milčinski Smednik Educational and Training Centre**, and on 4 May 2021, we visited the Ježek residential group in Gunclje, which operates within the framework of this professional centre. We visited **the Planina Expertise Centre** on 19 May 2021 and on that day we visited five educational groups on Planina, and on 20 May 2021 we visited the Obala residential group in Koper and the Vzpon residential group in Postojna. We also visited the **Maribor Youth Centre** on 1 December 2021 to visit Housing Groups II, III and V in Maribor, and on 6 December 2021 to visit Housing Groups VI and X in Velenje. In all cases, these were regular unannounced visits. During the visits, the NPM made a total of **23 recommendations**, of which two were made by the Ministry of Education, Science and Sport and 21 were addressed to the centres of expertise visited. **The two recommendations made to the Ministry of Education, Science and Sport were systemic and are still awaiting implementation.** The recommendations made to the centres of expertise visited were general. **Seven of the recommendations have been accepted and implemented by the centres of expertise visited, four recommendations have been accepted but are still awaiting implementation at the time of their response. In two cases, the Expert Centre did not respond to the recommendations,** for eight recommendations, we were still awaiting a response from the Centre of Expertise at the time of the preparation of the Annual Report.



In the past years, the NPM has visited several centres of expertise (formerly educational institutions) and found that the management of children and adolescents' problems caused by the use of psychoactive substances, dependence on psychoactive substances or other addictions goes beyond the programmes for which the centres of expertise are responsible. The NPM has therefore twice recommended to the Ministry of Education, Science and Sport to take an active approach in cooperation with other relevant ministries in order to address the above-mentioned issue.²²

²² This recommendation was first made by the NPM in the Report on the visit to the Višnja Gora Educational Institution (Nos. 12.2-7/2020, 12.2-9/2020, 12.2-10/2020 of 20 July 2020). In its reply (No 092-7/2020/495 of 31.8.2020), the Ministry of Education, Science and Sport did not (explicitly) address the above recommendation. The recommendation was subsequently reiterated by the NPM in the Report on the visit to the Kranj Educational Institution (Nos. 12.2-44/2020, 12.2-45/2020, 12.2-46/2020 and 12.2-48/2020 of 21 January 2021). As regards the recommendation, the Ministry of Education, Science and



In 2021, we found that specialist centres are still often faced with these problems when dealing with children and adolescents, **the response of the Ministry of Education, Science and Sport (letter No 0606-4/2021/3 of 1 April 2021) indicated that most of the documents which would (also) address these issues in more detail, or the protocols for their management, were still in the process of being drafted**, we again recommended that **the Ministry of Education, Science and Sport in cooperation with other relevant ministries, take an active approach to tackling the problem of use of and dependence on psychoactive substances or other addictions among children and adolescents in centres of expertise, adopt appropriate management protocols as soon as possible, and otherwise provide centres of expertise with all the assistance they need to deal with the problems referred to above.**



In response to the reiterated recommendation (letter No 0606-26/2021/3 of 23.8.2021), **The Ministry of Education, Science and Sport stated that it welcomed the initiative of the NPM and that it would intensify its activities in this area in the future.** It was explained that the ZOOMTVI already provides expert centres with much more basis for liaising with other ministries and institutions depending on the problems of the individual child or adolescent (e.g. liaising with the health ministry and NGOs). They also explained, **that a working group has already been set up within the Ministry to develop a protocol for the cooperation between the Expert Centres and the Mental Health Centres**, The Education Institute of the Republic of Slovenia is expected to update its Educational Programme as soon as possible, which will also include the Guidelines on how to deal with crisis situations.



The NPM also notes during its visits to the centres of expertise that more and more children and adolescents need more help and more structured and intensive help or therapeutic treatment due to the more difficult problems they face (not only addictions, but also various mental health problems, heteroaggression, auto-aggression, other more difficult emotional and behavioural problems, etc.). NPM therefore **welcomes the enactment of the ZOOMTVI**, under which specialist centres now also have the legal possibility to set up intensive groups for children and adolescents who need more help and more structured and intensive support or therapeutic treatment. However, the NPM believes that the Ministry of Education, Science and Sport and other relevant ministries could be even more active in the enforcement of the provisions of the ZOOMTVI itself. The Ministry of Education, Science and Sport could help the centres of expertise to design intensive groups or programmes for such groups, taking into account good practice and expertise. **We therefore recommended that the Ministry of Education, Science and Sport, in cooperation with other relevant ministries,**

Sport stated that the highlighted area should be regulated by the ZOOMTVI (letter No 0606-4/2021/3 of 1 April 2021). In this regard, it drew attention to Article 13 of the Act, which provides for the possibility for centres of expertise to set up intensive groups, and to Article 11, which stipulates that if a child or adolescent is in need of mental health services, the competent centre for child and adolescent mental health shall be involved in the preparation of an individualised programme. In the letter, the Ministry of Education, Science and Sport also stated that a protocol for cooperation between centres of expertise and mental health centres was being prepared and that a targeted research project was in the final stages of preparation, which would provide the basis for the Guidelines for the Management of Crisis Situations.

take a more proactive approach to addressing the more difficult problems faced by specialist centres in the treatment of children and adolescents, and provide assistance to specialist centres in setting up intensive groups and in designing programmes for the treatment of children and adolescents in such groups. In its response to this recommendation, the Ministry of Education, Science and Sport stated, **in the case of intensive groups, the Ministry assists the centres of expertise by granting the additional employment necessary for the work of such groups. It was also explained that a protocol for cooperation between centres of expertise and mental health centres was being finalised,** to ensure the successful implementation of Article 11 of the ZOOMTVI. In its response to the recommendation, the Ministry of Education, Science and Sport also explained that the targeted research project to prepare the basis for the Guidelines for the Management of Crisis Situations, which will form an integral part of the Educational Programme, has been completed, and a working group at the Slovenian Institute of Education has already prepared a draft revision of the Educational programme (reply from the Ministry of Education and Sports No 0606-31/2021/2 of 15 November 2021).

In 2021, the NPM also found, during visits to the centres of expertise, that fewer children and adolescents were placed in the institutions visited in the 2020/21 school year than in previous school years. **According to the staff, the reason for the lower number of children and adolescents placed could be the implementation of the ZOOMTVI, according to which individual expert centres now perform tasks or provide placements for children and adolescents (only) in a specific area. Distance learning was also identified as a likely cause, as it makes it harder for school staff to identify the needs of children and adolescents when they are attending school in this way.** It is often the school counselling services that refer a child, young person or family for further treatment at a social work centre, which can be followed by placement in a specialist centre.

During our visits, we also paid attention to the cooperation of the Expert Centres with other institutions. In the treatment of children and adolescents, or in the admission process, the centres cooperate with many institutions: social work centres, courts, schools, health centres, police, NGOs, etc. Employees of one of the centres visited particularly highlighted the poor cooperation with the courts. Although, in accordance with Article 18 of the ZOOMTVI, a representative of the competent court may visit the child or young person in the centre, interview him/her and the expert team, and take note of the evaluation referred to in Article 11, paragraph 4, or the report referred to in Article 17, paragraph 2, of the ZOOMTVI, **the staff explained that court representatives do not visit children and adolescents in the expert centre.**

Fran Milčinski Smladnik Educational and Training Institution we made five recommendations, one of which is **two of them have been accepted and implemented by the Expertise Centre.** It has updated the information on its website, informed children and adolescents and their parents of their rights under the ZOOMTVI and published new rules, house rules and agendas. The Expert Centre has recommended the establishment of a special letterbox where children and adolescents who wish to remain anonymous can submit a complaint, sugges-





tion, opinion or compliment regarding their stay and accommodation **accepted and indicated that they intend to install the mailbox at the beginning of the next school year.** We also recommended that the Centre should consider making it compulsory for everyone (including staff) to wear slippers in the educational group rooms, and that more effort should be put into planning outdoor leisure and interest activities for children and adolescents (e.g. walks, trips, mountain climbing, gardening, etc.). **The Expert Centre has not responded specifically to these two recommendations. Fran Milčinski Smednik Educational Institute is praised** for their efforts in planning and preparing healthy and balanced meals and for addressing nutrition-related problems. We also praised the many forms of engagement with parents, such as workshops, counselling sessions and a specially designed parent handbook.



We made eight recommendations to **Planina Expert Centre.** It made recommendations concerning the updating of information on the website or the provision of information in a specific leaflet, an assessment of the necessary intensity of supervision and the need to ensure privacy when using the telephone, a particularly careful assessment when imposing a measure prohibiting the person from going home during the weekend (spending the weekend in a expert centre) in the event of a breach and to allow more privacy, **already implemented. The Expert Centre's response also led to the implementation of the recommendation** on informing children/adolescents and their parents/guardians about their rights under the ZOOMTVI. Three recommendations by the Planina Expert Centre **accepted, but at the time of their response had not yet been implemented.** These are the recommendations to install a mailbox for anonymous complaints, suggestions, opinions or compliments in the premises of the educational and intensive care and residential groups or in the school premises, to ensure that the furniture or equipment in the premises of the educational and intensive care groups is properly maintained and to repaint the walls in the premises of the said groups that are painted or otherwise damaged as soon as possible. **We commend the efforts and care of the Planina Expert Centre** and their support for adolescents after discharge from the Expert Centre, the organisation of the Expert Centre during the epidemic or their work plan during the coronavirus epidemic and their efforts to provide a safe environment for children and adolescents and staff, the handling of complaints from children and adolescents by the staff of the Expert Centre, their efforts to resolve disputes amicably and to ensure that the child or young person is heard in every case, and the orderliness and transparency of documentation, both that relating to the treatment of the individual child or young person and that relating to the work of the educational group or the centre in general. Again, we found that **The Planina Expert Centre puts a lot of effort into the comprehensive treatment of children and adolescents and at the same time provides them with quality health care,** for which we also commended the Expert Centre.

We made eight recommendations **to the Expert Centre of the Maribor Youth Centre** and were awaiting their response at the time of preparing the annual report. We recommended that the Expert Centre organise the use of service vehicles in such a way that children and adolescents at all Centre of Expertise

sites receive the same benefits linked to the use of service vehicles, and that the Expert Centre take an early approach with the Ministry of Education, Science and Sport to address the problems caused by the lack of service vehicles. We also recommended that the Expert Centre always use the measure of banning children and adolescents from leaving home during the weekend as a last resort or as little as possible in case of violations, inform children and adolescents and their parents and guardians about their rights under the ZOOMTVI, and install a mailbox for anonymous complaints, suggestions, opinions and compliments, to take the best interests of the child or young person into account when placing children and adolescents in residential and educational groups, to ensure that furniture or equipment in residential groups is properly maintained, and to consider and seek to provide additional assistance in providing learning support to children and adolescents in residential groups. As we have examined the website of the Maribor Youth Centre and found that it contains the personal data of children and adolescents, we have also recommended that the Maribor Youth Centre immediately delete all personal data of children and adolescents staying at the Youth Centre or other personal data that it has no legal basis to publish on its website. We commend the Maribor Youth Centre for their efforts in organising and implementing additional programmes and activities, which undoubtedly improve the experience of children and adolescents when staying at the Youth Centre.

2.7

VISIT TO THE RADEČE CORRECTIONAL HOME

The NPM also carried out an unannounced visit to the **Radeče Correctional Home (CH)** in 2021, on 14 October 2021. The Radeče CH implements the educational measure of committing a juvenile to a re-education home, which is imposed by the court on juveniles for committing criminal offences, for all judicial districts of the Republic of Slovenia and is the only such institution in Slovenia. The measure is imposed for a minimum of one year and a maximum of three years (or longer in the case of re-sentencing) on minors aged between 14 and 23 years. The **capacity of Radeče CH has not changed since the last visit and is 47 persons**. Juveniles placed in Radeče CH are still involved in work and/or education at the time of placement.

A total of **11** recommendations were made at the time of the visit, all of them **general**. The recommendations are based on an inspection of the accommodation and other facilities intended for the accommodation of minors, interviews with minors who have requested accommodation and with the management of Radeče CH.

The General Office of the Prison Administration of the Republic of Slovenia, under which Radeče CH falls, responded to the recommendations of the visit report within the deadline set and agreed with the recommendations. Out of a total of 11 recommendations **six were accepted and implemented, five were accepted and not yet implemented**.



It is encouraging that several recommendations have been implemented since the previous visit, including those that we have had to repeat several times in the past. Thus, it was found that the recommendation from the previous visit that the Ministry of Justice ensure that the powers referred to in Article 212(1) of the ZIKS-1 are also exercised in Radeče CH has been implemented, as the announced supervision was actually carried out by the Ministry in December 2019. The inspection of the juveniles' living quarters found that the **recommendation to repaint the walls of all three educational groups had been implemented**, as the walls of the educational groups were clean and had in fact recently been repainted. It was further noted that they had **managed to implement the recommendation from the previous visit to identify the cause of the leakage in the ceiling of the educational group bathrooms**, as it was found during this visit that the cause of the leakage in the educational group bathrooms had been identified and remediated. The **recommendation from the previous visit to ensure that the sick bay is properly cleaned and bed linen replaced after use and that the bed is ready for reuse was also**

implemented, as the current visit found that the sick bay was clean, the walls had been repainted and the sick bay had been further equipped with a new electric sick bay.

In particular, we would highlight the implementation of the repeated recommendations to explore the possibility of renovating or refurbishing the Special Education Group (SEG) rooms and replacing the floor in the dining room. During this visit, it was noted that the SEG premises had been renovated or refurbished, and the floor in the dining room had been restored or new tiles had been installed. The visit also found, **that Radeče CH had, on its own initiative, arranged new premises for the needs of medical care**, which has greatly improved the working conditions of the general practitioner and the psychiatrist.



On this visit, the highest number of recommendations related to **living conditions (eight recommendations)**, while one recommendation each was made on activities, treatment and forms of work, and health care.

Despite the above encouraging findings, many of the recommendations from the previous visit (some from several previous visits) have been implemented, **we were again able to see that some of the recommendations were not being followed up consistently or that, although the shortcomings were corrected after the NPM's visit, they started to reappear.** On this occasion, we were also able to observe that the instructors in the workshops where minors work do not seem to be fully performing their duties again, or that the inspection of the changing and sanitary facilities in the metalworking workshop showed only a partial improvement in the situation. **On this visit, it was again found that the changing rooms where minors keep their work clothes were not fully tidied, and that a number of clothes were not hung on the designated hangers or were left on the benches. Also, the area where the sinks are located in front of the entrance to the changing rooms has not been cleaned or sanitised, as some of the sinks are missing, and the sinks and the floor under the sinks were dirty or had rubbish on the floor.** In this respect, the General Office of Prison Administration of the Republic of Slovenia reported that the Head of the Education Department of Radeče CH had immediately after the visit held a meeting with all instructors to ensure order and cleanliness in all the workers' changing rooms. He also announced that the management of Radeče CH would make sure that the premises would be cleaner and tidier in the future.



During the visit, we were informed by the management of Radeče CH that from 1 January 2021 to 30 July 2021, Radeče CH also employed a psychologist who was in charge of the treatment of minors with problems in the area of psychoactive substance or alcohol use. They were treated both individually and in groups. After her departure, a pedagogue who is also a parent pedagogue took over this area and is in the process of training in this field. Individual and group treatment of addictions is integrated into the work with minors in the parent education group, as well as in social skills training and positive

self-esteem workshops. In case of problems in proving and maintaining abstinence, the minor is given intensive individual counselling by an educator. An external psychologist is also involved if necessary.

Since the psychologist finished her work in Radeče CH on 30 July 2021 and her work was taken over by the pedagogue, we recommended that the management of Radeče CH ensure that both group and individual treatment of minors with problems with the use of psychoactive substances and alcohol will continue to take place on a regular basis in the future. The General Office of Prison Administration of the Republic of Slovenia explained that in Radeče CH the treatment of minors with problems in the field of illicit substance and alcohol use is integrated into the integrated treatment. This means that this type of treatment starts in the reception period and in the parent educational group (first level), continues intensively at the second level and continues until the open unit, where juveniles are prepared for discharge from Radeče CH. A common characteristic of most adolescents is that they experiment with a variety of illicit substances, so it is a fact that a holistic approach is needed, including in this area. If the individual has a diagnosis of dependence from illegal substances or alcohol, the management of Radeče CH shall consider the possibility of treatment with different specialists - treatment with a general practitioner at Radeče CH, a psychiatrist or an external (clinical) psychologist.

During the visit or during the inspection of the living quarters and in the interviews with the minors, some complaints or doubts were expressed by the minors about the accuracy of the urine tests, which were confirmed in a few cases by a self-reported urine retest. The minors supported their doubts about the accuracy of the urine tests by stating that although they could not afford a second, self-pay urine test because they did not have sufficient financial resources, if they could afford it, in a number of cases it turned out that the first test, which was performed at the Radeče CH outpatient clinic, was positive, but that a further check outside Radeče CH revealed that it was in fact a negative test. However, according to the minors, a negative urine test is an important factor in obtaining benefits. **With regard to the complaints from minors, The NPM recommended that the management check whether and in how many cases a wrong test result occurred in the PD Radeče clinic and then, in a second, self-pay urine test, it was found that the first test was wrong, and then, based on the findings, take appropriate measures to ensure that errors in urine tests do not occur again.**

The General Office of Prison Administration of the Republic of Slovenia explained that the contract for the supply of all urine tests is uniform for the whole prison system. In each case of a positive urine test in a minor, an authorised person of the Radeče Health Care Centre (HCC) shall perform a second urine test from the same manufacturer as a precautionary measure. It is true that in some cases, the Institute of Forensic Medicine has given a different urine test result. They cannot claim that this is a misreading of the result, as the urine test is only performed by a professionally authorised official of Radeče Health Care Centre. In case the result of the re-test (retesting) from

the Institute of Forensic Medicine is different from the one obtained, Radeče CH will proceed according to the result from the Institute of Forensic Medicine. In such a case, the minor is reimbursed in full for the cost of the control test and continues to follow the personal plan without consequences. The submission of the urine test and the control test is defined in the Instructions for the Procedure for the Submission of Urine and the Control Test, approved by the Coordination of Centres for the Prevention and Treatment of Drug Dependence, in accordance with the doctrine for the treatment and treatment of drug users in the Republic of Slovenia and the guidelines for the treatment of drug users in penitentiary institutions. The General Office of Prison Administration of the Republic of Slovenia also explained that 172 urine tests were ordered in 2020, of which 12 were positive. In one case, the minor disagreed with the result and, against the minor's wishes, the sample was taken to the Institute of Forensic Medicine, which confirmed the original result. In 2021, 68 urine tests were ordered, of which three were positive. In one case, the minor did not agree with the result and the sample was taken to the Institute of Forensic Medicine for a fee. After their analysis, the result was negative.

On this visit, **we also reviewed a few randomly selected juvenile personal files**, which are kept individually for each juvenile, both electronically and in physical form. It was found that the personal files in physical form are kept in a locked cabinet in the administrative building of Radeče CH. During the visit, nine personal files of minors, which are kept in physical form, were reviewed, including both files of minors who were (still) in Radeče CH at the time of the visit and files that had already been closed.

It was noted that all documents relating to the admission or treatment of a minor are kept in the personal files. The documents are not numbered or inventoried and are not kept chronologically. The files are organised in such a way that they contain several folders in which related documents are filed (e.g. the folder Personal Data Sheet and Annexes to the Personal Data Sheet of a Juvenile, the folder Admissions Department, the folder Disciplinary Penalties, the folder Semi-annual Reports, the folder Documents and Dismissal, and the folder Miscellaneous Correspondence). They print the inventory of documents from the electronic file and file it in the physical file once they have closed the file.

All files include, among the annexes to the personal data sheet, the personal plans of the minors and their amendments and supplements, which are drawn up, if necessary, during the treatment of the minor. **It is commendable that the personal files of the minors examined showed that the personal plans had been carefully prepared, with all the elements required by Article 14 of the Rules on the Execution of the Educational Measure of Commitment of a Minor to a Remand Home. It is evident from the many changes and amendments to the personal plans that Radeče CH responds quickly to the needs of the minor. It was also evident that the personal plan was communicated to the minor, as all personal plans were signed by the minor.**

2.8 VISITS TO THE PENAL INSTITUTIONS

The NPM carried out four prisons (prison) or their units (unit) in 2021. All visits were regular, with visits to Maribor Prison, Rogoza Open Unit on 6 May 2021, Dob pri Mirni Prison between 24 and 27 May 2021, Ljubljana Prison, Department Novo mesto on 16 June 2021 and Ljubljana Prison on 8 and 9 September 2021. The **visits** (with the exception of the visit to Dob pri Mirni Prison, scheduled for 21 May 2021) were **unannounced**. An external medical expert, who cooperates with the NPM on the basis of a contract, also participated in two visits, to the Dob pri Mirni Prison and the Ljubljana Prison.

A total of **101 recommendations** were made during the visits, of which **100 were general** and **one was systemic**. Recommendations related to opportunities for activities (11 recommendations), living conditions (36 recommendations), other (one recommendation), dealing with unwanted behaviour (one recommendation), treatment of detainees and forms of work (12 recommendations), staffing (13 recommendations), legal security and channels of redress (one recommendation), food (four recommendations), transfer and release (one recommendation), general (two recommendations), contact with the outside world (eight recommendations), and medical care (11 recommendations).



Out of 101 recommendations **42 were accepted and implemented, 51 recommendations were accepted and not yet implemented, and eight recommendations were not accepted.**



In all the **prisons or units** visited, it was found that detainees (both remand prisoners and convicts) were allowed more telephone contact with family members (relatives) during the epidemic of covid-19 and the related restriction of visits. **In the detention centres or units, telephone cards worth EUR 5 have been given free of charge on several occasions to detainees for this purpose. In addition, video contact via Skype has been and continues to be made available to detainees in the detention centres or units.** During their visits to the detention centres and units, the detainees confirmed the above, and particularly praised the fact that **they were or still are allowed to contact their family members (relatives) via Skype.**

During the visit to **the Detention Centre Dob pri Mirni**, it was found that at the time of the visit, 16 convicts over the age of 65 were being held in the closed part of the facility. They did not need any additional help or care with their daily tasks, according to the explanations we received during our visit. The Institute has a contract with an external contractor for such needs, who is called in when the need arises.

Management further explained that, although for some years now, the **had been dealing with the problem of individual convicts requiring daily care for some years**. They pointed out that not long before the NPM's visit, they had a convict who was practically immobile and spent most of his time in bed. He had severe incontinence (both urinary and faecal) and eating disorders. The institution managed to terminate the prison sentence of this convicted person as of 1 February 2021 and arranged for him to be placed in a social welfare institution. Also in 2020, there were two convicts in need of care. It was further noted that since 2016, also with the assistance of the Ombudsman, the institution has been trying to regulate the placement of convicts who are not suitable for serving their prison sentences in the institution in suitable institutions, as the institution is not able to provide them with the necessary - appropriate care (there is no 24-hour medical care in the institution), nor does it have adequate nursing staff. **Despite all the efforts to resolve the situation regarding the problems of housing convicts in need of 24-hour care, no serious progress has been made. On this basis, we made a systemic recommendation that the General Office of the Prison Administration of the Republic of Slovenia, together with other relevant ministries, explore the possibility of accelerating the resolution of the problem of convicted persons in need of 24-hour medical care, including placement in other appropriate institutions (e.g. social welfare institutions), if necessary.** In this regard, the General Office of the Prison Administration of the Republic of Slovenia reported that for several years it has been working with the competent Ministry of Labour, Family, Social Affairs and Equal Opportunities to establish an agreement on the placement of convicted persons who, due to chronic illnesses or old age or mobility impairments, require additional care and assistance to carry out the basic needs of life. The Ombudsman was asked to help in 2019 and 2020 because the agreements reached were not being implemented in practice. **In 2021, the competent ministries and the authorities were again discussing ways of helping such prisoners, through a social welfare service called home care, to enable them to serve their sentences in a more dignified manner. If the guardians assess that the convicted person needs to be placed in institutional care, his or her prison sentence will be suspended.**

A review of the implementation of the other recommendations shows that **many of the NPM recommendations have been implemented in 2021 as well or some have been accepted but not yet (fully) implemented.** The (still) outstanding recommendations were again found to be mainly recommendations that require slightly more time or more financial resources to implement or correct the identified shortcomings. During the visits to **the Maribor Prison, the Rogoza Open Unit, the Dob pri Mirni Prison and the Ljubljana Prison**, it was again found that a number of living quarters of detainees are still equipped with old and worn-out metal furniture. **As a result, in all cases we (re)made a recommendation to consider replacing the old metal furniture as soon as possible.** In this context, the General Office of Prison Administration of the Republic of Slovenia announced that **the replacement of metal furniture is being carried out continuously and progressively in all establishments, more or less simultaneously and within the production capacity of JGZ Rinka.**



During a visit to **the Dob u Mirni prison**, several convicts pointed out that in cases where judicial police officers take action for violations in the living quarters, they do not wear the prescribed name or number markings on their uniforms. **On this basis, we made a recommendation that the management of the Institute ensure that the judicial police officers wear the prescribed insignia (either a surname or a number) on their uniforms when on duty.** The General Office of the Prison Administration of the Republic of Slovenia explained that the problems described above had been discussed at a meeting of the managers of the Security Department and the heads of the inmates' units. **A reminder was given to wear the prescribed markings properly.** At the same time, the General Office of the Prison Administration of the Republic of Slovenia has also announced that it will look into the possibility of ensuring faster delivery of badges to newly recruited judicial police officers through public procurement.

During a visit to the **Dob u Mirni remand prison**, during an inspection of the living quarters and in interviews with the convicts, many of them pointed out that they had been subjected to additional restrictions as a result of the epidemic of Covid-19. In particular, they pointed out that in cases of suspected infection with covid-19, or contact with a potentially infected person, they had been isolated or quarantined for long periods of time, up to more than 30 days, and could not even go for a walk. In the interviews, the convicts also pointed out that, in addition to serving their prison sentences, they were subject to additional restrictions in that they were not allowed to receive visits from relatives (family members) during the epidemic, nor were they able to benefit from the free exit privileges already granted or obtained. In this connection, we have pointed out that, irrespective of the fact of their confinement in prison institutions, prisoners also have the right to private and family life and that, even in times of epidemic, the State may restrict those rights only to the extent that is necessary, appropriate and proportionate. In particular, children should not be harmed by restrictions and contact bans should be kept to a minimum or alternatives should be used. Video calls are a suitable alternative, but should only be used for a minimum period of time, after which physical visits should be allowed again, even at a distance. As a result of these additional restrictions, convicted persons felt that they should be taken into account when serving their prison sentences, in a way that would be taken into account to a greater extent when granting early and conditional releases. **On this basis, we recommended that consideration be given to the possibility of trying to comply as far as possible with the provisions of Article 108 of the ZIKS-1 for convicts who were subjected to additional restrictions during the epidemic (prolonged stay in isolation - quarantine, because they were not able to receive visits and to benefit from the out-of-prison benefits already granted and not even to obtain them) and who meet the conditions for early release.** The General Office of Prison Administration of the Republic of Slovenia explained, **that the provisions of Article 108 of the ZIKS-1 are taken into account when granting early dismissals.** All convicted prisoners who, in the opinion of the Institute, meet the conditions for early release are released



early. In 2020, 88 convicts were released early, 37 of whom were released under the Intervention Act, which allowed for early release on the grounds of preventing SARS-CoV-2 viral infection. **In 2021, 32 convicts had been released early, 24 of them under the intervention legislation, by the end of July.**



During a visit to **Ljubljana Prison**, it was found to be part of the detention unit. located on the first floor, may still be open at certain times of the day, allowing detainees to spend time outside the living quarters. However, it was found that a large part of the detention unit, which is located on the ground floor and on the second and third floors of the Institute, where there is also mixed accommodation (detainees and convicts), is closed during the whole day, or detainees have the possibility to exercise outdoors for only two hours (one hour in the morning and one hour in the afternoon). **On this basis, we recommended that the management of the Institute consider the possibility or take the necessary measures to allow all detainees to spend at least part of the day outside their living quarters or to organise activities for them outside their living quarters, in addition to the two-hour walk. We also recall the recommendation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) that detainees should also be kept out of their cells for at least eight hours a day and engaged in a variety of useful activities, such as work, education, sport or other appropriate activities.** The General Office of the Office of the Prison Administration of the Republic of Slovenia reported that, in view of the Institute's space capacity and architectural safety conditions, efforts were being made to provide detainees with as many activities as possible to enable them to stay outside their living quarters. **The detainees are thus involved in occupational therapy twice a week as part of the »Prisoners' Work Competences« project. They are also planning table tennis and football competitions for detainees.** The General Office of Prison Administration of the Republic of Slovenia further explained that other sports and other competitions will be organised when the epidemiological situation permits. The Cene Štupar educational organisation is also planning continuous training (»conflict resolution, learning social skills, where is my motivation, healthy in prison and similar topics«) twice a week in November 2021. During the period of detention, detainees may go to an outdoor promenade for two hours and 20 minutes each day to engage in physical activities such as walking, playing table tennis, exercising on fitness equipment or jogging on a designated part of the promenade. Although the Rules on Detention require a minimum of two hours of fresh air per day, **the facility extended the duration of the walk by 20 minutes.** The General Office of the Office of the Prison Administration of the Republic of Slovenia explained that the facility had previously allowed detainees to walk for three hours and ten minutes, but due to the increase in the number of detainees, it had been forced to reintroduce four walking groups instead of three. This required a reduction of 50 minutes in the duration of the walk. At the time of preparing the response to the NPM's report **he average weekly out-of-room stay for detainees was approximately three hours per day.** This applies to detainees on the ground, second and third floors. However, the stay outside the rooms for detainees housed on the first floor was significantly longer, as the rooms



there are open from 7.30 to 11.30 and from 13.00 to 14.30 from Monday to Friday. However, to open the rooms of detainees housed on the ground floor and on the second and third floors would be a security risk. On the second and third floors, detainees are brought across the corridor for escorts, clinic and canteen shopping. Opening up the rooms would also pose a major security risk, as many detainees do not meet the personality criteria to be able to walk freely from room to room.



Regarding **the eight recommendations that were not accepted by the General Office of Prison Administration of the Republic of Slovenia, the four recommendations that were not accepted were related to the Detention Centre Dob pri Mirni**. One concerned complaints by convicts held in units 2, 3 and 4 that they were treated unequally with convicts held in units 5 and 6. The convicts pointed out that they would have liked their living quarters, like those of the convicts in units 5 and 6, to be equipped with refrigerators, which would have enabled them to store more quickly, especially in the warmer months-perishable products (e.g. milk, salami, fruit, etc.) so they don't spoil so quickly. The General Office of Prison Administration of the Republic of Slovenia reported that it had verified the recommendation with the Institute. They consider that the installation of refrigerators in units 2, 3 and 4 is not appropriate from a security point of view (possibility of conflicts, theft of products, etc.), as this can only be done, without causing conflicts, in single living quarters, as in units 5 and 6. The General Office of the Prison Administration of the Republic of Slovenia also pointed out that the installation of fridges in units 5 and 6 was planned mainly to allow for possible changes in the way food rations are prepared (following the example of several EU countries where detainees prepare their own meals in order to normalise and prepare for their time after serving their sentence). This cannot yet be introduced on a trial basis, as changes to the law and the legal basis for preparing food for detainees are necessary before this can be done.

The second recommendation not accepted for the **Dob pri Mirni Prison** was to consider the possibility of allowing convicts to take morning walks or to stay on the ward promenade again. The General Office of Prison Administration of the Republic of Slovenia explained that during the epidemic of Covid-19, the Institute did not carry out certain group and other activities to prevent infection, and food was distributed in the residential units instead of in the common dining room. This meant that there was time left on the agenda to fill with new activities. As they were promoting outdoor living and wanted to relieve the convicts of all the restrictions and measures they had taken, they decided to give them additional outdoor living opportunities. When the measures were relaxed and all activities resumed, the activities were forced to return to their pre-epidemiological status according to the house rules, which meant that the inmates could no longer be allowed to spend additional time outdoors. All the changes, both the introduction of an additional period of outdoor detention and the abolition of this additional benefit, have been communicated to the convicted persons.

The third recommendation not accepted for the **Dob pri Mirni Prison** concerned the consideration of the possibility to check, at the time of admission of the convicted person to the prison, whether he/she is literate enough to be able to fill in the application form for the medical examination or whether he/she needs assistance in this respect. The General Office of the Prison Administration of the Republic of Slovenia explained that, in any institution, detainees are interviewed at the start of their sentence. The interviews are conducted by judicial police officers, professionals, etc. During the interviews, the staff pay attention to all the specific features and characteristics of the convicted person, including any illiteracy, as he/she must, among other things, fill in and sign a declaration on notification of relatives in the event of death or hospitalisation. If literacy problems are identified, prisoners are given appropriate help or are also referred to education, and they do not see the need to add to the doctor's workload.

The fourth recommendation not accepted for the **Dob pri Mirni remand prison** was to consider the possibility of trying in the future to allow foreign convicts who join the fasting month of Ramadan to be able to warm their meals at night before eating. The General Office of Prison Administration of the Republic of Slovenia explained that the Institute had examined the proposal and considered that the organisational and technical conditions were not currently in place to ensure this.

Also **four recommendations that have not been adopted** were related to **Ljubljana Prison**, one of which concerned the possibility of installing roller blinds in all living quarters of detainees. The General Office of Prison Administration of the Republic of Slovenia reported that the Institute had considered the recommendation and explained that it had not decided to install roller blinds in the living quarters of detainees at the moment. Given the intensity of the preparations for the new Institute, the cost of installing the blinds would be a major expense, which is neither rational nor economical. The Institute estimates that, in addition to the purchase costs, there would be higher costs for repairing and replacing damaged shades, as they face a high turnover of detainees (mainly prisoners), and have often in the past had to deal with the deliberate destruction of the Institute's inventory on release from custody. The installation of the shades themselves is not a current priority, nor are there any security concerns - the architecture is inadequate for the purpose of securing the detention facility.



The second recommendation for **Ljubljana Prison** that was not accepted was to consider the possibility that the General Office of Prison Administration of the Republic of Slovenia should also try to provide the Institute with sufficient funds to actually install air-conditioning units in 2022, so that the temperature in the living quarters could be at least partially lowered in the summer heat (heat waves). The General Office of Prison Administration of the Republic of Slovenia explained that in this case it is a very large financial investment and, as a new building of the Dobrunje Institution is planned in the next three years, it considers that the purchase of air-conditioning units for the rooms of the detainees is not reasonable or rational at this time.

The third recommendation not accepted for **Ljubljana Prison** was to consider the possibility, given the large number of detainees, of allowing detainees to use the large promenade, which is otherwise reserved for convicts, at least occasionally (e.g. several times a week or at weekends). The General Office of the Prison Administration of the Republic of Slovenia reported that the Institute had explained that they had already considered allowing detainees to walk on the convict promenade, but had realised that this would entail significant investment costs. This is because a large walkway does not meet the safety criteria (height, strength and buffer zone). In its current form, conducting a detainee walk in a large promenade would pose too great a security risk. In order to allow detainees to walk on the promenade, the concrete fence would need to be completely rehabilitated and raised, and additional mesh barriers would need to be installed inside the promenade. Last but not least, the large promenade is already busy from early morning until late afternoon, as in addition to the regular prisoner walks, it is also used for the walks of persons placed under a more restrictive regime and for the walks of prisoners under medical quarantine due to Covid-19.

The fourth recommendation not accepted for **Ljubljana Prison** concerned the consideration of the possibility to follow the recommendation of the medical expert that medical staff use prescribed clothing when working in the institution's outpatient clinic. The General Office of Prison Administration of the Republic of Slovenia reported that the Institute had clarified that medical staff always wear the prescribed uniforms or appropriate clothing during surgery hours. At the time of the expert doctor's visit, a psychiatrist was consulting. However, when treating psychiatric patients, medical staff do not use the prescribed clothing, as instructed or recommended by the psychiatric profession.



During our visits to the prisons, we were able to see that several recommendations from previous visits had been implemented. For example, during our visit to **the Maribor Prison, Rogoza Open Unit**, we found that there were **the recommendation from the previous visit that the new hospital bed be assembled or made ready for possible use had been implemented**, as the hospital bed was found to be installed or ready for use at the time of this visit. **The recommendation to consider the possibility of providing the Department with another service vehicle without intervention markings for surveillance purposes has also been implemented**, as it was noted that a Renault Megane non-intervention vehicle was in fact provided to the Department in 2019 for the purpose of carrying out controls.



Dob pri Mirni Prison is **implemented the recommendation of the NPM from several previous visits to consider the installation of call bells in the living quarters of units 2, 3 and 4, which would enable the duty judicial police officer to be informed of a possible emergency**, as it was noted during this visit that call bells had been installed in all the living quarters of units 2, 3 and 4 to enable the duty judicial police officer to be informed of a possible emergency.

For **Ljubljana Prison**, it was noted that the recommendation of the NPM from the previous visit to consider the possibility of rehabilitating (repairing pot-holes) the path to the large promenade had been implemented, as it was found on this visit that part of the path had been the paths where the holes were, have been »concreted«. The recommendation to consider the possibility of arranging a different or suitable house for the judicial police officers supervising the convicts' walk was also implemented, as it was noted during this visit that an air-conditioned container house had been set up for the judicial police officers in the convicts' walk for the purpose of supervision. Furthermore, the recommendation to look into the possibility of repairing the ceiling of the toilet in the Grand Promenade was implemented, as it was noted on this visit that the ceiling of the toilet in the Grand Promenade had been repaired and repainted. The recommendation of the medical expert (from his previous visit in 2016) to consider the possibility of equipping the doctors' surgery with a table with wheels and brakes for the purpose of examinations and possible interventions has also been implemented, as it was noted during this visit that the doctors' surgery is equipped with a table with wheels and brakes.

2.9

VISITS TO POLICE STATIONS

In 2021, **we visited 21 police stations (PS)**, namely: Dravograd Police Station, Ravne na Koroškem Police Station, Velenje Police Station, Lenart Police Station, Maribor 1 Police Station, Ruše Police Station, Črnomelj Police Station, Metlika Police Station, Slovenske Konjice Police Station, Rogaška Slatina Police Station, Šmarje pri Jelšah Police Station, Murska Sobota Police Station, Lendava Police Station, Postojna Police Station, Ilirska Bistrica Police Station, Tolmin Police Station, Bovec Police Station, Idrija Police Station, Nova Gorica Police Station, Ptuj Police Station and Ljutomer Police Station, i.e. a total of **twenty-one places of deprivation of liberty due to police detention**. All visits were **unannounced**.

During our visits, we inspected the premises used by each police station for the treatment and accommodation of persons deprived of their liberty who were detained or held in police custody, and spoke to persons who were in police custody or detention at the time of our visit to find out what the police officers' procedures were in relation to them. We also spoke to police officers and checked individual (randomly selected) cases of detention procedures. We also regularly followed up on the implementation of recommendations from the previous visit to each police station. **Also during the visits in 2021, we were able to see that the Police Stations are implementing the recommendations of the NPM.** Here are just some of them.



During our visit to **Dravograd Police Station**, we noted that the NPM's recommendation from the previous visit to consider the possibility of different glazing of the windows of detention rooms 4, 3 and 2 (at the time of the previous visit, these detention rooms were marked with the numbers 1, 2 and 3) had been implemented, which will not allow a view into the room, while at the same time the changed glazing will not significantly reduce the availability of daylight into the room, as at the time of the current visit the windows were fitted with »milk glass« which prevents a view into the detention room itself, while at the same time not significantly reducing the availability of daylight into the room. The recommendation of the NPM from the previous visit that the interrogation room be marked as video monitored has also been implemented, as it was noted during this visit that the entrance to the room (with a sticker) is marked as video monitored.

During the visit to **Velenje Police Station**, it was noted that the recommendation of the NPM from the previous visit to consider the possibility of implementing the renovation of the changing rooms as soon as possible, so that there would be sufficient changing rooms for female police officers, had been implemented, as during the current visit it was noted that in 2019 the changing rooms for female police officers and for male police officers had already been

renovated and there were no problems with providing sufficient number of changing rooms for female police officers.

At **Maribor 1 Police Station**, it was noted that the recommendation of the NPM from the previous visit to examine the possibility of repairing the cracked walls in the longer-term detention facilities in order to find a longer-term solution to prevent the walls from cracking has been implemented, as no cracks were observed in the walls of the longer-term detention facilities at the time of the current visit. At Ruše Police Station it was noted that the recommendation of the NPM from the previous visit that the corridor or part of the corridor intended for the reception of persons deprived of their liberty should be marked as video-monitored had been implemented, as during the current visit it was noted that the corridor (with a sticker) was marked as video-monitored. The recommendation of the NPM from the previous visit that the ground floor interview and hearing room should be properly labelled with its intended purpose was also implemented, as it was noted during the current visit that the door of the interview and hearing room was labelled »booth (hearing room)«.

At the **Metlika and Murska Sobota Police Stations**, the recommendation of the NPM from the previous visit to equip the outdoor area in accordance with the first indent of the second paragraph of Article 23 of the Rules on standards for the construction and equipment of police premises used for detention, namely with a concrete ashtray fixed in the floor, had been implemented, as during the current visit, it was noted that the outdoor area was equipped with a larger concrete ashtray.

During the visit to the **Rogaška Slatina Police Station**, it was noted that the recommendation of the NPM from the previous visit to check the adequacy of the flow of water from the water taps in the longer detention facilities numbered 3, 4 and 5 had been implemented, as during the current visit, it was noted that the water was flowing normally from the water taps in detention facilities 3, 4 and 5.

At the **Lendava Police Station**, it was noted that the recommendation of the NPM from the previous visit to regularly ventilate the area for the accommodation of foreigners (the waiting room) had been implemented, as no mustiness or smell was detected in the area at the time of this visit, and the order of the Ministry of the Interior to establish a record of ventilation had also been implemented, as it was in fact established and is regularly kept (the last record of ventilation was registered on 13 April 2021, which was three days prior to our visit).

During the visit to the **Postojna Police Station**, it was found that the recommendation of the NPM from the previous visit to place the book of comments and compliments in a prominent place, on the shelf in front of the window of the duty officer's room, had been implemented, as during the current visit, it was found that the book of comments and compliments had been placed in a prominent place, namely behind the window of the duty officer's room, and

at the same time a sticker had been placed on the window stating the whereabouts of the book of comments and compliments. It was further noted that the NPM's recommendation from the previous visit that "Booth 9 and Booth 10" should be marked as video monitored had been implemented, as both booths were marked (with stickers) as video monitored at the time of this visit. The NPM's recommendation from the previous visit that the water fitting in detention room 2 should be properly fixed or, if necessary, replaced with another more suitable water fitting has also been implemented, as the water fitting was effectively fixed at the time of this visit. The NPM's recommendation from the previous visit that police officers should be reminded to be more meticulous in keeping the documentation necessary to carry out detentions has also been implemented, as this time the review of randomly selected cases of individual detentions found that the documentation was kept in an exemplary manner, or that no deficiencies were found during the review. During the visit to the Ilirska Bistrica Police Station, it was found that the recommendation of the NPM from the previous visit that the shelves in the cupboard for storing seized items that a person is not allowed to have in their possession at the time of detention should be marked or numbered in the same way as the detention premises had been implemented, as during the current visit, it was found that the shelves in the cupboard were marked with the same numbers as the detention premises. The recommendation of the NPM from the previous visit to provide the State Border Guard Unit (SBGU) with a duly updated list of lawyers has also been implemented, as it was noted during the current visit that the Head of Patrol in the SBGU has a duly updated list of lawyers in his room, with a cut-off date of 8.4.2021.

During the visit to the **Tolmin Police Station**, it was noted that the recommendation of the NPM from the previous visit to place a duly updated list of lawyers in the room where the reception of the detained person is carried out had been implemented, as at the time of this visit, a duly updated list of lawyers with the date of issue 5 July 2021 had been placed on the door of the cupboard in the corridor in front of the detention room, which is also used for the reception of persons deprived of their liberty, as well as the list of lawyers with the date 5 July 2021.

During the visit to the **Bovec Police Station**, it was noted that the recommendation of the NPM from the previous visit to check the adequacy of the water drainage in the sink of detention room No. 1 when used simultaneously with the water drainage to the toilet had been implemented, as during the current visit, it was found that the water drainage in the sink was working well when used simultaneously with the water drainage to the toilet.

During the visit to the **Idrija Police Station**, it was noted that the recommendation of the NPM from the previous visit to consider the possibility of providing at least two more spare pillows at the Police Station had been implemented, as it was noted during the current visit that the Police Station does in fact have two spare pillows at its disposal. The recommendation of the NPM from the previous visit to place the book of comments and compliments in a prominent

place has also been implemented, as during this visit, it was found that the book of comments and compliments was placed in a prominent place on a shelf behind the glass of the duty officer's room.

During the visit to the **Nova Gorica Police Station**, it was noted that the recommendation of the NPM from the previous visit to install a notice (sticker) for the voice recorder in the detention room marked with the number 3 had been implemented, as during the current visit, it was noted that the voice recorder in this room and in the other rooms were properly marked (with a sticker). The recommendation of the NPM from the previous visit to check the adequacy of the plumbing in the detention facilities numbered 3, 4 and 5 (to ensure that there is adequate water pressure when the toilet and washbasin outlets are used at the same time) has also been partially implemented, as the water pressure when the toilet and washbasin outlets are used or discharged at the same time in the detention facilities numbered 3 and 5 was adequate. Furthermore, the recommendation of the NPM from the previous visit to replace the inadequate poster of the Mol on the rights of persons deprived of liberty in the corridor in front of the detention facilities, which contained an incorrect translation of the rights into English, has been implemented, as it was found during the current visit that a poster of the Ministry of the Interior on the rights of persons deprived of liberty with a proper translation into English had been installed on the wall. The recommendation of the NPM from the previous visit to replace or remove the inadequate poster of the Mol on the rights of persons deprived of their liberty from the notice board in the area in front of the duty officer's room and to install a poster of the Ministry of the Interior on the rights of persons deprived of their liberty has also been implemented, which will also contain a proper English translation of the right of access to a doctor, as it was noted during the current visit that a poster of the Ministry of the Interior on the rights of persons deprived of their liberty with a proper English translation of the right of access to a doctor had been placed on the notice board.

During the visit to the **Ptuj Police Station**, it was noted that the recommendation of the NPM from the previous visit to equip the promenade with an ashtray in accordance with the first indent of the second paragraph of Article 23 of the Rules on standards for the construction and equipment of police premises used for detention had been implemented, as the promenade was equipped with an ashtray at the time of the current visit. The recommendation of the NPM from the previous visit that the authorities should as soon as possible eliminate the problems of leakage into the policewomen's changing rooms in order to provide the policewomen with a suitable working environment and at the same time to reduce the chances of damage to their official equipment has also been implemented, as during the current visit, an inspection of the policewomen's changing rooms and a conversation with one of the policewomen present revealed that there have been no more problems of leakage into the policewomen's changing rooms.

During the visit to the **Ljutomer Police Station**, it was noted that the recommendation of the NPM from the previous visit to reinstall a toilet seat on the

toilet bowl in the women's toilets of the area, where procedures regarding foreigners are being conducted, had been implemented, as during the current visit, it was noted that there was a toilet seat on the toilet bowl in the women's toilets of the Aliens Procedures Room.

In 2021, **142 recommendations** were made during the visits to the Police Station, of which **44 were individual and 98 were general**. The recommendations related to activities (two recommendations), living conditions (41 recommendations), records and documentation (49 recommendations), treatment and forms of work (19 recommendations), staff (three recommendations), legal protection and channels of redress (21 recommendations), food (three recommendations) and in general (four recommendations).



Out of a total of 142 recommendations, **3 have been accepted and implemented, 44 were accepted and not yet implemented and 15 were not accepted.**



The above shows that many of the recommendations of the NPM have been accepted and implemented, and that only those that require more time or financial resources to implement or remedy have not yet been implemented.

For example, during the visits to the **Dravograd Police Station, Ravne na Koroškem Police Station, Maribor 1 Police Station, Slovenske Konjice Police Station, Murska Sobota Police Station and Postojna Police Station**, it was found, **that the NPM's recommendation from the previous visit(s) to consider the possibility of providing access to running water in detention facilities for shorter periods of time (up to 12 hours) had not yet been implemented.** In its replies, the Ministry of the Interior indicated that the installation of a washbasin and thus access to running water in the premises for short period-of time is expected to be implemented in 2022, provided that the necessary financial resources are made available.



Of the **recommendations that were not accepted**, one, for example, related to the **Ravne na Koroškem Police Station**, namely to check whether the room on the ground floor of the police station, which is used for interviews, including for the purposes of detainee-attorney interviews, is suitable for conducting any interviews at all. As regards the interview room, the Ministry of the Interior explained that due to space constraints, they could not provide a larger or more suitable room.



In three cases where the recommendations were not accepted (**Velenje Police Station, Idrija Police Station and Nova Gorica Police Station**), this concerned the possibility of installing video surveillance in interview rooms or in the reception area for persons deprived of their liberty, if the video surveillance system is to be renovated. In this respect, the Ministry of the Interior has stated that video surveillance or the purchase of new video cameras to be installed in interview rooms or reception areas for persons deprived of their liberty is not foreseen at the moment.

One recommendation that was not accepted also concerned the **Črnomelj Police Station**, which was that the police officers in procedures with foreigners record in the documentation (e.g. the form “Performance of tasks during detention/holding – official record”) that the foreigner was given a UNHCR/Mol brochure with asylum information in a language he/she understands. The Ministry of the Interior has stated that police officers conduct individual interviews with foreigners. When the police officers establish in the interviews that the facts and circumstances established indicate that the alien’s life or liberty has been or may be threatened, or in cases where it appears that the foreigner may be subjected to torture or other cruel treatment, they inform the alien about the possibility of lodging an application for international protection, or refer them to that effect. In any case, when a person expresses his/her intention to apply for international protection in the Republic of Slovenia, police officers process the application in accordance with the International Protection Act. At the same time, the Mol has stated that police officers will not specifically record the delivery of the UNHCR/UNHCR brochure with asylum information in the form »Performance of tasks during detention/holding – official record«.

In the two cases where recommendations were not accepted (Slovenske Konjice Police Station and Ilirska Bistrica Police Station), these concerned the provision of an up-to-date list of lawyers in the interview room or in the foreigners’ treatment rooms. The Ministry of the Interior has indicated that the list of lawyers is located outside the detention facility or with the duty police officer, so the recommendation in this part will not be followed and will not be placed in the proposed space.

In two cases, recommendations that were not accepted (**Slovenske Konjice Police Station and Murska Sobota Police Station**) related to equipping the interrogation room with a poster of the Ministry of the Interior with the rights of persons deprived of their liberty. In this respect, the Ministry of the Interior has announced that the Ministry of the Interior’s posters on the rights of persons deprived of their liberty will, as before, be placed (only) in reception areas for persons deprived of their liberty.

In the two cases where recommendations were not accepted (**Slovenske Konjice Police Station and Rogaška Slatina Police Station**), these related to re-considering the possibility of providing the PP with adequate equipment for the audio-video recording of interrogations. This is a deficiency, since it is not possible to verify in this way any allegations by detainees or persons in custody that they have been ill-treated by officials. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has also drawn attention to this issue and, during its visits to Slovenia, has already called for measures to be taken to ensure that electronic equipment for the recording of police proceedings is used on a regular basis. The Ministry of the Interior has indicated that there are no plans to purchase audio-video equipment to record the hearings. When the unit needs it, it will borrow it, if necessary, from the nearest Police Station that has it.



The next recommendation that was not accepted was also related to **Sloven-ske Konjice Police Station**, namely to reconsider the possibility of arranging the position of the on-duty police officer to make it more secure, since in the context of certain adaptation works at the Police Station and in connection with the previous reply of the Ministry of the Interior and Administration of the Interior (Moi) No.070-49/2018/5(207-06) of 1 October 2018 when it was announced that the possibility of ensuring greater protection of the duty policeman's area would be studied, did not change or make the workplace of the duty policeman more secure. In this respect, the Ministry of the Interior reported that the duty officer's room had been arranged in accordance with the possibilities allowed by the space available. At the same time, it also announced that no other redevelopments are foreseen at this time.

One recommendation that was not accepted also concerned the **Murska Sobota Police Station** with regard to the adequacy of staffing and the provision of additional police officers if necessary. In this regard, the Ministry of the Interior explained that, as a result of the measures taken during the last economic recession, the Police was almost de-staffed from 2010 to 2015. At the same time, the measures taken by the governments of the time led to the retirement of a number of civil servants from the Police. As a consequence, this has led to a steady reduction in the Police's staffing plan. Over the last five years, the Police have been working to attract as many police and other job applicants as possible through various promotional activities. Active recruitment policies have thus helped increase the inflow of new staff over the last two years, outweighing the outflow. In 2020, the number of places for the post-secondary study programme for the profession of police officer also increased. As a result, they managed to recruit 200 police officer candidates in 2020, 100 more than they managed in 2019. In 2019, there were 260 departures and 303 arrivals of staff, and in 2020, 210 departures and 316 arrivals. In this way, they aim to gradually reduce the staffing shortages that have emerged over the last ten years, in proportion to the staffing needs of police administrations and police stations.

One unaccepted recommendation concerned the **Ilirska Bistrica Police Station**, which was that when placing unaccompanied minors in the Postojna Residential Centre, in accordance with the decision of the Government of the Republic of Slovenia on the placement of unaccompanied minors, this should be respected and unaccompanied minors should be placed in the Postojna Hall of Residence. It was found that some unaccompanied foreign minors were placed in the Centre for Foreigners, despite the Government's decision by the decree of the Ministry of the Interior and with the consent of the competent CSDeven though the detention of children is never in the best interest of the child, as emphasised, inter alia, by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). In this regard, the Ministry of the Interior stated that according to the provisions of the Aliens Act, the Police are not allowed to act at their own discretion when accommodating an unaccompanied minor, but are obliged to take into account the opinion/recommendation of the guardian for the specific case. The

police will therefore always place this category of foreigners in agreement with the guardian for a specific case. However, as the Republic of Slovenia currently has no other suitable accommodation for unaccompanied minors who are in the process of being returned, the guardian for a special case opts for the only option currently available, which is in the Centre for Foreigners. On average, an unaccompanied minor is held in the Centre for Foreigners for 3.77 days (this is the figure for 2020).

The last recommendation that was not accepted also concerned the Ilirska **Bistrica Police Station**, namely to consider the possibility of placing information materials (posters and brochures of the Ministry of the Interior on rights of persons deprived of their liberty, as well as posters and brochures of the UNHCR/MoI and the PIC with information on international protection and legal assistance to foreigners in return procedures) in the waiting rooms where foreigners are accommodated during the procedure, as they will be more accessible to them in this way. In this respect, the Ministry of the Interior has indicated that it considers that the brochures are properly installed and will therefore not be installed in the additional premises.

In most of the police stations we visited in 2021, we were again able to find that errors or shortcomings were still occurring regarding the completion of the forms required for detentions, although there are slightly fewer than in the past. Most of the errors or deficiencies occur in the uniform listing of the different tasks in the various forms (for example, in the 'Detention Decision' form, in the 'Performance of tasks during detention/detention – official record' form, or in the computerised detention register) and in the correct entry of the corrections in the forms needed to carry out the detentions. With regard to the shortcomings or deficiencies identified and highlighted in our visit reports, the MoI stated that they had been brought to the attention of the police officers and the management of the police stations visited. At the same time, the Ministry of the Interior reported that, where necessary, certain errors and shortcomings had been corrected (for example, corrections had been made to entries in the computerised detention register).



Also in 2021, in two cases of detention orders, it was found that the provision of the seventh paragraph of Article 51 of the Police Tasks and Powers Act (ZNPPol), which stipulates that a security check of a person deprived of liberty and ordered to be detained must be carried out by a person of the same sex, was not respected. At the same time, in the present case of a violation of the provisions of the seventh paragraph of Article 51 of the ZNPPol, the police officer(s) did not state that the security check of the person arrested and ordered to be detained could not be postponed until the arrival of a person of the same sex as the person arrested and ordered to be detained. In this commitment, the Ministry of the Interior stated that **the police officers had been warned of the error and that the police unit would reiterate the provisions of the seventh paragraph of Article 51 of the ZNPPol to all police officers as part of their training.**





In 2021, during visits to several police stations, we found that police officers were using the old »Detention Decision« form, which did not yet contain the new updated legal instruction that »In the event of detention pursuant to Article 24(1) of the Road Traffic Rules Act (ZPrCP), an appeal may be lodged against this act for the duration of the detention and for a further two days (48 hours) after the detention has been lifted». In this respect, the Ministry of the Interior reported **that all those carrying out detention controls had been reminded to check the validity of the forms and all units had been instructed to remove all invalid forms on a regular basis.**



We also found at several police stations that in cases of detention under Article 109 of the Minor Offences Act (ZP-1), police officers do not document (describe) in sufficient detail the circumstances indicating that the person is unable to control his/her behaviour in the »Detention Decision« forms, in the part of the form entitled »Reasons for detention – description of the act«, in case of the detention of a person who is under the influence of alcohol or psychoactive substances under Article 109 of the ZP-1, and that the person's state of being under the influence of alcohol or psychoactive substances has not been ascertained by the use of appropriate technical devices. In this respect, the Ministry of the Interior reported that **all police officers were again informed that in the event of detention under Article 109(2) of the ZP-1, they are to describe in detail the circumstances indicating that the person is under the influence of alcohol or psychoactive substances (e.g. has a strong smell of alcohol, a staggering gait, slurred speech, etc.).**

During our visit to the Ljutomer Police Station, we recommended to the Mol that before returning foreigners to the Republic of Croatia, police officers should check whether the country is still safe for each of the foreigners, given their individual circumstances and possible systemic deficiencies. For example, the examination of the documentation showed that a group of foreigners had been returned to the territory of the Republic of Croatia on the basis of the Agreement on the Return of Persons between the Republic of Slovenia and the Republic of Croatia. However, the documentation does not show that the police officers carried out any procedure to assess whether the country was safe for each of them before handing them over to the Croatian security authorities. In view of the rebuttable presumption of mutual trust between EU Member States, taking into account the absoluteness of the principle of non-refoulement and the case law of international and domestic courts, we take the view that the principle of non-refoulement must also be respected in the context of the implementation of measures between Member States. Under the principle of non-refoulement, a country may not deport or extradite a person to another country if there are serious grounds for suspecting that he or she may be subjected to torture. The removal, expulsion or extradition of an individual to another country is prohibited if there are substantial grounds for concluding that there is a real risk that he or she would be subjected to torture or to inhuman or degrading treatment or punishment. Furthermore, the principle of non-refoulement prohibits both direct refoulement and indirect refoulement, where the applicant is extradited to a country where, although there is no

imminent serious risk that he or she will be subjected to inhuman treatment, there is a possibility that he or she will be extradited from that country to a country where there is a serious risk that he or she will be subjected to inhuman treatment. The appropriate instruments for assessing whether a country is respecting fundamental rights can be periodic and consistent reports by international NGOs showing the actual problems in the country of destination. The ECtHR explicitly cites reports by independent international human rights associations, Amnesty International, as well as information sources from government departments, the UNHCR and Human Rights Watch.

The Ministry of the Interior reported that **all information is provided to foreigners processed by the TA under the International Protection Act, which is also recorded in the section on the performance of tasks in the official bookmarks.** In the treatment rooms or waiting areas, posters with rights and information are displayed on the walls, and these rights are also available to foreigners in the form of leaflets on tables and in open drawers. All information and rights are translated into several different languages such as Pashto, Urdu, Arabic, etc. The Police Station management will continue to make every effort to ensure that the forms are up-to-date and legibly filled in, and that they are correct and correct in their content. The Ministry of the Interior further explained that of the 243 irregular migrants from the Republic of Croatia arrested in 2021 by the Police Station officers, 133 had declared their intention to apply for international protection, which represents a 56.8% share. At the same time, it clarified that all the apprehended illegal refugees in October and November 2021 had the intention to be apprehended. The Ministry of the Interior added that the Republic of Croatia is a member of the European Union, where foreigners can apply for asylum before entering the territory of our country



2.10

VISIT TO THE RECEPTION AREAS OF THE ASYLUM CENTRE IN LJUBLJANA AND THE LOGATEC BRANCH

In 2021, the NPM carried out an unannounced visit to the **reception areas of the Asylum Centre in Ljubljana and the Logatec branch under the auspices** of the Office of the Slovenian Government for the Support and Integration of Migrants, the Reception and Care Division. This was the first visit to the reception premises of the Logatec branch. The purpose of the visit was mainly to identify possible restrictions on the movement of foreigners accommodated in the reception areas and the possibilities for exercise in the fresh air, as well as to check whether the recommendations of the NPM from the previous visit to the reception areas in Ljubljana on 21 December 2018 had been followed or implemented.

As the visit to the reception areas in the branch office in Logatec and the reception areas in Ljubljana was carried out on 15 December 2021, and the NPM report was prepared and submitted to the management of the Slovenian Government Office for the Support and Integration of Migrants, Reception and Care Division, and the Ministry of the Interior on 3 January 2022, we have not yet had their response to the recommendations at the time of writing this report. On this basis, the following information is limited to the total number and type of recommendations made by the NPM, as well as what the recommendations covered. As regards the reception areas in Ljubljana, we would also like to highlight some of the implemented recommendations from our previous visit on 21 December 2018.

At the time of the visit, we made separate recommendations for the reception premises visited in the Logatec branch and the reception premises in Ljubljana. We made a total of eight general recommendations for the reception premises in the Logatec branch. These recommendations related to activities (four recommendations), living conditions (two recommendations) and treatment and forms of work (two recommendations). We made a total of **six general recommendations** for reception areas in Ljubljana. They concern living conditions (one recommendation), records and documentation (one recommendation) and treatment and forms of work (four recommendations).

During the visit to the reception premises of the Logatec branch office, it was noted that, in cooperation with the NGO Društvo Ključ Society, a training course on information on trafficking in human beings is being held for employees and

that they will soon start implementing information procedures themselves. It was also found that one of the employees speaks Farsi and can therefore communicate with foreigners who speak that language. It was also noted that material supplies were available to the foreigners on a daily basis and that hot tea was available throughout the day in cold weather for foreigners who were temporarily accommodated in living containers during the renovation of one of the accommodation facilities at the time of our visit. The following are just some of the observations and recommendations we made during our visit to the reception premises of the Logatec branch. During the visit, an interview was held with the head of the branch office and it was found **that the applicants' accommodation was not locked, nor was the branch office in Logatec surrounded by a fence.** Although the accommodated foreigners are not locked in the premises, they are not allowed to move outside the premises, as they do not have the relevant documents, which, according to the head of the post, they are informed of at the time of their accommodation.



The accommodation facilities in which the foreigners were accommodated at the time of the visit were found to be generally dilapidated or in a poor state of repair. According to the head of the office, at the time of the visit there was one building in use (the so-called green building) and 30 accommodation containers housing between three to eight people. Three of the containers were also used for isolation purposes (due to Covid-19). Foreigners who were placed in the containers had to go from the living container to a separate shared sanitary facility to use the toilets. We have pointed out that containerised accommodation is not suitable and can only be a short-term, temporary solution. **On this basis, we recommended that the Logatec branch office should consider the possibility of providing adequate capacity in other facilities located at the Logatec branch office site.**

An inspection of the Green Building, which was in use at the time of the visit, revealed that it was in a very poor state of repair and, as such, needed to be renovated as soon as possible. In particular, the sanitary facilities (toilets and washbasins - showers) were found to be in a very poor state of repair. It was also noted that some foreigners apparently use the toilet seat by squatting on it, which eventually causes damage to the seat. **In the light of these findings, we recommended that consideration should be given to the possibility of completely renovating the dilapidated toilets of the so-called green building in the Logatec branch (painting, renovation of bathroom fittings). We also recommended that, when renovating the building, and taking into account the needs of the housed foreigners, consideration should be given to the possibility of installing squat toilets in addition to toilets with toilet bowls.**

During the visit to the reception areas in Ljubljana, we first checked the implementation of the recommendations from the previous visit on 21 December 2018, and found that most of them had been implemented. It was thus noted that the recommendation to draw up a house and daily routine for the reception areas of the asylum centre had been implemented, as **it was noted during**



this visit that a new Decree on Asylum Centre House Rules (Official Gazette of the Republic of Slovenia No. 173/21) had been adopted and that a daily routine had been drawn up, which included a timetable of the day's activities. Furthermore, the recommendation from the previous visit to consider the possibility of setting up more premises (offices) for staff to receive applications for international protection has been implemented, as it was noted during this visit that new premises have been set up for the purpose of receiving applications for international protection. The recommendation from the previous visit to record the exits of foreigners from the reception areas for fresh air was also implemented, as **it was noted during the current visit that a record of the exits of foreigners was established on 21 December 2018 – foreigners from reception areas.** At the same time, the recommendation from the previous visit to consider painting dirty walls and the more regular ventilation of the premises was implemented, as **on this visit, the inspection noted that of the premises that the walls were painted but the premises were not ventilated.**

Here are some of the new recommendations from this visit. Despite the fact that (as stated above) it was noted that the recommendation from the previous visit to consider the possibility of arranging more premises for the reception of applications for international protection had been implemented by the Ministry of the Interior, it was additionally noted **during this visit that the number of persons - foreigners has increased and they are again waiting or still waiting for a longer period of time (on average 15 days, according to the explanations we received during the visit) for the lodging of an application for international protection. On this basis, we again recommended that the Ministry of the Interior should consider the possibility of setting up more premises (offices) where more application staff could conduct interviews or receive applications for international protection from foreigners.**



During the visit, we inspected the reception areas of the Asylum Home and spoke to some of the foreigners accommodated there. The Director explained that only the isolation rooms (A unit, where there is a red zone due to Covid-19) are locked, but not the other rooms. The isolation wings (A unit) are under video surveillance, whereby the foreigners are required to sign a declaration before being placed in the wings that they have been informed that they are being monitored by video surveillance. It was further noted that no quarantine decisions are issued to foreigners placed in A unit (isolation). In the NPM's view, such treatment of foreigners constitutes a deprivation of liberty, which requires an appropriate legal basis, which is necessary for any restriction of movement or interference with an individual's personal liberty. **In this regard, we recommended that the foreigners placed in isolation be issued with appropriate decisions or we asked for the legal basis on which the aliens are placed in isolation in the reception areas to be communicated.**

3.

ANNEXES

3.1

NATIONAL PREVENTIVE MECHANISM (NPM) – NPM VISITS IN 2021

10 February 2021	NPM members, Ombudsman advisers Jure Markič, MA, Ana Polutnik and Robert Gačnik, specialised in psychiatry, and the representative of the NGO Pravo za VSE, David Borlinič Gačnik, made an unannounced regular visit to the Maribor UMC, Department of Psychiatry, Unit for Forensic Psychiatry . The unit was subsequently visited by the expert, Peter Pregelj, PhD.
18 February 2021	Members of the NPM, Robert Gačnik, Specialist, Advisor to the Ombudsman, and Katja Piršič, representative of the contracted NGO SKUP – Community of Private Institutions, made an unannounced visit to the Dravograd Police Station .
18 February 2021	Members of the NPM, Robert Gačnik, specialist, Advisor to the Ombudsman, and Katja Piršič, representative of the contracted NGO SKUP – Community of Private Institutions, made an unannounced visit to the Ravne na Koroškem Police Station .
18 February 2021	Members of the NPM, Robert Gačnik, specialist, Advisor to the Ombudsman, and Katja Piršič, representative of the contracted NGO SKUP – Community of Private Institutions, made an unannounced visit to the Velenje Police Station .
25 February 2021	Members of the NPM, Robert Gačnik, Specialist, Adviser to the Ombudsman, and Pia Verdnik, representative of the contracted NGO Pravo za VSE, conducted an unannounced visit to the Lenart Police Station .
25 February 2021	Members of the NPM, Robert Gačnik, Specialist, Adviser to the Ombudsman, and Pia Verdnik, representative of the contracted NGO Pravo za VSE, conducted an unannounced visit to the Maribor Police Station 1 .
25 February 2021	Members of the NPM, Robert Gačnik, Specialist, Adviser to the Ombudsman, and Pia Verdnik, representative of the contracted NGO Pravo za VSE, conducted an unannounced visit to the Ruše Police Station .
4 March 2021	Members of the NPM, Ombudsman's advisor Jure Markič, MA, and a representative of the NGO Spominčica – Alzheimer Slovenija, Maša Bastarda, carried out an unannounced monitoring visit to the Tezno Maribor Senior Citizens' Home .

11 March 2021	Members of the NPM, Ivan Šelih, Deputy Ombudsman, Robert Gačnik, Special Adviser to the Ombudsman, and Urša Regvar, representative of the contracted NGO Legal-Information Centre for NGOs – PIC, made an unannounced visit to the Črnomelj Police Station .
11 March 2021	Members of the NPM, Ivan Šelih, Deputy Ombudsman, Robert Gačnik, Special Adviser to the Ombudsman, and Urša Regvar, representative of the contracted NGO Legal-Information Centre for NGOs – PIC, made an unannounced visit to the Metlika Police Station .
17 March 2021	Members of the NPM, Ombudsman's advisor Jure Markič, MA, and a representative of the NGO Spominčica – Alzheimer Slovenia, Maša Bastarda, carried out an unannounced monitoring visit to the Gornji Grad Senior Citizens' Centre .
18 March 2021	Members of the NPM, Robert Gačnik, Specialist, Advisor to the Ombudsman, and Katarina Vučko, representative of the contracted NGO Peace Institute, made an unannounced visit to the Slovenske Konjice Police Station .
18 March 2021	Members of the NPM, Robert Gačnik, Specialist, Advisor to the Ombudsman, and Katarina Vučko, representative of the contracted NGO Peace Institute, made an unannounced visit to the Rogaška Slatina Police Station .
18 March 2021	Members of the NPM, Robert Gačnik, Specialist, Advisor to the Ombudsman, and Katarina Vučko, representative of the contracted NGO Peace Institute, made an unannounced visit to the Šmarje pri Jelšah Police Station .
31 March 2021	Member of the NPM Ana Polutnik, Advisor to the Ombudsman, and Katja Piršič, representative of the NGO SKUP – Community of Private Institutions, made an unannounced visit to the Crisis Centre for Youth "Kresnička" in Radovljica .
31 March 2021	NPM members, Ombudsman's advisor Jure Markič, MA, and the representative of the NGO ZDUS, Lili Jazbec, carried out an unannounced monitoring visit to the Lukavci Home, Veržej Unit .
15 April 2021	Members of the NPM, the Ombudsman's advisor Jure Markič, MA, representatives of the NGO Pravo za VSE David Borlinič Gačnik and Barbara Smogavc, and subsequently on 16 April 2021, the expert, Prof. Dr. Vesna Švab, made an unannounced regular visit to the Ptuj Retirement Home .
16 April 2021	Members of the NPM, Robert Gačnik, specialist, Advisor to the Ombudsman, and Neža Peternelj, representative of the contracted NGO SKUP – Community of Private Institutions, made an unannounced visit to the Murska Sobota Police Station .
16 April 2021	Members of the NPM, Robert Gačnik, specialist, Advisor to the Ombudsman, and Neža Peternelj, representative of the contracted NGO SKUP – Community of Private Institutions, made an unannounced visit to the Lendava Police Station .

19 April 2021	Ombudsman Peter Svetina and members of the NPM Ana Polutnik, Advisor to the Ombudsman, Lili Jazbec, representative of the NGO ZDUS – The Slovenian Federation of Pensioners' Associations, and Dr Živa Humer, representative of the NGO Peace Institute, conducted an unannounced visit to the Fran Milčinski Educational Institution Smlednik .
4 May 2021	NPM members Ana Polutnik, Adviser to the Ombudsman, and Lili Jazbec, representative of the NGO ZDUS - The Slovenian Federation of Pensioners' Associations, conducted an unannounced visit to the Fran Milčinski Educational Institution Smlednik, the Ježek residential group .
4 May 2021	Members of the NPM, the Ombudsman's advisor Jure Markič, MA, representatives of the NGO Pravo za VSE Lina Lajlar and SKUP Neža Peternelj, made an unannounced regular visit to the Franc Salamon Trbovlje Retirement Home, Prebold Unit .
6 May 2021	Members of the NPM, Robert Gačnik, Specialist, Advisor to the Ombudsman, and Lina Lajlar, representative of the contracted NGO Pravo za VSE, conducted an unannounced visit to the Mari-bor Prison – Rogoza Open Unit .
13 May 2021	Members of the NPM, Robert Gačnik, Specialist, Adviser to the Ombudsman, and Adriana Aralica, representative of the contracted NGO Legal-Information Centre for NGOs – PIC, made an unannounced visit to the Postojna Police Station .
13 May 2021	Members of the NPM, Robert Gačnik, Specialist, Adviser to the Ombudsman, and Adriana Aralica, representative of the contracted NGO Legal-Information Centre for NGOs – PIC, made an unannounced visit to the Ilirska Bistrica Police Station .
19 May 2021	Members of the NPM, the Ombudsman's advisor Jure Markič, MA a representative of the NGO Pravo za VSE Aljaž Lep, a representative of the NGO Novi Paradoks Srečko Brumen and an expert Dr Petra Koprivnik, made an unannounced regular visit to the Nina Pokorn Grmovje Home .
19 May 2021	NPM members Ana Polutnik, Advisor to the Ombudsman, and Neža Peternelj, representative of the NGO SKUP – Community of Private Institutions, made an unannounced visit to the Planina Educational Institution .
20 May 2021	NPM members Ana Polutnik, Advisor to the Ombudsman, and Neža Peternelj, representative of the NGO SKUP – Community of Private Institutions, made an unannounced visit to the Planina Educational Institution, Vzpon residential unit .
20 May 2021	NPM members Ana Polutnik, Advisor to the Ombudsman, and Neža Peternelj, representative of the NGO SKUP – Community of Private Institutions, made an unannounced visit to the Planina Educational Institution, Obala residential unit .

from 24 to 27 May 2021	Members of the NPM, Ivan Šelih, Deputy Ombudsman, Robert Gačnik, Special Advisor to the Ombudsman, and representatives of the contracted NGOs Legal-Information Centre of NGOs – PIC Katarina Bervar Sternad (24 and 25 May 2021) and SKUP Community of Private Institutions Katja Piršič, carried out a scheduled (21 May 2021) visit to the Dob pri Mirni Penal Institution . The Ombudsman Peter Svetina also participated in the visit (24 May 2021). On 28 May 2021, Zdenka Čebašek Travnik, MD, PhD, Specialist in Psychiatry, NPM expert physician, also conducted a visit in the field of health care delivery.
8 June 2021	Members of the NPM, the Ombudsman's advisor Jure Markič, MA, representatives of the NGO Pravo za VSE Lina Lajlar and Spominčica – Alzheimer Slovenia David Krivec, made an unannounced regular visit to the Dr Jože Potrč Poljčane Home, the Slovenska Bistrica Unit .
16 June 2021	Members of the NPM, Robert Gačnik, Specialist, Adviser to the Ombudsman, and Adriana Aralica, representative of the contracted NGO Legal and Formation Centre for NGOs – PIC, made an unannounced visit to the Ljubljana penal institution – the Novo mesto Department .
8 July 2021	NPM members, Ombudsman's advisor Jure Markič, MA and a representative of the NGO ZDUS Stanka Radojičič, carried out an unannounced monitoring visit to the Trnovo Senior Citizens' Centre (DEOS) .
20 July 2021	NPM members, Ombudsman's advisor Jure Markič, MA and a representative of the NGO ZDUS, Marija Milavec Kapun, carried out an unannounced monitoring visit to the Medvode Senior Citizens' Centre (DEOS) .
28 July 2021	NPM members Ana Polutnik, Advisor to the Ombudsman, and Lina Lajlar, representative of the NGO Pravo za VSE, made an unannounced visit to the Crisis Centre for Children and Young People in Slovenj Gradec .
29 July 2021	Members of the NPM, Robert Gačnik, Specialist, Adviser to the Ombudsman, and Lina Lajlar, representative of the contracted NGO Pravo za VSE, conducted an unannounced visit to the Tolmin Police Station .
29 July 2021	Members of the NPM, Robert Gačnik, Specialist, Adviser to the Ombudsman, and Lina Lajlar, representative of the contracted NGO Pravo za VSE, conducted an unannounced visit to the Bovec Police Station .
3 August 2021	Members of the NPM, the Ombudsman's advisor Jure Markič, MA, representatives of the NGO Pravo za VSE Barbara Smogavc and the NGO Peace Institute Monika Bohinec, as well as expert Petra Koprivnik, PhD, made an unannounced regular visit to the Hrastovec Social Welfare Institute .

24 August 2021	NPM members, Ombudsman advisers Jure Markič, MA, Ana Polutnik and Sonja Božič Testen and representatives of the NGO Spominčica – Alzheimer Slovenia Štefanija Lukič Zlobec and Novi Paradoks Mateja Markovič, made an unannounced follow-up visit to the Ljubljana University Psychiatric Clinic .
8 and 9 September 2021	Members of the NPM, Ivan Šelih, Deputy Ombudsman, Robert Gačnik, Special Advisor to the Ombudsman, and representatives of the contracted NGOs Legal-Information Centre for NGOs – PIC Urša Regvar and the Peace Institute Iza Thaler, made an unannounced visit to the Ljubljana Penal Institution .
9 September 2021	Members of the NPM, the Ombudsman's advisor, Jure Markič, MA and Sonja Božič Testen and the representative of the NGO SKUP, Jure Trbič, carried out an unannounced monitoring visit to the Črnuče Senior Citizens' Centre (DEOS) .
16 September 2021	Members of the NPM, Robert Gačnik, Specialist, Advisor to the Ombudsman, and Katarina Vučko, representative of the contracted NGO Peace Institute, made an unannounced visit to the Idrija Police Station .
16 September 2021	Members of the NPM, Robert Gačnik, Specialist, Advisor to the Ombudsman, and Katarina Vučko, representative of the contracted NGO Peace Institute, made an unannounced visit to the Nova Gorica Police Station .
20 September 2021	Members of the NPM, the Ombudsman's advisor Jure Markič, MA, representatives of the NGO Pravo za VSE Lina Lajlar and Pia Verdnik and expert Petra Koprivnik, PhD, made an unannounced regular visit to the Na Fari Prevalje Old People's Home .
14 October 2021	Members of the NPM, the Ombudsman's advisors Robert Gačnik, Specialist, Ana Polutnik and Sonja Božič Testen, and a representative of the contracted NGO Slovenian Foundation for UNICEF Neja Čopi, made an unannounced visit to the Radeče Correctional Home .
19 October 2021	Members of the NPM, the Ombudsman's advisor, Jure Markič, MA, and Sonja Božič Testen, and a representative of the NGO ZDUS, Stanka Radojičic, carried out an unannounced monitoring visit to the Škofljica Old People's Home .
20 October 2021	Members of the NPM Ana Polutnik and Sonja Božič Testen, advisers to the Ombudsman, and Pia Verdnik, representative of the NGO Pravo za VSE, conducted an unannounced visit to the Celje Youth Crisis Centre .
21 October 2021	Members of the NPM, Robert Gačnik, Specialist Advisor to the Ombudsman, and Iza Thaler, representative of the contracted NGO Peace Institute, made an unannounced visit to the Ptuj Police Station .
21 October 2021	Members of the NPM, Robert Gačnik, Specialist Advisor to the Ombudsman, and Iza Thaler, representative of the contracted NGO Peace Institute, made an unannounced visit to the Ljutomer Police Station .

9 November 2021	Members of the NPM, the Ombudsman's advisor, Jure Markič, MA and Sonja Božič Testen, representatives of the NGO Pravo za VSE David Borlinič Gačnik and Srečko Brumen for Novi Paradoks, and expert, Prof. Dr. Vesna Švab, made an unannounced regular visit to the Vojnik Psychiatric Hospital .
1 December 2021	Members of the NPM, Ana Polutnik, Advisor to the Ombudsman, and Neja Čopi, representative of the NGO Slovenian Foundation for UNICEF, conducted an unannounced visit to the Maribor Youth Centre's Competence Centre, the 2nd residential group .
1 December 2021	Members of the NPM, Ana Polutnik, Advisor to the Ombudsman, and Neja Čopi, representative of the NGO Slovenian Foundation for UNICEF, conducted an unannounced visit to the Maribor Youth Centre's Competence Centre, the 3rd residential group .
1 December 2021	Members of the NPM, Ana Polutnik, Advisor to the Ombudsman, and Neja Čopi, representative of the NGO Slovenian Foundation for UNICEF, conducted an unannounced visit to the Maribor Youth Centre's Competence Centre, the 5th residential group .
3 December 2021	Members of the NPM, Ombudsman's advisor Jure Markič, MA and a representative of the NGO Spominčica – Alzheimer Slovenia, David Krivec, carried out an unannounced follow-up visit to the Bor Old People's Home, Črni Vrh nad Idrijo .
6 December 2021	Members of the NPM, Ana Polutnik, Advisor to the Ombudsman, and Neja Čopi, representative of the NGO Slovenian Foundation for UNICEF, conducted an announced visit to the Maribor Youth Centre's Competence Centre, the 6th residential group .
6 December 2021	Members of the NPM, Ana Polutnik, Advisor to the Ombudsman, and Neja Čopi, representative of the NGO Slovenian Foundation for UNICEF, conducted an unannounced visit to the Maribor Youth Centre's Competence Centre, the 10th residential group .
15 December 2021	Members of the NPM, Ivan Šelih, Deputy Ombudsman, Robert Gačnik, Special Advisor to the Ombudsman, and Iza Thaler, representative of the contracted NGO Peace Institute, conducted an unannounced visit to the Asylum Centre, the Government Office for Support and Integration of Migrants, the Sector for Reception and Care – Reception Facilities at the Logatec Branch .
15 December 2021	Members of the NPM, Ivan Šelih, Deputy Ombudsman, Robert Gačnik, Special Advisor to the Ombudsman, and Iza Thaler, a representative of the contracted NGO Peace Institute, conducted an unannounced visit to the reception areas of the Asylum Centre in Ljubljana .
16 December 2021	Members of the NPM Ivan Šelih, Deputy Ombudsman, Sonja Božič Testen, Ana Polutnik and Jure Markič, MA, the Ombudsman's advisors, and Jure Trbič, a representative of the NGO SKUP, paid a scheduled visit to the Dr. Marijan Borštnar Training, Work and Care Institute in Dornava .
20 December 2021	Members of the NPM, Ombudsman's advisor Jure Markič, MA and a representative of the NGO ZDUS Slavica Frelj, carried out an unannounced follow-up visit to the Pristan Vipava Senior Citizens' Centre .

3.2

NATIONAL PREVENTIVE MECHANISM (NPM) – OTHER NPM ACTIVITIES IN 2021

14 January 2021	The Ombudsman's Adviser Jure Markič, MA, actively participated via videoconference in the 14th meeting of the Working Group for the establishment of a specialised unit for the treatment of persons with the most severe forms of mental health disorders, which endanger their lives or the lives of others. The meeting was organised by the Ministry of Labour, Family, Social Affairs and Equal Opportunities.
1 February 2021	The Ombudsman organised a meeting on the subject of the regulation of the placement and appropriate treatment of children and adolescents with prevalent mental health problems, as well as mental and physical disabilities. In addition to Human Rights Ombudsman Petar Svetina and Deputy Ombudsman Ivan Šelih, the meeting was attended by all those invited, namely the Minister of Labour, Family, Social Affairs and Equal Opportunities Janez Cigler Kralj, State Secretary at the Ministry of Health Marija Magajne, MA; Minister of Justice Lilijana Kozlovič, MA and the Minister of Education, Science and Sports Simona Kustec, PhD.
15 February 2021	A meeting with the Director-General of the Police, Anton Olaj, PhD.
18 February 2021	Deputy Ombudsman Ivan Šelih and Ombudsman's Adviser Jure Markič, MA, actively participated via videoconference in the 15th meeting of the Working Group for the establishment of a specialised unit for the treatment of persons with the most severe forms of mental health disorders that put their lives or the lives of others at risk. The meeting was organised by the Ministry of Labour, Family, Social Affairs and Equal Opportunities.
24 February 2021	Deputy Ombudsman Ivan Šelih and Ombudsman's Adviser Jure Markič, MA, actively participated in the working meeting for the preparation of amendments to the Mental Health Act via videoconference on the basis of an invitation from the Ministry of Health.
17 March 2021	Deputy Ombudsman Ivan Šelih and Ombudsman Adviser Ana Polutnik participated in the webinar The United Nations Global Study on Children Deprived of Liberty, organised by the European Network of Ombudspersons for Children.

18 March 2021	Ombudsman Peter Svetina and his Deputy Ivan Šelih attended a working meeting with the Director General of the Police, Anton Olaj, PhD, which took place at both a specific and an operational level. The meeting was also attended by Tatjana Bobnar from the Police Management and Robert Ferenc, Head of the Service of Director General of the Police.
18 March 2021	The Ombudsman's Adviser Jure Markič, MA, actively participated via videoconference in the 16th meeting of the Working Group for the establishment of a specialised unit for the treatment of persons with the most severe forms of mental health disorders, which endanger their lives or the lives of others. The meeting was organised by the Ministry of Labour, Family, Social Affairs and Equal Opportunities.
29 March 2021	Deputy Ombudsman Ivan Šelih and the Ombudsman's advisers Jure Markič, MA, and Ana Polutnik actively participated via videoconference in the meeting entitled "Placement and appropriate treatment of children and adolescents with prevalent mental health problems and disorders in mental and physical development" organised by the Ministry of Labour, Family, Social Affairs and Equal Opportunities.
5 April 2021	The Ombudsman's advisor Ana Polutnik successfully completed the online course "CTP HELP" on the topic "Rights of Persons with Disabilities".
1 April 2021	The Ombudsman's Adviser Jure Markič, MA, actively participated via videoconference in the second meeting entitled "Placement and appropriate treatment of children and adolescents with prevalent mental health problems and disorders in mental and physical development" organised by the Ministry of Labour, Family, Social Affairs and Equal Opportunities.
12 April 2021	Deputy Ombudsman Ivan Šelih and Ombudsman's Adviser Jure Markič, MA, actively participated in the working meeting for the preparation of amendments to the Mental Health Act via videoconference on the basis of an invitation from the Ministry of Health.
1 April 2021	Deputy Ombudsman Ivan Šelih actively participated in the conference "Supervision of the Police – the Situation and Challenges" organised by the Faculty for Criminal Justice and Security of the University of Maribor.
20 April 2021	The Ombudsman's advisers Ana Polutnik and Jure Markič participated in the Visiting Places of Detention web conference organised by The African Ombudsman Research Centre (AORC) and The International Ombudsman Institute (IOI).
7 May 2021	Deputy Ombudsman Ivan Šelih attended the first meeting of the Working Group on Mental Health.
14 May 2021	Deputy Ombudsman Ivan Šelih actively participated in the virtual consultation: ARVID -- Improving access to rights under the Victims' Directive for people with disabilities.

19 May 2021	Deputy Ombudsman Ivan Šelih gave a presentation at the event "Police Procedures During an Epidemic".
31 May 2021	Deputy Ombudsman Ivan Šelih and Specialist Adviser to the Ombudsman Robert Gačnik met with the Director General of the Police and Security Directorate (DPDVN), Lado Bradač, MA, and other DPDVN officials. The meeting was held in preparation for the inspections and for the drafting of guidelines and mandatory instructions for the work of the police. At the meeting, the representatives of the Ombudsman presented to the interlocutors the key findings from the consideration of initiatives in the area of police procedures and visits to police stations in the implementation of the NPM's duties and powers in 2020 (partly also the findings of the NPM's visits in 2021). The DPDVN representatives then presented in more detail the work carried out in the past year and their current or planned activities in 2021.
1 June 2021	Deputy Ombudsman Ivan Šelih participated in an international online consultation of the Council of Europe NPMs and other international stakeholders.
1 June 2021	The Ombudsman's advisers Ana Polutnik and Jure Markič, MA participated in an online consultation on protecting and strengthening the mental health of children and adolescents during an epidemic organised by the National Institute of Health.
2 June 2021	The Ombudsman's Adviser Jure Markič, MA, actively participated via videoconference in the 18th meeting of the Working Group for the establishment of a specialised unit for the treatment of persons with the most severe forms of mental health disorders, which endanger their lives or the lives of others. The meeting was organised by the Ministry of Labour, Family, Social Affairs and Equal Opportunities.
2 June 2021	Deputy Ombudsman Ivan Šelih took part in the online event "High-Level Meeting on 'Ensuring Respect for the Human Rights of Migrants at Borders: the role of NHRIs'".
7 June 2021	Deputy Ombudsman Ivan Šelih and Ombudsman's Adviser Jure Markič, MA, attended a meeting with representatives of the ZDUS, who cooperate with the Ombudsman in the implementation of the duties and powers of the NPM, at the ZDUS headquarters and presented the latest findings of the NPM and the specificities of the visits during the epidemic.
6 July 2021	Deputy Ombudsman Ivan Šelih participated in the web event "Frontex's Complaints Mechanism and the monitoring of forced returns".
15 July 2021	Deputy Ombudsman Ivan Šelih took part in the webinar "The role of independent detention monitoring in protecting human rights in prisons while preventing and countering violent extremism and radicalization to terrorism".
20 July 2021	Deputy Ombudsman Ivan Šelih attended a meeting of the SEE NPM Network.

14 September 2021	Deputy Ombudsman Ivan Šelih attended a meeting in the framework of the »ARVID – Improving Access to Rights under the Victims Directive for Persons with Disabilities” project, which is supported by the European Union Programme on Justice and is implemented in Croatia and Slovenia.
16 and 17 September 2021	Ombudsman Peter Svetina, Deputy Ombudsman Ivan Šelih, among others, the Ombudsman's advisors and members of the NPM Ana Polutnik, Jure Markič, MA, and Sonja Božič Testen took part in Mental Health Days 2021, which was entitled “Treatment of children and adolescents under the ZDZdr and treatment in times of the epidemic”. Ana Polutnik presented the Ombudsman's view on institutional care for children and adolescents with mental health and development problems.
20 September 2021	Deputy Ombudsman Ivan Šelih attended the second meeting of the SEE NPM Network in Budapest, Hungary.
21 September 2021	The Ombudsman's Adviser Jure Markič, MA, participated in the first national conference with international participation entitled “Situation and challenges in the field of Alzheimer's disease in Slovenia: SARS-CoV-2/COVID-19 syndemia and Alzheimer's disease” organised by the NIHR.
23 September 2021	The Ombudsman's Adviser Jure Markič, MA, participated in the AD-ARTS consultation via an online application, presenting innovative art therapy approaches for people with dementia.
6 October 2021	The Ombudsman's advisors Robert Gačnik, Specialist, and Polona Mozetič, PhD, verified information in the Logatec branch of the Government Office for the Support and Integration of Migrants that 19 citizens of Afghanistan, who were taken in by the Republic of Slovenia from NATO countries, had been subject to restrictions on their movement.
6 October 2021	Ombudsman Peter Svetina and Deputy Ombudsman Ivan Šelih attended the meeting of the so-called Nafplion Group, which was created on the initiative of the Greek Ombudsman and some other ombudsmen institutions or NPMs from the Council of Europe member states. The discussions focused on the challenges in the area of monitoring forced returns in the framework of Frontex.
13 October 2021	Svetovalec Varuha mag. Jure Markič se je preko spletne aplikacije udeležil okrogle mize v organizaciji STA z naslovom Demenca in Alzheimerjeva bolezen – tiha epidemija?.
13 October 2021	The Ombudsman's Adviser Jure Markič, MA, participated in a round table organised by STA entitled Dementia and Alzheimer's Disease – a silent epidemic?
15 and 16. October 2021	Consideration of the Ombudsman's Annual Report and the NPM's Report in the National Council of the Republic of Slovenia – plenary session.

1 October 2021	The Ombudsman's Adviser Jure Markič, MA, actively participated via videoconference in the 19th meeting of the Working Group for the establishment of a specialised unit for the treatment of persons with the most severe forms of mental health disorders, which endanger their lives or the lives of others. The meeting was organised by the Ministry of Labour, Family, Social Affairs and Equal Opportunities.
21 October 2021	The Annual Report of the Ombudsman and the NPM's 2020 Report were discussed in the National Assembly of the Republic of Slovenia.
3 November 2021	Deputy Ombudsman Ivan Šelih and Ombudsman's Adviser Jure Markič, MA, actively participated in the professional meeting of the Community of Social Institutions of Slovenia's Social Workers' and Social Workers' Active Group via videoconference and presented on the topic of Secure units for people with dementia and units with personal monitoring – views and experiences.
5 November 2021	Deputy Ombudsman Ivan Šelih took part in a web conference »Monitoring Corruption and Preferential Treatment in Places of Deprivation of Liberty – the CPT/NPM Perspective.
12 November 2021	Deputy Ombudsman Ivan Šelih and Ombudsman's Adviser Robert Gačnik, Specialist, presented the institution of the Ombudsman of the Republic of Slovenia in the field of the restriction of movement of foreigners/migrants and the NPM, as well as the work and findings of the NPM during visits to police stations, reception areas of the Asylum Centre and the Centre for Foreigners, in the framework of a legal clinic for students of the Faculty of Law of the University of Ljubljana.
25 November 2021	Deputy Ombudsman Ivan Šelih and Ombudsman's Adviser Jure Markič, MA, actively participated via videoconference in the 20th meeting of the Working Group for the establishment of a specialised unit for the treatment of persons with the most severe forms of mental health disorders that put their lives or the lives of others at risk. The meeting was organised by the Ministry of Labour, Family, Social Affairs and Equal Opportunities.
3 December 2021	Deputy Ombudsman Ivan Šelih participated in the seventh IPCAN seminar on “External and independent mechanisms of monitoring of police: functioning, interactions and effectiveness”.
13 December 2021	Deputy Ombudsman Ivan Šelih and Ombudsman's Adviser Robert Gačnik, Specialist, participated in the training of a group of 19 future judicial police officers at Lanšprež. This is a well-established form of cooperation in the training of new judicial police officers, who are thus able to become more familiar with the institution of the Ombudsman, both in terms of the handling of petitions from imprisoned persons and in terms of exercising the duties and powers of the National Preventive Mechanism.



3.3

OTHER ANNEXES

Attachments 3.3.1, 3.3.2, 3.3.3 and 3.3.4 are available on the website of the Human Rights Ombudsman of the Republic of Slovenia www.ombudsman.si/en, while attachment 3.3.5 is provided below.

3.3.1 UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

3.3.2 Act Ratifying the Optional Protocol

3.3.3 About the NPM in the Ombudsman Act

3.3.4 About the NPM in the Ombudsman's Rules of Procedure

3.3.5 Advice from the Subcommittee to States Parties and National Preventive Mechanisms on the Coronavirus pandemic (Covid-19 Disease)

3.3.5 Advice from the Subcommittee to States Parties and National Preventive Mechanisms on the Coronavirus pandemic (Covid-19 Disease)

Advice from the Subcommittee to States Parties and National Preventive Mechanisms on the Coronavirus Pandemic (Covid-19 Disease)^{1*}

Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

United Nations, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, CAT/OP/10 of 7 April 2020

(unofficial translation from English)

I. Introduction

1. In just a few weeks, the coronavirus (Covid-19) has changed our daily lives, severely restricting the movement and personal freedoms of many to help the authorities fight the pandemic with public health emergency measures.
2. Persons deprived of their liberty are a particularly vulnerable group due to the nature of the restrictions already imposed on them and their limited capacity to take preventive action. There are increasing problems in prisons and other places of detention, which are often considered overcrowded and unhygienic.
3. In several countries, measures to combat the pandemic in places for the deprivation of liberty have already led to disturbances inside and outside detention facilities and loss of life. In this context, it is crucial that the rights of persons deprived of their liberty and their families, of staff in places for the deprivation of liberty and of medical personnel are fully taken into account by the authorities when taking measures to combat the pandemic.
4. Measures to reduce the risk to persons deprived of their liberty and to staff in places for the deprivation of liberty should take into account the approaches set out in this advice and, in particular, the principles of “do no harm” and “equal care”. It is also important to communicate transparently with all persons deprived of their liberty, their families and the media about the measures being taken and the reasons for them

^{1*} Adopted by the Subcommittee on 25 March 2020, in accordance with Article 11(b) of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment..

5. The prohibition of torture and other cruel, inhuman or degrading treatment or punishment may not be repealed, even in exceptional circumstances and states of emergency that threaten the survival of the State.^{2,3} The Subcommittee has already issued guidelines confirming that the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/OP/9) also applies to formal places of quarantine. It necessarily follows that all other places that persons cannot leave for similar reasons are also subject to the Optional Protocol, and are supervised by the Sub-Committee and the national preventive mechanisms established under the Optional Protocol.

6. Many national preventive mechanisms have asked the Sub-Committee for further advice on how to respond to this situation. National preventive mechanisms, as independent bodies within their own legal systems, are of course free to decide how best to respond to the challenges of a pandemic. The Subcommittee remains available to provide guidance on request. The Subcommittee is also aware that a number of valuable statements have been published by various global and regional organisations, which it recommends for consideration by States Parties and national preventive mechanisms.³ The purpose of this advice is to provide general guidance within the framework of the Optional Protocol to all those responsible for and conducting preventive visits to places for the deprivation of liberty.

7. The Subcommittee points out that the necessary measures taken in the interests of public health will almost certainly have an impact on the way preventive visits are carried out, but this does not mean that these visits should be stopped. On the contrary, the potential exposure of persons in places for the deprivation of liberty to the risk of ill-treatment may be increased by the public health measures taken. The Subcommittee on Prevention of Torture considers that the State preventive mechanisms should continue to carry out preventive visits, taking into account the necessary restrictions. At this time, it is particularly important that State preventive mechanisms ensure that effective measures are taken to reduce the chances of persons deprived of their liberty becoming victims of inhuman or degrading treatment, as a result of the very real pressures that deprivation of liberty systems and those in charge of them are currently facing.

II. Measures to be Taken by the Authorities in Relation to all Places for the Deprivation of Liberty, Including Detention Facilities, Migrant Detention Centres, Closed Refugee Camps, Psychiatric Hospitals and Other Health Facilities

8. It is an established fact that the State is responsible for providing healthcare

2 See Article 2(2) of the Convention against Torture and Articles 4 and 7 of the International Covenant on Civil and Political Rights.

3 See for example "Preparedness, prevention and control of COVID-19 in prisons and other places of detention: Interim guidance" (Pripravljenost na bolezen covid-19 v zaporih in na drugih krajih odvzema prostosti, njeno preprečevanje in nadzor nad njo: začasne smernice) of 15 March 2020, issued by the World Health Organization, and "Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic" (the Statement on The Principles for the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease Pandemic (Covid-19)), issued by the European Committee for the Prevention of Torture, 20 March 2020, CPT/Inf (2020)13 (19 March 2020). Available at <https://rm.coe.int/16809cfa4b>.

to those deprived of their liberty and has a duty of care towards the staff at places for the deprivation of liberty and the medical staff. As stipulated in Rule 24 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), prisoners must enjoy the same standards of health care available in the community and have access to necessary health services without payment and without distinction on the basis of their legal status.

9. Given the increased risk of infection among persons in prisons and other places for the deprivation of liberty, the Subcommittee urges all countries to:

(a) carry out urgent risk assessments to identify those most at risk in the populations deprived of their liberty, taking into account any specific vulnerable groups;

(b) reduce the number of prisoners and other persons deprived of their liberty where possible by implementing early and temporary release programmes for persons for whom this is a safe measure, taking full account of the non-custodial measures set out in the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules);

(c) pay particular attention to places for the deprivation of liberty whose occupancy exceeds the official capacity and whose official capacity is based on a calculation of the number of square metres per person, which does not allow for the restriction of social contact in accordance with the standard guidelines for the general population as a whole;

(d) review all cases of pre-trial detention to determine whether the prevailing public health emergency requires it and extend the use of bail in all but the most serious cases;

(e) review the use of migrant detention centres and closed refugee camps with a view to minimising their overcrowding;

(f) ensure everyone undergoes a screening test upon release to ensure that appropriate measures are put in place for those who are positive for coronavirus (Covid-19 disease) or are particularly vulnerable to infection;

(g) ensure that restrictions on the arrangements put in place are minimal, proportionate to the nature of the health emergency and in accordance with the law;

(h) ensure that the established complaints channels continue to function effectively;

(i) meet the minimum requirements for daily outdoor exercise, taking into account the measures needed to cope with the current pandemic;

(j) provide adequate facilities and supplies free of charge to all persons deprived of their liberty, in order to enable them to enjoy the same level of personal hygiene as that which must be maintained by the population as a whole;

(k) if visits are restricted for medical reasons, provide appropriate additional alternative means for persons deprived of their liberty to maintain contact with their families and the outside world, by telephone, the Internet, e-mail, video communication or other appropriate electronic means. These contacts must be facilitated and encouraged, frequent and free of charge;

(l) enable family members and relatives to continue to be able to provide food and other necessities for persons deprived of their liberty, in accordance with local practices and respecting the necessary safeguards;

(m) care for those most at risk in populations deprived of their liberty in a way that reflects their high risk and fully respect their rights in places for the deprivation of liberty;

- (n)** prevent isolation for medical reasons from being carried out in the same way as disciplinary confinement; isolation for medical reasons must be based on an independent medical assessment and must be proportionate, time-limited and take into account procedural safeguards;
- (o)** provide medical care for persons deprived of their liberty who need it outside the places for the deprivation of liberty, whenever possible;
- (p)** ensure that fundamental safeguards against ill-treatment, including the rights to independent medical advice, legal assistance and third-party notification for the deprivation of liberty, continue to operate and remain accessible despite restrictions on access;
- (q)** ensure that all persons deprived of their liberty and staff receive reliable, accurate and up-to-date information on all measures taken, their duration and the reasons for them;
- (r)** ensure that appropriate measures are taken to protect the health of staff in places for the deprivation of liberty and medical staff, and that the staff are provided with appropriate equipment and support to carry out their duties;
- (s)** ensure access to appropriate psychological support for all persons deprived of their liberty and for staff affected by such measures; and
- (t)** ensure that, where appropriate, all the above points are taken into account for patients admitted involuntarily to psychiatric hospitals.

III. Measures to be Taken by the Authorities Concerning Persons in Official Quarantine Locations

10. The Subcommittee has already issued advice on the situation of persons in quarantine (CAT/OP/9). To this advice, the Subcommittee adds:

- (a)** those individuals who are temporarily quarantined must be treated as free persons at all times, subject to the necessary restrictions imposed on them by law and based on scientific evidence for the purposes of quarantine;
- (b)** those temporarily quarantined must not be treated as persons deprived of their liberty;
- (c)** quarantine facilities must be large enough and have sufficient capacity to allow free indoor movement and a variety of dedicated activities;
- (d)** communication with families and friends through appropriate means should be encouraged and facilitated;
- (e)** as quarantine facilities are a de facto form for the deprivation of liberty, all those detained in this way must be protected by fundamental safeguards against ill-treatment, including access to information on the reasons for quarantine detention, the right to independent medical advice, the right to legal assistance and third-party information about quarantine detention in accordance with their status and situation;
- (f)** all appropriate measures are taken to ensure that those who are or have been in quarantine do not fall victim to any form of marginalisation or discrimination, even after their return to the community; and
- (g)** appropriate psychological support shall be made available to those who need it, both during and after quarantine.

IV. Measures to be Implemented by National Preventive Mechanisms

11. During the covid-19 pandemic, national preventive mechanisms must continue to carry out visits within their remit, but must respect the legal restrictions that currently apply to social contacts. State preventive mechanisms must not be completely prevented from accessing official places for the deprivation of liberty, including places of quarantine, although temporary restrictions are permissible under Article 14(2) of the Optional Protocol.

12. The Optional Protocol, as set out in Article 1, aims to establish a system of regular visits and, as stated in its preamble, is intended to protect persons deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment, which is an inalienable obligation under international law. It appears that in the current situation, state preventive mechanisms need to devise methods to fulfil their tasks and powers in relation to places for the deprivation of liberty with a reduced need for social contact, while at the same time providing effective opportunities for the implementation of preventive measures.

13. Such measures may include:

- (a)** agreeing with the competent national authorities on the implementation and operation of mitigation measures as defined in Chapters II and III above;
- (b)** strengthening the collection and review of data on places for the deprivation of liberty, individually and collectively;
- (c)** the use of electronic forms of communication for those in places for the deprivation of liberty;
- (d)** setting up telephone lines for national preventive mechanisms at places for the deprivation of liberty and ensuring secure access to e-mail and mail;
- (e)** tracking the establishment of new and temporary places for the deprivation of liberty;
- (f)** strengthening the dissemination of information on the work of the State preventive mechanisms in places for the deprivation of liberty and providing the means for rapid and confidential communication;
- (g)** contacting third parties (for example, families and lawyers) who may have additional information on the situation in places for the deprivation of liberty; and
- (h)** Strengthening cooperation with NGOs and humanitarian organisations working with people deprived of their liberty.

V. Conclusion

14. It is impossible to predict exactly how long the current pandemic will last and what all its effects will be. However, it is clear that it is already having a profound impact on all members of society, and will continue to do so for some time to come. The Subcommittee on the Prevention of Torture and the national preventive mechanisms must respect the „do no harm“ principle when carrying out their work. To cope with a pandemic, national preventive mechanisms may need to adapt their working methods to protect the public, staff at places of detention, health workers, persons deprived of their liberty and themselves. The main criterion must be effectiveness in preventing the ill-treatment of persons deprived of their liberty. The framework of preventive parameters is now broader due to the emergency measures that countries have had to take. The Sub-Committee and the national preventive mechanisms have a responsibility to respond in imaginative and creative ways to the challenges they face in the exercise of their duties and powers under the Optional Protocol.

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