



NATIONAL PREVENTIVE MECHANISM

for the protection of persons deprived of their liberty in the Republic of Slovenia

What is the National Preventive Mechanism (NPM) for the protection of persons deprived of their liberty?

The NPM is an independent body, the employees and other members of which visit persons who have been deprived of their liberty, and places where such persons are or could be accommodated. The NPM is intended for the strengthening of protection of these persons from torture or other cruel, inhuman, or degrading treatment or punishment.

Every year, members of the NPM make several visits to places of deprivation of liberty where they check the treatment of persons accommodated there. They talk to these people in person (including without the presence of the staff). NPM prepares a report on every visit, about its findings, and presents recommendations for the elimination of identified irregularities as well as suggestions for improvement to the visited institutions. The NPM publishes an annual report about its work and sends it to state institutions and international organisations for the protection of human rights.

Operation of NPM

Tasks of the NPM are defined in the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

According to this Protocol, the NPM has the full power to:

- regularly check in places of deprivation of liberty the treatment of persons who have been deprived of their liberty;
- make recommendations to the relevant state authorities, taking into account the norms of the United Nations, in order to improve the conditions and treatment of persons deprived of their liberty;
- submit proposals and comments to current or proposed laws.

Who performs the tasks of the NPM in Slovenia?

With the Act ratifying the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of the Republic of Slovenia, no. 114 /2006 – International Treaties, no. 20 from 9.11.2006), the Republic of Slovenia declared: “The competences and tasks of the National Preventive Mechanism according to the Optional Protocol, in accordance with Article 17, are carried out by the Human Rights Ombudsman, and in agreement with him also by non-governmental organisations registered in the Republic of Slovenia and organisations that have acquired the status of a humanitarian organisation in the Republic of Slovenia.”

What cannot be done by the NPM?

The NPM cannot remedy a violation or irregularity instead of the competent authorities or change their decisions and cannot resolve individual complaints of persons in places of deprivation of liberty. Complaints against the acts or actions of these bodies must be submitted by a person through the prescribed legal channels. If a person believes that these are (were) not efficient, then they can turn to the Human Rights Ombudsman of the Republic of Slovenia.

What is deprivation of liberty?

Deprivation of liberty means any form of detention or imprisonment or placement of a person in a public or private institution, which the person may not leave voluntarily by order of a judicial, administrative, or any other authority (Paragraph 2 of Article 4 of the Optional Protocol).

What is a place of the deprivation of liberty?

This is any place where there are or could be persons who have been deprived of their liberty on the basis of an order of public authorities or at their initiative or with their express or tacit consent (Paragraph 1 of Article 4 of the Optional Protocol).

In the Republic of Slovenia, among places where people who have been deprived of their liberty are accommodated belong primarily:

- prisons with all their departments and the Radeče Correctional Home,
- professional centres for children and adolescents with emotional and behavioural problems and disorders or educational institutions,
- crisis centres for children and adolescents,
- some social welfare institutions (SWI) – homes for the elderly and special social welfare institutions as well as centres for training, work, and protection and welfare work centres,
- psychiatric hospitals,
- premises for police detention or detention at police stations and the Ljubljana Detention Centre,
- Centre for Foreigners in Postojna and Asylum Centre in Ljubljana with its branches,
- detention premises in the Slovenian Army, and
- all other places according to Article 4 of the Optional Protocol (for example police emergency vehicles and the like).

