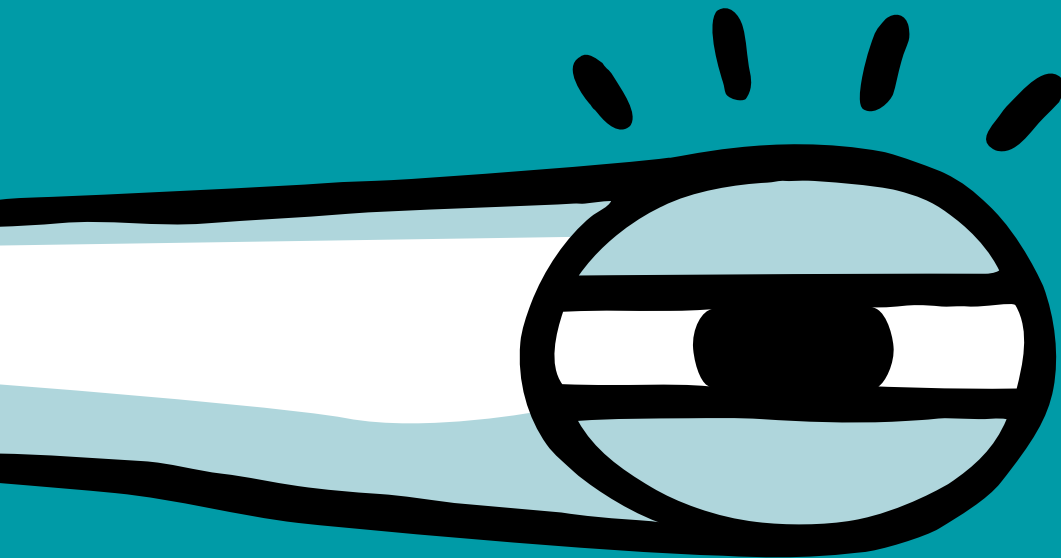


POROČILO O IZVAJANJU NALOG DPM V LETU 2014

DRŽAVNI PREVENTIVNI MEHANIZEM PO OPCIJSKEM PROTOKOLU
H KONVENCIJI OZN PROTI MUČENJU IN DRUGIM KRUTIM,
NEČLOVEŠKIM ALI PONIŽEVALNIM KAZNIM ALI RAVNANJU



IMPLEMENTATION OF THE DUTIES AND POWERS OF THE NPM IN 2014

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

**Poročilo Varuha človekovih pravic Republike
Slovenije o izvajanju nalog in pooblastil
Državnega preventivnega mehanizma za leto 2014**

Ljubljana, maj 2015

**Report of the Human Rights Ombudsman of the
Republic of Slovenia on the Implementation of
Duties and Powers of the National Preventive
Mechanism in 2014**

Ljubljana, May 2015

**POROČILO
O IZVAJANJU NALOG
DRŽAVNEGA PREVENTIVNEGA MEHANIZMA
PO OPCIJSKEM PROTOKOLU**

H KONVENCIJI OZN PROTI MUČENJU IN DRUGIM KRUTIM,
NEČLOVEŠKIM ALI PONIŽEVALNIM KAZNIM ALI RAVNANJU
ZA LETO 2014

Ljubljana, maj 2015

**REPORT
ON THE IMPLEMENTAION OF 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 THE YEAR 2014**

Ljubljana, May 2015

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1

IZVAJANJE NALOG IN POOBLASTIL DRŽAVNEGA PREVENTIVNEGA MEHANIZMA OD ZAČETKA DELOVANJA V LETU 2008 DO LETA 2014

Splošno

Z Zakonom o ratifikaciji Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju¹ so bile **v letu 2006** Varuhu človekovih pravic RS (Varuh) zaupane tudi pomembne **naloge in pooblastila državnega preventivnega mehanizma (DPM)**. Generalna skupščina Organizacije združenih narodov je Opcijski protokol h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju (Opcijski protokol) sicer sprejela 18. 12. 2002, za podpisovanje in ratifikacijo pa je na voljo od 4. 2. 2003. Slovenija je Opcijski protokol ratificirala 29. 6. 2006, sama uveljavitev Opcijskega protokola pa je bila povezana z dvajseto ratifikacijo, ki je nastopila 22. 6. 2006. V Sloveniji je zakon o njegovi ratifikaciji nato začel veljati 1. 1. 2007.

Prepričani smo, da je bil eden od razlogov za to, da so bile Varuhu zaupane dodatne naloge in pooblastila DPM, poudarjena skrb, ki jo Varuh vseskozi namenja obravnavi pobud zaprtih oseb, pa tudi njegova preventivna vloga na tem področju, in sicer z izoblikovanim in ustaljenim načinom delovanja pri obiskovanju krajev, kjer so osebe, ki jim je bila odvzeta prostost. Poleg tega je bila pri tem gotovo pomembna tudi njegova neodvisnost (funkcionalna, osebna in finančna), ki je zagotovljena z Ustavo RS in Zakonom o varuhu človekovih pravic. Že v Letnem poročilu Varuha (**LP za leto 2006**)² smo tako v tej zvezi z zadovoljstvom ugotavljali, da je Varuh s tem, ko so mu bile zaupane tudi naloge in pooblastila DPM, postal sestavni del splošno veljavnega sistema pod okriljem Organizacije združenih narodov, ki na mednarodni in državni ravni uveljavlja (dodaten) mehanizem za preprečevanje mučenja in drugih oblik grdega ravnanja z ljudmi, ki jim je bila odvzeta prostost. Ta temelji predvsem na rednih obiskih krajev odvzema prostosti. Gre za preventivne obiske, katerih namen je preprečiti mučenje ali drugo grdo ravnanje, še preden se zgodi.

Pravne podlage za uveljavitev Opcijskega protokola v naši državi je pripravljala posebna medresorska delovna skupina z vključenimi predstavniki nekaterih nevladnih organizacij (NVO), pa tudi predstavnikom Varuha. Na pomen in nujnost, da Slovenija čim prej podpiše in ratificira Opcijski protokol, smo začeli opozarjati že v **LP 2004**³ in na to še dodatno opomnili v naslednjem **LP 2005**⁴. Varuh je tako spodbujal, da bi tudi Slovenija čim prej podpisala in ratificirala ta fakultativni protokol, saj uveljavlja pomembno novost v primerjavi z do takrat veljavnimi mednarodnimi akti s področja varovanja človekovih pravic in temeljnih svoboščin. Poleg pododbora za preprečevanje mučenja (SPT), ki je ustanovljen na ravni Organizacije združenih narodov, fakultativni protokol namreč uveljavlja t. i. DPM z nalogo rednega obiskovanja vsakega kraja, kjer so (ali bi lahko bile) osebe, ki jim je odvzeta prostost. Pripomnili smo tudi, da bi z ratifikacijo Opcijskega protokola med prvimi 20 državami Slovenija poleg s tem povezanega prestiža in privilegija, pokazala tudi odločnost pri uveljavljanju mednarodnih standardov za ravnanje z osebami, ki jim je odvzeta prostost.

1 Uradni list RS, št. 114/06 – Mednarodne pogodbe, št. 20/06.

2 2.3 Omejitve osebne svobode, v: Poročilo Varuha za leto 2006, str. 43.

3 Omejitve osebne svobode 2.2, v: Poročilo Varuha za leto 2004, str. 30.

4 2.3 Omejitve osebne svobode, v: Poročilo Varuha za leto 2005, str. 34.

1

IMPLEMENTATION OF DUTIES AND POWERS OF THE NATIONAL PREVENTIVE MECHANISM SINCE ITS BEGINNING IN 2008 AND UP TO 2014

General

In 2006 in accordance with the Act ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,¹ the Human Rights Ombudsman assumed important **duties and powers of the National Preventive Mechanism (NPM)**. The General Assembly of the United Nations adopted the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Optional Protocol) on 18 December 2002. Its signing and ratification have been possible since 4 February 2003. Slovenia ratified the Optional Protocol on 29 June 2006, and its entry into force was connected to its twentieth ratification, which entered into force on 22 June 2006. The Act on its ratification entered into force in Slovenia on 1 January 2007

We are certain that one of the reasons the Ombudsman has been entrusted with the additional duties and powers of the NPM was the care the Ombudsman has constantly dedicated to discussing complaints received from imprisoned persons and also its preventive role in this area, i.e. by the formed and established manner of operating when visiting facilities where persons deprived of their liberty are accommodated. Its independence (functional, personal and financial) is also important in this regard, which is ensured with the Constitution of the Republic of Slovenia and the Human Rights Ombudsman Act. **In the 2006**² Annual Report of the Ombudsman, we were pleased to establish that, by being entrusted with the duties and powers of the NPM, the Ombudsman became an integral part of a generally applicable system under the auspices of the United Nations Organisation, which enforces (additional) mechanisms for the prevention of torture and other forms of ill-treatment of people deprived of liberty at international and national levels. This system is particularly based on regular visits to places of detention. These are preventive visits, the purpose of which is to prevent torture or other ill-treatment before it occurs.

The legal bases for the establishment of the Optional Protocol in our country were prepared by a special interministerial working group which included representatives of non-governmental organisations and a representative of the Ombudsman. We noted the urgency of signing and ratifying the Optional Protocol already in the **2004**³ Annual Report and then highlighted it also in the **2005**⁴ Annual Report. The Ombudsman thus advocated that Slovenia sign and ratify the Optional Protocol as soon as possible, since it was transposing an important novelty in comparison with the then applicable international acts on the protection of human rights and fundamental freedoms. In addition to the Sub-Committee on Prevention against Torture (SPT) established by the United Nations, the Optional Protocol introduces the so-called NPM, whose task is to regularly visit all, or any, places suspected of deprivation of liberty where persons are or could be accommodated. In addition to the prestige and privilege, if ratifying the Optional Protocol among the first 20 countries, Slovenia would thus also display decisiveness in enforcing international standards for the treatment of persons deprived of their liberty.

1 (Official Gazette of the Republic of Slovenia, no. 114/06 – International Treaties, no. 20/06).

2 2.3 Restrictions of personal liberty in the 2006 Annual Report of the Ombudsman, p. 43.

3 2.2 Restrictions of personal liberty in the 2004 Annual Report of the Ombudsman, p. 30.

4 2.3 Restrictions of personal liberty in the 2005 Annual Report of the Ombudsman, p. 34.

Zakon o ratifikaciji Opcijskega protokola

Zakon o ratifikaciji Opcijskega protokola (5. člen) določa, da **naloge in pooblastila DPM izvršuje Varuh. Hkrati določa, da lahko z Varuhom pri opravljanju nadzora na krajih odvzema prostosti in preverjanja ravnanja z osebami, ki jim je bila odvzeta prostost, sodelujejo tudi NVO, registrirane v Republiki Sloveniji, ter organizacije, ki so pridobile status humanitarne organizacije v Republiki Sloveniji, ki se ukvarjajo z varstvom človekovih pravic ali temeljnih svoboščin, zlasti s področja preprečevanja mučenja in drugih krutih, nečloveških ali poniževalnih kazni ali ravnanj.** Te organizacije se izberejo na podlagi javnega razpisa, ki ga izvede Varuh, ki tudi odloči o izbiri organizacije. Zakon o ratifikaciji Opcijskega protokola tudi določa, da morajo osebe iz izbranih organizacij, ki bodo sodelovale pri izvajanju nalog in pooblastil DPM, dati predhodno pisno izjavo, da bodo pri opravljanju teh nalog in pooblastil delovale po Varuhovih navodilih in predpisih o varovanju tajnosti osebnih in tajnih podatkov tako, kakor to velja za Varuha, njegove namestnike in uslužbence. Potrebne stroške in nagrade osebam iz organizacij, ki opravljajo naloge oziroma izvršujejo pooblastila, pa izplača Varuh iz svojih proračunskih postavk po pravilniku, ki ga izda po predhodnem soglasju ministra, pristojnega za finance. Pravilnik se objavi v Uradnem listu Republike Slovenije. Na tej podlagi je Varuh izdal **Pravilnik o povračilu stroškov in o nagradah osebam iz organizacij, ki opravljajo naloge oziroma izvršujejo pooblastila po določbah Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju.**⁵

Priprave na prevzem dodatnih nalog

Varuh se je že **v letu 2006** začel pripravljati na dodatne naloge in pooblastila po Opcijskem protokolu tako, da je predvidel sredstva za dodatne zaposlitve, sredstva, potrebna za zagotovitev dodatnih prostorov in opreme, in sredstva za nevladne in humanitarne organizacije. Z reorganizacijo strokovne službe Varuha **v letu 2007** se je tako področju »Pravosodje« pridružilo še področje »Opcijski protokol«. V delo na tem področju je bilo na začetku vključeno z vodjo področja imenovanih šest javnih uslužbencev, v letu 2014 pa je bilo za izvajanje nalog DPM določenih devet uslužbencev (vključno z namestnikom varuhinje, ki sicer te dejavnosti vodi). Vendar so ti uslužbenci še naprej opravljali tudi druge Varuhove naloge (predvsem obravnavanje individualnih pobud). To ima nekatere prednosti (npr. poznavanje problematike iz obravnavanja konkretnih pritožb oziroma pobud prizadetih oseb), pa tudi slabosti, zlasti v preobremenjenosti posameznih uslužbencev s preventivnimi obiski pri izvajanju nalog in pooblastil DPM na eni strani in številnimi pobudami, ki so jim dodeljene v reševanje, na drugi strani. Zato smo **ob koncu leta 2014 sprejeli odločitev, da se v letu 2015 (kot poskusni enoletni projekt) ustanovi posebna enota DPM, ki ne bo obravnavala individualnih pobud, temveč bo opravljala le obiske in druge naloge DPM.** V DPM enoti so poleg namestnika Ivana Šeliha, ki je vodja DPM, še Robert Gačnik, dipl. varstvoslovec, specialist kriminalističnega preiskovanja, Varuhov svetovalec – višji svetnik (zadolžen predvsem za obiske zaporov, policijskih postaj, centra za tujce in azilnega doma), mag. Jure Markič, Varuhov svetovalec – višji svetnik, univ. dipl. pravnik (zadolžen za obiske socialnovarstvenih zavodov in psihiatričnih bolnišnic) in Lili Jazbec, Varuhova svetovalka – svetnica, prof. defektologije za motnje vedenja in osebnosti in domske pedagogike (zadolžena za obiske vzgojnih zavodov in delno tudi za obiske socialnovarstvenih zavodov). Na osnovi izkušenj iz delovanja te enote bomo ob koncu leta 2015 oziroma ob začetku leta 2016 sprejeli tudi dokončno odločitev o ločenem delovanju te enote od siceršnjega delovanja Varuha. Tako smo poskusno za dobo enega leta **popolnoma razdelili obe Varuhovi dejavnosti (preventivno, ki jo sestavljajo naloge DPM, in reaktivno, ki je obravnavanje prejetih individualnih pobud).** Potrebo po taki ločitvi tudi sicer izrecno poudarja 32. točka Smernic o državnih preventivnih mehanizmih SPT⁶, sprejetih v Ženevi v novembru 2010. Ta določa, da kadar organ, določen za DPM, poleg nalog v skladu z opcijskim protokolom opravlja tudi druge naloge, se morajo naloge DPM opravljati v okviru ločene enote ali oddelka, ki ima svoje osebe in ločen proračun. Ugotavljamo, da bodo za to verjetno potrebne nekatere kadrovske okrepitve, vključno z dodatnimi finančnimi sredstvi, saj se že sedaj določen del finančnih obremenitev za izvajanje nalog in pooblastil DPM pokriva z Varuhovimi sredstvi.

⁵ Pravilnik je bil objavljen v Uradnem listu RS, št. 17/2008. V letu 2011 je bil ta pravilnik tudi delno spremenjen in dopolnjen – Uradni list RS, št. 20/2011.

⁶ Dosegljivo na: <http://www.ohchr.org/EN/HRBodies/OPCAT/Pages/NationalPreventiveMechanisms.aspx>.

Act ratifying the Optional Protocol

The Act ratifying the Optional Protocol (Article 5) determines that the **duties and powers of the NPM are to be implemented by the Ombudsman. It also stipulates that NGOs registered in the Republic of Slovenia and organisations which hold the status of humanitarian organisations in the Republic of Slovenia and which deal with the protection of human rights or fundamental freedoms, particularly in the field of preventing torture and other cruel, inhuman or degrading treatment or punishment, may participate in the supervision of places of detention and examination of the treatment of persons deprived of their liberty.** These organisations are selected on the basis of a public procurement published by the Ombudsman, who also decides on the selection of organisations. The Act ratifying the Optional Protocol also stipulates that persons from selected organisations which will be participating in the implementation of duties and powers of the NPM have to provide a preliminary written statement that when implementing these duties and powers they will observe the Ombudsman's instructions and regulations on the protection of personal and confidential data, as also applicable to the Ombudsman, her deputies and staff. The costs of, and remuneration of, persons from organisations conducting tasks or implementing powers are covered by the Ombudsman from its budget headings according to the rules issued on the basis of the prior consent of the minister responsible for finance. The rules are published in the Official Gazette of the Republic of Slovenia. On this basis, the Ombudsman issued the **Rules on the reimbursement of costs and remuneration of persons from organisations performing tasks or executing authorisations according to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.**⁵

Preparations for assuming additional duties

In 2006, the Ombudsman had already started to prepare for additional duties and powers according to the Optional Protocol and anticipated funds for additional staff, the provision of additional facilities and equipment, and non-governmental and humanitarian organisations. By reorganising the Ombudsman's expert service **in 2007**, the field of Optional Protocol joined the field of Justice. Including the responsible official, six public employees were initially appointed to work in this field; in 2014, nine employees (including the Ombudsman Deputy managing these activities) were appointed to implement the tasks of the NPM. However, these staff also continued to perform other Ombudsman's tasks (particularly discussing individual complaints). This has certain advantages (e.g. familiarisation with the issues when discussing concrete complaints by people affected) and also weaknesses, particularly overburdening of certain employees with preventive visits when implementing the tasks and powers of the NPM on the one hand and numerous complaints assigned for resolving on the other. It was thus **decided at the end of 2014 that a special NPM unit would be established in 2015 (as a pilot one-year project) which will not discuss individual complaints but only conduct visits and other NPM duties.** In addition to Deputy Ombudsman, Ivan Šelih, who is the head of the NPM, the unit also includes Robert Gačnik, BA in security, specialist in criminal investigation, the Ombudsman's adviser/councillor (responsible particularly for visiting prisons, police stations, aliens and asylum centres), Jure Markič, MA, Ombudsman's adviser/senior councillor, BA in law (responsible for visiting social care institutions and psychiatric hospitals) and Lili Jazbec, Ombudsman's adviser/councillor, professor of defectology for behavioural and personality disorders and institutional education science (responsible for visiting juvenile institutions and partly social care institutions). Based on this unit's past work, we will be able to adopt a final decision on separate functioning of this unit and the Ombudsman's regular activities at the end of 2015 or the beginning of 2016. **Both Ombudsman's activities (preventive, including NPM duties, and reactive, including examination of received individual complaints) were completely separated** for a trial period of one year. The need for such separation is explicitly stipulated in Item 32 of the Guidelines on National Preventive Mechanisms (SPT)⁶ adopted in Geneva in November 2010, which determines that "where the body designated as the NPM performs other functions in addition to those under the Optional Protocol, its NPM functions should be located within a separate unit or department, with its own staff and budget". We note that some reinforcement of the staff will be necessary, including additional financial means, since some of the funds earmarked for implementing the duties and powers of the NPM overlap with the Ombudsman's funds.

⁵ The Rules were published in the Official Gazette of the Republic of Slovenia, no. 17/2008. The Rules were partly amended in 2011 (Official Gazette of the Republic of Slovenia, no. 20/2011).

⁶ Available at: <http://www.ohchr.org/EN/HRBodies/OPCAT/Pages/NationalPreventiveMechanisms.aspx>.

Ker zakon o ratifikaciji Opcijskega protokola določa, da naloge in pooblastila DPM Varuh izvaja z sodelovanju z domačimi nevladnimi in humanitarnimi organizacijami, ki se ukvarjajo z varstvom človekovih pravic ali temeljnih svoboščin, zlasti s področja preprečevanja mučenja in drugih krutih, nečloveških ali poniževalnih kazni ali ravnanj, je reorganizaciji službe Varuha sledila izbira nevladnih in humanitarnih organizacij, ki bodo sodelovale z Varuhom pri izvajanju nalog in pooblastil DPM. V ta namen je Varuh pripravil in v Uradnem listu Republike Slovenije št. 90/2007 z dne 5. 10. 2007 objavil prvi javni razpis za sodelovanje NVO, registriranih v Republiki Sloveniji, in organizacij, ki so pridobile status humanitarnih organizacij v Republiki Sloveniji z Varuhom pri izvajanju nalog in pooblastil DPM. V javnem razpisu so bili določeni tudi kriteriji za izbiro. Prednost pri izbiri za sodelovanje so imele nevladne in humanitarne organizacije z več izkušnjami na področju varstva človekovih pravic ali temeljnih svoboščin, zlasti s področja preprečevanja mučenja ali drugih krutih, nečloveških ali poniževalnih kazni ali ravnanj, kar so dokazale z opisom najpomembnejšega delovanja.

O izbiri je odločil Varuh in izbral obe (takrat edini) na javni razpis prijavljeni nevladni organizaciji – Mirovni inštitut (MI) in Pravno-informacijski center nevladnih organizacij – PIC (PIC), saj sta izpolnjevali vse z javnim razpisom določene kriterije. Tudi vse naslednje izbore sodelujočih NVO je Varuh opravil z javnimi razpisi. Na podlagi javnega razpisa v letu 2011⁷ so bile tako za sodelovanje v letih 2012 in 2013 (z možnostjo podaljšanja sodelovanja še za eno leto) izbrane organizacije: PIC, Rdeči križ Slovenije (RKS) in Inštitut Primus (Primus oziroma kasneje SKUP), Zveza društev upokojencev Slovenije (ZDUS) in Novi paradoks (NP). S temi izbranimi NVO smo v letu 2014 sodelovanje (razen Rdečega križa Slovenije) tudi nadaljevali. **V Uradnem listu RS št. 92/2014 z dne 19. 12. 2014 pa je Varuh objavil novi javni razpis št. 12.1-4/2014-1 za izbor NVO za sodelovanje z Varuhom pri izvajanju nalog in pooblastil DPM za obdobje od leta 2015 do 2017, z možnostjo podaljšanja še za eno leto.**

Na javni razpis se je prijavilo osem NVO (poleg nekaterih dosedanjih tudi nekaj novih), in sicer NP, Društvo za razvijanje prostovoljnega dela Novo mesto, Humanitarno društvo Pravo za vse, Slovenska Karitas, SKUP - skupnost privatnih zavodov (SKUP), PIC, MI in ZDUS. Vse prijave, ki so prispele, so bile pravočasne in so izpolnjevale kriterije iz javnega razpisa, zato so bile vse organizacije izbrane za sodelovanje z Varuhom pri izvajanju pristojnosti in nalog državnega preventivnega mehanizma.

Since the Act ratifying the Optional Protocol determines that the Ombudsman implements the duties and powers of the NPM in cooperation with local non-governmental and humanitarian organisations involved in the protection of human rights and fundamental freedoms, particularly in the field of preventing torture and other cruel, inhuman or degrading treatment or punishment, the reorganisation of the Ombudsman's service was followed by a selection of non-governmental and humanitarian organisations which would cooperate with the Ombudsman in the implementation of duties and powers of the NPM. For this purpose, the Ombudsman **published the first public procurement for the cooperation of NGOs registered in the Republic of Slovenia and organisations with the status of humanitarian organisations in the Republic of Slovenia with the Ombudsman in the implementation of duties and powers of the NPM** in the Official Gazette of the Republic of Slovenia, no. 90/2007 of 5 October 2007. The public procurement also determined the criteria for selection. Priority was given to non-governmental and humanitarian organisations with more experience in the field of protecting human rights and fundamental freedoms, particularly in the field of preventing torture and other cruel, inhuman or degrading treatment or punishment, which they proved with a description of their key operations.

The Ombudsman decided on the selection, and chose two (the only two) non-governmental organisations participating in the procurement: the Peace Institute (MI) and Legal-Informational Centre for NGOs – PIC (PIC), because they both met all the criteria. The subsequent selections of participating NGOs were also implemented by public procurements. On the basis of public procurement in 2011,⁷ the following organisations were selected for cooperation in 2012 and 2013 (with the possibility of extending cooperation for another year): PIC, Slovenian Red Cross (RKS) and Inštitut Primus (Primus later SKUP), the Slovenian Federation of Pensioners' Associations (ZDUS) and Novi paradoks (NP). The cooperation with the selected NGOs continued in 2014 (except with the Slovenian Red Cross). **In the Official Gazette of the Republic of Slovenia, no. 92/2014 of 19 December 2014, the Ombudsman published a new public procurement no. 12.1-4/2014-1 for the selection of NGOs for cooperation with the Ombudsman in the implementation of duties and powers of the NPM for the 2015-2017 period with the possibility of extension for additional year.**

Eight NGOs applied to the public procurement (including some new ones), i.e. NP, the Association for Developing Voluntary Work Novo mesto, Humanitarno društvo Pravo za vse, Caritas Slovenia, SKUP – Community of Private Institutes (SKUP), PIC, MI and ZDUS. All bids were timely and met the criteria, and were all selected for cooperation with the Ombudsman in the implementation of duties and powers of the National Preventive Mechanism.

⁷ Uradni list RS, št. 103/2011.

⁷ Official Gazette of the Republic of Slovenia, no. 103/2011.

Dejavnosti DPM

DPM pri izvajanju svojih nalog in pooblastil **obiskuje (upoštevajoč pri tem vsakoletni program obiskov) vse kraje odvzema prostosti v Republiki Sloveniji in tako preverja ravnanje z osebami, ki jim je bila odvzeta prostost, da bi se okrepilo njihovo varstvo pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja. Ob upoštevanju pravnih norm DPM pristojnim organom daje priporočila, da bi izboljšali razmere in ravnanje z osebami ter preprečili mučenje in druge oblike okrutnega, nečloveškega, poniževalnega ravnanja ali kaznovanja. V tej zvezi lahko predloži tudi predloge in pripombe k veljavnim ali predlaganim zakonom.**

Znani kraji odvzema prostosti v Republiki Sloveniji so zlasti:

- zavodi za prestajanje kazni zapora (ZPKZ) z vsemi njihovimi oddelki in Prevzgojni dom Radeče,
- vzgojno-izobraževalni zavodi (VIZ),
- nekateri socialnovarstveni zavodi – domovi starejših (SVZ) in posebni SVZ,
- psihiatrične bolnišnice (PB),
- prostori za policijsko pridržanje oziroma zadržanje na policijskih postajah (PP) in Center za pridržanje Ljubljana,
- Center za tujce in Azilni dom,
- prostori za pridržanje v Slovenski vojski in
- vsi drugi kraji v smislu 4. člena Opcijskega protokola (npr. policijska intervencijska vozila ipd.).

Varuh v svoji vlogi DPM vključuje strokovnjake s čim širšim naborom priporočenih specialnih znanj. Iz vrst zaposlenih, ki so delali pri Varuhu že pred prevzemom obveznosti iz naslova DPM, je Varuh v skupino vključil psihologinjo, strokovnjaka na področju dela v policiji, nekaj pravnikov, nekdanjo sodnico in antropologinjo. Ker izbrane NVO ne morejo zagotoviti nekaterih drugih ustreznih strokovnjakov in ker med svojimi strokovnjaki tudi Varuh nima osebe z znanjem s področja zdravstvenega varstva, smo nekatere manjkajoče strokovnjake morali izbrati sami. Zato smo v začetku **leta 2013** na Varuhovih spletnih straneh in v glasilu Zdravniške zbornice Slovenije – ISIS objavili obvestilo o zbiranju ponudb za uvrstitev na seznam zdravnic/zdravnikov izvedencev, ki bodo Varuhu strokovno pomagali ugotoviti, razjasniti ali presoditi dejstva, ki bi kazala na primere mučenja in druge oblike okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja oziroma Varuha pri njegovih obiskih krajev, kjer je osebam odvzeta prostost, podprli s potrebnim strokovnim znanjem, ki ga Varuh nima, pri njegovih obiskih krajev, kjer je osebam odvzeta prostost. Prejeli smo dve prijavi za sodelovanje, in sicer izr. prof. dr. Petra Preglja, dr. med., spec. psih., ter doc. dr. Milana Popoviča, dr. med., specialista splošne kirurgije. Ker sta obe ponudbi za sodelovanje ustrezali razpisanim zahtevam, smo oba uvrstili na seznam zdravnikov izvedencev in z njima sklenili pogodbo o sodelovanju. Posamezni izvedenec, ki ga s seznama določi Varuh glede na vrsto in kraj posameznega obiska, naloge opravlja po odredbi in navodilih Varuha v sodelovanju z njegovimi strokovnimi sodelavci tako, da sodeluje pri načrtovanem obisku in daje pisne odgovore na Varuhova vprašanja v vlogi DPM ter poda svoje ugotovitve zlasti o ustreznosti zdravstvenega varstva in ravnanja z osebami, ki jim je odvzeta prostost. Na podlagi ponovnega zbiranja ponudb pa smo v letu 2014 za sodelovanje izbrali še doc. dr. Zdenko Čebašek-Travnik, dr. med., spec. psihiatrije (nekdanjo varuhinjo človekovih pravic).

Izbrane NVO naloge in pooblastila pri nadzoru opravljajo s svojimi osebami, usposobljenimi za posamezna področja nadzora, kot člani skupine, ki jo določi Varuh za opravljanje nadzora na krajih odvzema prostosti in preverjanje ravnanja z osebami, ki jim je bila odvzeta prostost. **Skupina, ki opravlja nadzor, je tako sestavljena iz predstavnikov Varuha in izbranih organizacij, upoštevajoč pri tem program obiskov, ki ga v ta namen sprejme Varuh v sodelovanju z izbranimi organizacijami, po potrebi pa pri tem upošteva tudi druge okoliščine, ki bi zahtevale takojšen obisk.**

Activities of the NPM

When implementing its duties and powers, the NPM **visits (while observing its annual programme of visits) all locations in the Republic of Slovenia where persons are deprived of their liberty and inspects how such persons are treated, in order to strengthen their protection against torture and other cruel, inhuman or humiliating treatment or punishment. While observing suitable legal norms, the NPM gives recommendations to relevant authorities to improve the conditions and treatment of people and prevent torture and other forms of cruel, inhuman or degrading treatment or punishment. In this regard, the NPM may also submit proposals and comments to the applicable or drafted acts.**

Official places of deprivation of liberty in the Republic of Slovenia include in particular:

- prisons and all their units and Radeče Juvenile Correctional Facility,
- educational institutions,
- certain social care institutions – retirement homes and special social care institutions,
- psychiatric hospitals,
- detention rooms at police stations and Ljubljana Police Detention Centre,
- the Aliens Centre and the Asylum Centre,
- detention rooms operated by the Slovenian Armed Forces,
- all other locations as per Article 4 of the Optional Protocol (for example, police intervention vehicles, etc.).

As the NPM, the Ombudsman engages experts with the widest range of recommended specialist knowledge. Among the staff already working at the Ombudsman, the Ombudsman selected a group prior to assuming the duties under the NPM which includes a psychologist, an expert in the field of police work, lawyers, a former judge and an anthropologist. Since selected NGOs cannot provide certain other suitable experts and because the Ombudsman does not dispose of an expert in the field of medical care, certain experts had to be engaged externally. At the beginning of **2013**, a notification on the call for proposals for enlisting doctors/doctors experts to help the Ombudsman to establish, clarify or evaluate evidence of torture or other forms of cruel, inhuman or degrading treatment or punishment, or to support the Ombudsman during visits to places of deprivation of liberty with suitable expert knowledge which the Ombudsman lacks, was published on the Ombudsman's website and in the ISIS publication of the Medical Chamber of Slovenia. Two proposals were received, i.e. from Dr Peter Pregelj, specialist - psychiatrist, and Dr Milan Popovič, specialist in general surgery. Since both proposals met the requirements, both doctors were listed as physician experts and agreements on cooperation were concluded with them. An individual expert selected from the list by the Ombudsman as per the type and place of an individual visit performs the tasks according to the orders and instructions of the Ombudsman and in cooperation with the Ombudsman's expert colleagues by participating in planned visits and providing written replies to the Ombudsman's questions in the role of the NPM and providing their own findings, particularly on the suitability of medical care and the treatment of people deprived of liberty. On the basis of the call for proposals in 2014, Dr Zdenka Čebašek-Travnik, specialist - psychiatrist (former Human Rights Ombudsman) was selected.

The selected NGOs implement their tasks and powers with persons qualified for individual fields of supervision as members in a group appointed by the Ombudsman to implement supervision in places of deprivation of liberty and the examination of treatment of people deprived of liberty. **The group implementing supervision is thus composed of the Ombudsman's representatives and selected organisations who observe the programme of visits adopted by the Ombudsman in cooperation with the selected organisations. If necessary, other circumstances demanding an immediate visit are also taken into account.**

O vsakem obisku DPM pripravi izčrpno (končno) **poročilo o ugotovitvah o obiskani ustanovi**. To poročilo vsebuje tudi predloge in priporočila za odpravo ugotovljenih nepravilnosti in izboljšanje stanja, vključno z ukrepi za zmanjšanje možnosti nepravilnega ravnanja v prihodnje. Pri pripravi poročila o opravljenem obisku sodelujejo tako Varuhovi predstavniki kot tudi predstavniki izbranih NVO. Vsak sodelujoči pri obisku, torej tudi osebe iz NVO, mora namreč pripraviti kratko poročilo o lastnih ugotovitvah z obiska, skupaj s predlogi, ki so del poročila o opravljenem nadzoru. Poročilo se pošlje pristojnemu organu (to je nadrejenemu organu obiskane ustanove), in sicer s predlogom, da ta v določenem roku zavzame stališče do navedb oziroma priporočil v tem poročilu in jih sporoči Varuhu. Za izdelavo poročila je praviloma pristojen predstavnik Varuha, čeprav je lahko za njegovo izdelavo določena tudi oseba iz izbrane NVO. Na podlagi poročila, odziva pristojnega organa nanj in morebitnih dodatnih stališč DPM pa se o vsakem obisku pripravi tudi **krajše poročilo o obisku**, ki se objavi na spletu.⁸

Uresničevanje priporočil DPM

Uresničevanje priporočil DPM je zaveza države pogodbenice Opcijskega protokola. Po določbi 22. člena Opcijskega protokola morajo namreč pristojni organi države pogodbenice obravnavati priporočila DPM in z njim vzpostaviti dialog o mogočih ukrepih za izvedbo priporočil. Uspeh uresničevanja priporočil z obiskov DPM vsako leto prikazujemo **v letnem poročilu Varuha in tudi ločeni publikaciji**⁹ v obliki sinteze naših ugotovitev in priporočil ter odzivov pristojnih organov v zapisu o obiskih v posameznih ustanovah.

Poleg najpomembnejšega preventivnega učinka obiskov, katerih namen je preprečiti mučenje ali drugo grdo ravnanje, še preden se zgodi, ugotavljamo, da so se v mnogih obiskanih ustanovah zaradi naših priporočil izboljšale bivalne razmere in ravnanje z osebami, ki jim je odvzeta prostost.

V zvezi z **obiski policijskih postaj** lahko posebej omenimo, da so doslej obiskane policijske postaje (kjer je bilo to potrebno) poskrbele za: izboljšanje bivalnih razmer v prostorih za pridržanje; oštevilčenje prostorov za pridržanje; boljše informiranje o pravicah pridržanih oseb (z brošuro z zapisom pravic pridržanih oseb v različnih svetovnih jezikih, plakatом z zapisom pravic pridržane osebe v več jezikih); ažuriranje seznama odvetnikov; boljše osvetljenje prostorov – po potrebi tudi z namestitvijo močnejših oziroma ustrežnejših svetlobnih teles v nekaterih prostorih za pridržanje; poskrbele so za namestitev postelje za prenočevanje; za namestitev manjkajočih opozoril, da je prostor za pridržanje videonadzorovan, oziroma za ustrezno namestitev videonadzornega sistema in opozoril, da le-ta ne zajema tudi toaletnega dela prostora za pridržanje; odstranitev »lunch paketov« s pretečenim rokom uporabe in zagotovitev ustrežnejšega nadzora nad hrambo obrokov hrane; poskrbele so tudi za doslednejše evidentiranje podatkov o načinu seznanitve osebe s pravicami v obrazcih potrebnih za izvedbo pridržanja; boljše zagotavljanje zdravniške pomoči; boljše zagotavljanje hrane in vode oziroma boljši dostop do pitne vode (npr. s plastenkami vode); boljše hrambo začasno zaseženih predmetov; ustrežnejšo ureditev dostopa za invalidne osebe na policijske postaje; poskrbele so tudi za odpravo pomanjkljivosti in ugotovljenih nepravilnosti pri evidentiranju posameznih primerov pridržanj; zagotovitev ukrepov za dosledno upoštevanje predpisov in usmeritev, ki se nanašajo na pridržanje oseb.

V **Centru za tujce** so na podlagi priporočil DPM poskrbeli za prevod jedilnikov v angleški jezik in njihovo objavo v jedilnici in skupnih prostorih, kjer so nastanjeni tujci; prestavili so čas večerje, poskrbeli so za čistejši prostor za prhanje na moškem oddelku; zamenjavo telefonskega aparata; uporabo spleta tudi med tednom (in ne le ob koncu tedna); spremenili so sistem evidentiranja izvedenih ukrepov zdravstvene službe in zagotovili bolj sprotno in natančnejše pisanje poročil strokovnih služb; povečali skrb za organizirane dejavnosti tujcev in razširili dodatno psihiatrično pomoč za tujce, ki jo potrebujejo med namestitvijo v centru.

Tudi **Azilni dom** je na podlagi naših priporočil odpravil ugotovljene pomanjkljivosti v bivalnih prostorih sprejemnega oddelka in napake oziroma poškodbe na inventarju in objektih; poskrbel je za prevod azilne zakonodaje, jedilnikov in razporeda dejavnosti v nekatere druge jezike; omogočil tujcem neposreden dostop do interneta in izboljšal zdravstveno oskrbo tujcev.

⁸ Glej: <http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/>.

⁹ Glej: <http://www.varuh-rs.si/publikacije-gradiva-izjave/porocila-varuha-v-vlogi-dpm/>.

The NPM drafts a comprehensive (final) **report on the findings established at the visited institution** after each visit. The report also covers proposals and recommendations for the elimination of established irregularities and to improve the situation, including measures to reduce the possibilities of improper treatment in the future. The Ombudsman's representatives and the representatives of the selected NGOs participate in drafting the report on the visit. All participants, including NGO representatives, must prepare a brief report on their findings, together with proposals, which form part of the report on the implemented supervision. The report is submitted to the competent authority (i.e. the superior body of the visited institution) with a proposal to take a position on the statements or recommendations in the report and submit it to the Ombudsman by a determined deadline. As a rule, a representative of the Ombudsman is responsible for preparing the report, although a person from a selected NGO may also be appointed for this purpose. On the basis of the report, the response of the competent authority and possible additional observations of the NPM, a brief report is published online after each visit.⁸

Realisation of NPM recommendations

Implementing NPM recommendations is a commitment of the State Party to the Optional Protocol.

According to Article 22 of the Optional Protocol, the competent authorities of the State Party must address NPM recommendations and establish a dialogue with it on possible measures to realise their recommendations. The success of implementing recommendations from the NPM visits is annually presented in the **Annual Report of the Ombudsman and also in a separate publication**⁹ in the form of a synthesis of our findings and recommendations and responses from the competent authorities in the report to the visits to individual institutions.

In addition to the most important preventive effect of these visits, whose purpose is to prevent torture or other ill-treatment before it occurs, we also discovered that the living conditions and treatment of persons deprived of liberty improved in many institutions due to our recommendations.

Relating to visits to **police stations**, it may be highlighted that police stations have (if this was necessary) improved living conditions in detention rooms; numbered detention rooms; improved the provision of information on rights to persons detained (with a brochure on the rights of detained persons in different languages and a poster including the rights of detained persons in several languages); updated the list of lawyers; improved lighting of premises also with the installation of brighter or more suitable lighting in certain detention rooms; installed beds for overnight accommodation; provided missing notices stating that the premises are under video surveillance or the suitable installation of a video surveillance system and notices stating that surveillance does not include toilet facilities at the detention premises; removed "lunch packages" with expired dates and provided suitable control of food storage; more consistently recorded data on the manner of notifying persons of their rights on forms necessary for detention; improved the provision of medical assistance; improved the provision of food and water or access to drinking water (e.g. with water bottles); improved storage of temporarily seized items; more suitably arranged access to police stations for persons with disabilities; eliminated deficiencies and established irregularities in recording individual detention cases and ensured measures to consistently observe regulations and guidelines on detention.

On the basis of NPM recommendations, the **Aliens Centre** now translates menus and their notification in the dining hall and common rooms where aliens are accommodated into English; the time for dinner was changed; showering facilities in the men's unit have improved; a telephone was replaced; use of the Internet during the week (and not only at weekends); the recording system of measures implemented by the medical service was modified and more prompt and detailed writing of reports by expert services was ensured; more attention is paid to organised activities of aliens, and additional psychiatric assistance for aliens also during their accommodation at the centre was also provided.

On the basis of our recommendations, the **Asylum Centre** also eliminated deficiencies at the living premises of the reception unit and malfunctioning or damaged equipment and facilities. They translated the asylum legislation, menus and the schedule of activities into some other languages, enabled direct Internet access and improved the medical care of aliens.

⁸ See: <http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/>.

⁹ See: <http://www.varuh-rs.si/publikacije-gradiva-izjave/porocila-varuha-v-vlogi-dpm/>.

Vzgojni zavodi so na podlagi priporočil DPM posodobili in izboljšali svoje spletne strani in na njih objavili pravila bivanja in hišni red; priporočilo DPM, da individualiziran program podpiše mladostnik, se prav tako uresničuje; prav tako so vzgojni zavodi poskrbeli za ustrežnejšo ureditev osebnih map mladostnikov; sprejeta je bila pobuda DPM za pripravo posebnega zakona, ki bo urejal področje delovanja vzgojnih zavodov, pa tudi pobuda za izdelavo smernic za vzgojni načrt v vzgojnih zavodih in s tem jasnejših pravil bivanja v njih.

Zavodi za prestanje kazni zapora in Prevzgojni dom Radeče so na podlagi naših priporočil poskrbeli za: ažuriranje hišnih in dnevnih redov posameznih zavodov; dostop do predpisov, ki se nanašajo na izvrševanje kazenskih sankcij in varstvo človekovih pravic; popravilo poškodovane zavodske opreme in naprav, da se prepreči nastanek še večje škode; zamenjavo iztrošenega in dotrajanega zavodskega inventarja in uvedbo evidenc za sprotno beleženje nastanka in odprave okvar; siceršnje izboljšanje bivanjskih razmer na obiskanih krajih odvzema prostosti, kar je spodbudno in hkrati potrjuje namen našega delovanja; zagotovili so bistveno več možnosti za telefoniranje za vse zaprte osebe in sprejeli ukrepe za kakovostnejše prestanje kazni zapora; povečali so organizirane dejavnosti; spodbudili nadaljnji razvoj izobraževalnih dejavnosti v zavodih; poskrbeli za ponudbo novih programov in motiviranje obsojencev za vključitev vanje; nekateri zavodi so poskrbeli za nadomestitev manjkajočega jedilnega pribora pri obrokih hrane; poskrbeli so tudi za doslednejše izpolnjevanje rubrik v posameznih evidencah, ki jih zavodi vodijo; uredili zapise o odločitvah za namestitve v strožji režim prestanja kazni zapora; sprejeli ukrepe za optimalnejšo uporabo bolniške sobe; poskrbeli za boljšo zdravstveno oskrbo zaprtih oseb in nasploh humanejše ravnanje z zaprtimi osebami.

Tudi **psihiatrične bolnišnice** so na podlagi priporočil DPM poskrbele za: doslednejše spoštovanje določb Zakona o duševnem zdravju (ZDZdr) ob sprejemu oseb in njihovem zadržanju na oddelkih pod posebnim nadzorom; odpravo napak pri uvedbi in dokumentiranju posebnih varovalnih ukrepov; boljše informiranje o pravicah pacientov; prijetnejši videz oddelkov pod posebnim nadzorom oziroma zagotovitev pacientom prijaznih prostorov; namestitve nabiralnikov za oddajo pritožb in ustrežnejše postopke ob pacientovi smrti.

Za doslednejše spoštovanje določb ZDZdr ob sprejemu in namestitvi oseb v varovalne oddelke so skladno s priporočili poskrbeli tudi **domovi starejših in posebni socialnovarstveni zavodi**; po naših priporočilih so bile natančneje in pravilneje opredeljene pravne podlage za namestitve stanovalcev na varovalne oddelke; dodatno se je razvil koncept obravnave oseb z demenco; domovi so poskrbeli za prijetnejši videz varovalnih oddelkov; pripravo manjkajočih individualnih načrtov, s katerimi se upoštevajo potrebe in želje stanovalcev; boljše informiranje o pravicah stanovalcev (tudi z zloženkami); poskrbeli so za namestitve nabiralnikov za pritožbe; odpravo napak pri uvedbi in dokumentiranju posebnih varovalnih ukrepov (tudi s spremembo in dopolnitvijo obrazcev); ureditev možnosti za kajenje; namestitve klicnih zvoncev oziroma za boljši nadzor nad odzivnim časom pri klicih z varovalnega oddelka.

Vojska je v **prostorih za pridržanje vojaških** oseb dopolnila evidence pridržanj; poskrbela je za označitev prostorov za pridržanje; označitev prostora za zaslišanje z nalepko; na naš predlog je bila ustanovljena tudi delovna skupina za pripravo predloga sprememb Pravilnika za izgradnjo prostorov za pridržanje v Slovenski vojski oziroma vojaški policiji, da se uskladijo zahtevani standardi po pravilniku z dejanskim stanjem prostorov za pridržanje, ki jih uporablja vojaška policija.

Mednarodne in druge dejavnosti DPM

Poleg obiskov krajev odvzema prostosti DPM opravlja tudi vrsto drugih aktivnosti, kot so: priprava predlogov in pripomb k veljavnim ali predlaganim zakonom; priprava in izvedba predstavitev za tuje delegacije oziroma obiskovalce; priprava odgovorov na vprašanja različnih mrež DPM; udeležba na srečanjih idr. Člani DPM sodelujemo pri različnih dogodkih doma in v tujini, tako da predstavljamo svoje delovanje in dosedanje izkušnje. Dolej smo v ta namen organizirali tudi veliko študijskih obiskov delegacij iz različnih držav (npr. Armenije, Estonije, Srbije, Makedonije, Albanije, Tadžikistana, Češke, Gruzije, Azerbajdžana in Kazahstana). Hkrati organiziramo pogovore s predstavniki posameznih državnih organov (tudi z ministri) in tudi drugače predstavljamo naše delovanje na tem področju (na Policijski akademiji v Tacnu, Fakulteti za varnostne vede in tiskovnih konferencah). Za vse člane DPM (tudi za sodelujoče nevladne organizacije) pripravljamo različne oblike izobraževanja in delovna srečanja, na katerih obravnavamo vidike našega skupnega delovanja.

On the basis of NPM recommendations, **educational institutions** updated and improved their websites and published their house rules. The NPM recommendation that an individualised plan should be signed by adolescents is also being acted on. The educational institutions also provided a more suitable arrangement of adolescents' personal files. The NPM proposal to draft a special act on the field of educational institutions was accepted, including the proposal for the preparation of guidelines for an educational plan in educational institutions and thus clearer rules about living in them.

On the basis of our recommendations, **prisons and Radeče Juvenile Correctional Facility** have updated house rules in individual facilities; enabled access to regulations on the enforcement of criminal sanctions and protection of human rights; repaired damaged equipment and devices in order to prevent greater damage; replaced used and worn out equipment, and ensured the keeping of prompt records on the occurrence and elimination of malfunctions; generally improved living conditions at places of deprivation of liberty, which is encouraging and also confirms the purpose of our operations. The institutions provided prisoners with significantly more opportunities for making calls and have taken measures to improve the quality of incarceration. They provided more organised activities, stimulated the development of educational activities at the facilities, and provided new programmes and motivation for prisoners to participate in them. Some institutions replaced cutlery and started completing items in individual records more consistently. They arranged records on decisions relating to accommodation in stricter regimes, adopted measures for the more optimal use of patient rooms, improved the medical care of prisoners and generally more humane treatment of prisoners.

On the basis of NPM recommendations, **psychiatric hospitals** provided more consistent observance of provisions of the Mental Health Act (ZDZdr) upon the admission of persons and their detention in secure wards; eliminated errors when implementing and recording special protection measures; improved the provision of information on patients' rights; improved the appearance of secure wards or provision of patient-friendly premises; installed boxes for collecting complaints, and established appropriate procedures upon a patient's death.

Retirement homes and special social care institutions also ensured more consistent observation of the ZDZdr provisions upon the admission and accommodation of persons in secure wards. On the basis of our recommendations, the legal bases for accommodating residents in secure wards were defined in more detail and more accurately. The concept of discussing people suffering from dementia was further developed. The retirement homes provided a more friendly appearance for secure wards, prepared missing individual plans with which they observed the needs and wishes of their residents; improved the provision of information on residents' rights (also by brochures); installed boxes for collecting complaints; eliminated errors when implementing and recording special protection measures (also by changing and amending the forms); arranged smoking facilities, and installed alarms to improve response times for calls from the secure ward.

In its **detention rooms**, the Slovenian Armed Forces supplemented the detention records and marked detention and interrogation rooms with labels. A working group was appointed at our proposal to prepare a proposal to amend the Rules on the construction of detention facilities for the Slovenian Armed Forces or military police in order to harmonise standards required as per the Rules on the actual condition of detention rooms used by military police.

International and other activities of the NPM

In addition to visiting places of deprivation of liberty, the NPM also implements many other activities, such as preparing proposals and comments to applicable or drafted acts, preparing and giving presentations to foreign delegations or visitors, preparing replies to questions from different NPM networks, participating at meetings etc. NPM members participate at various national and international events by presenting our operations and current experience. For this purpose, we have organised many study visits of delegations from different countries (e.g. Armenia, Estonia, Serbia, Macedonia, Albania, Tajikistan, the Czech Republic, Georgia, Azerbaijan and Kazakhstan). We also organise discussions with representatives of individual state authorities (also ministers) and also present our work in this field elsewhere (the Police Academy in Tacen, Faculty of Criminal Justice and Security, press conferences). Different forms of training and work meetings are organised for all NPM members (including participating NGOs) at which we discuss aspects of our joint operations.

DPM t. i. jugovzhodne Evrope smo **26. 3. 2013** v Beogradu (Srbija) oblikovali mrežo z imenom **South-East Europe NPM Network** (SEE NPM Network),¹⁰ katere namen je med drugim vzpostaviti boljše sodelovanje, izmenjavo izkušenj in izvesti številne skupne dejavnosti za učinkovitejše opravljanje nalog in pooblastil DPM za navedeno območje, ki izhajajo iz Opcijskega protokola. Ob tej priložnosti so predstavniki DPM Albanije, Črne gore, Hrvaške, Makedonije, Slovenije in Srbije (ob navzočnosti enega od ombudsmanov iz Bosne in Hercegovine) sprejeli Deklaracijo o sodelovanju, izvolili vodstvo in zastavili prve cilje. Kot veliko priznanje za dosedanje delo Varuha na tem področju štejemo, da je bilo prvo predsedovanje mreži zaupano prav DPM Slovenije. Pozneje sta se mreži pridružila tudi DPM Avstrije in Bolgarije. Predsedovanje tej mreži je sedaj v rokah DPM Albanije. Sicer smo **v okviru predsedovanja mreži v Ljubljani 26. in 27. 5. 2014 organizirali srečanje članov mreže**. Glavna tema naših pogovorov na srečanju so bila letna poročila DPM, ki so pomemben pripomoček za naše delo. Ena od skupnih ugotovitev na srečanju je bila tudi ta, da je vsakemu DPM pomemben pogled oziroma mnenje SPT na njegovo letno poročilo. Letna poročila DPM namreč vselej predloži tudi SPT, ki ima sedež v Ženevi in ki poskrbi za njihovo objavo na svoji spletni strani (to določa 29. točka Smernic o državnih preventivnih mehanizmih, SPT, Ženeva, 15. do 19. 11. 2010). Pri tem je bilo ugotovljeno, da so nekateri DPM v zvezi s tem s strani SPT že prejeli posamezne pripombe oziroma vprašanja glede posredovanega letnega poročila, zaradi česar se je zastavilo vprašanje (enotnega) pristopa SPT na tem področju, prav tako pa se kaže tudi potreba po morebitni enotni metodologiji. Udeleženci srečanja so pri tem menili, da bi bilo treba na tem področju vzpostaviti enotna načela komunikacije.

Udeleženci srečanja so nadalje še posebej ugotavljali pomen komunikacije in dialoga SPT tudi s posamezno državo (ne le z DPM), ko gre za uresničevanje priporočil DPM. Navzoči predstavniki DPM so bili prepričani, da bi se delu DPM dala še posebna teža, če bi npr. tudi država pogodbenica Opcijskega protokola prejela pismo SPT (kot zunanje organe) z vprašanjem glede uresničevanja priporočil DPM. Tako je bilo že storjeno v primeru Bolgarije, kar je bilo v veliko pomoč DPM te države. Prav pristojni organi države imajo obveznost obravnavanja priporočil DPM in vzpostavitve dialoga z njim o mogočih ukrepih za njihovo izvajanje. Zato smo prisotni DPM na srečanju v Ljubljani v maju 2014 SPT spodbudili, da nadaljuje s tovrstno prakso tudi v prihodnje oziroma jo po potrebi še okrepi.

Nekaj statističnih podatkov o obiskih

Prvi obisk je Varuh kot DPM opravil v Prevezgojnem domu Radeče 19. 3. 2008. Skupno je bilo v letu 2008 opravljenih 35 obiskov različnih krajev odvzema prostosti, v letu 2009 41, v letu 2010 44, v letu 2011 46, v letu 2012 46 in v letu 2013 48 obiskov. Večina teh ni bila napovedana, sicer je bilo v letu 2013 le osem obiskov napovedanih vnaprej. Med opravljenimi obiski so bili v letu 2013 štiri obiski tudi kontrolni. Kontrolni obisk se opravi, kadar je smiselno še pred naslednjim rednim obiskom preveriti izvedbo priporočil DPM za odpravo pomanjkljivosti ter izboljšanje razmer in ravnanje z osebami. Uresničevanje priporočil iz predhodnih obiskov DPM sicer redno preverja ob ponovnih obiskih v ustanovi. Pri načrtovanju števila obiskov moramo seveda upoštevati kadrovske zmožnosti, zlasti pa finančna sredstva, ki so nam na razpolago za izvajanje teh dejavnosti.

The NPMs of so-called south-eastern Europe formed a network entitled **South-East Europe NPM Network** (SEE NPM Network),¹⁰ in Belgrade (Serbia) on **26 March 2013**, the purpose of which is inter alia to establish better cooperation, exchange experience and implement numerous joint activities to improve the efficiency of performing duties and powers of the NPM in the relevant field which derive from the Optional Protocol. On this occasion, representatives of the NPM from Albania, Montenegro, Croatia, Macedonia, Slovenia and Serbia adopted a Declaration on Cooperation, elected management and set their first objectives. As a sign of recognition of the current work of the Ombudsman in this field, the first presidency of the network was entrusted to the NPM Slovenia. The NPMs of Austria and Bulgaria later joined the network. The presidency of the network is currently held by the NPM Albania. **A meeting of the network was organised during our presidency in Ljubljana between 26 and 27 May 2014.** The main topic of our discussions were NPM annual reports, which are important tools for our work. One of joint findings of the meeting was that the view or the opinion of the SPT about their annual reports are important to every NPM. The annual reports of the NPM are always also submitted to the SPT, which has its head office in Geneva and publishes these reports on its website (determined in Item 29 of the Guidelines on National Preventive Mechanisms, SPT, Geneva, 15–19 November 2010). It was thus established that certain NPMs received individual comments or questions relating to submitted annual reports from the SPT due to which a question of the (uniform) approach of the SPT in this field was raised and the need for a uniform methodology arose. The participants at the meeting also believed that uniform principles of communication have to be established in this field.

The participants further established the significance of communication and dialogue with the SPT and also with individual states (not only with the NPM) when implementing NPM recommendations. The NPM agreed that special emphasis would be given to the work of the NPM if, for example, signatory states to the Optional Protocol received a notification from the SPT (as an external body) with questions relating to implementing NPM recommendations. This happened in the case of Bulgaria, which was of great help to the NPM of this state. It is the obligation of competent state authorities to discuss NPM recommendations and establish dialogue with it on possible measures for their implementation. The participating NPMs at the meeting in Ljubljana in May 2014 encouraged the SPT to continue this practice in the future and further intensify it if necessary.

Some statistics on visits

On 19 March 2008, the Ombudsman as the NPM implemented the first visit in Radeče Juvenile Correctional Facility. In 2008, a total of 35 visits to different places of deprivation of liberty were conducted, 41 in 2009, 44 in 2010, 46 in 2011, 46 in 2012 and 48 in 2013. Most of these visits were unannounced; only eight visits were announced in 2013. Four control visits were implemented in 2013. A control visit is conducted before a regular visit when it is appropriate to verify the implementation of the NPM recommendations for the elimination of deficiencies, improvement of conditions and treatment of people. The realisation of recommendations from preliminary NPM visits is regularly verified at follow-up visits to institutions. When planning the number of visits, we have to observe our staff capacities and the financial means available for these activities.

¹⁰ Glej: <http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/south-east-europe-npm-network/>.

¹⁰ See: <http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/varuh-kot-drzavni-preventivni-mehanizem/south-east-europe-npm-network/>.

V letu 2014 smo opravili 39 obiskov različnih ustanov. Tako smo obiskali **16 policijskih postaj** (od tega je bil en obisk kontrolni), in sicer: PP Trebnje, PP Novo mesto, PP Ptuj, PP Gornja Radgona, PP Trbovlje, PP Litija, PP Nova Gorica, PP Bovec, PP Ljubljana Šiška, PP Ljubljana Vič, PP Vrhnika, PP Logatec, PP Domžale, PP Kamnik, PP Središče ob Dravi in Center za pridržanje Ljubljana; **sedem zavodov za prestajanje kazni zapora** (Oddelek Nova Gorica ZPKZ Koper, Odprti oddelek Ig ZPKZ Ljubljana, Odprti oddelek Rogoza ZPKZ Maribor, Celje, Oddelek Murska Sobota ZPKZ Maribor), **pet socialnovarstvenih zavodov** (Center starejših Pristan, Dom starejših Kranjska Gora – Dom Viharnik, Center starejših Notranje Gorice, Center starejših Zimzelen Topolšica in Dom starejših Idila, d. o. o.); **dva posebna socialnovarstvena zavoda** (Dom Lukavci in Prizma Ponikve), **štiri psihiatrične bolnišnice** (UKC Maribor, Oddelek za psihiatrijo; Psihiatrično bolnišnico Begunje; Psihiatrično bolnišnico Ormož in UKC Maribor, Oddelek za psihiatrijo, Enoto za forenzično psihiatrijo) in **štiri zavode za vzgojo in izobraževanje otrok in mladostnikov s čustvenimi in vedenjskimi motnjami** (VIZ Višnja Gora, VZ Logatec, Mladinski dom Jarše, CUDV Črna na Koroškem) ter **Center za tujce. Vsi obiski (razen obiska Oddelka Nova Gorica ZPKZ Koper, ZPKZ Ig in kontrolnega obiska Centra za pridržanje v Ljubljani) so bili opravljeni brez predhodnega obvestila o obisku.** Skupno število obiskov je nekoliko manjše, kot je bilo predvideno v programu obiskov, in sicer zaradi daljše bolniške odsotnosti člana DPM in porodniške odsotnosti druge članice DPM. Načrtujemo pa, da se bodo v letu 2015 obiski opravljeni praktično vsak teden oziroma da bo teh obiskov več, kot je bilo to običajno, torej okoli 60.

Največ nadzorov je bilo tako tudi v letu 2014 opravljenih na policijskih postajah (opravljeni so bili v okviru osmih enodnevnih obiskov), in sicer spomladi (11) in pozimi (devet), poleti štiri nadzori in jeseni sedem nadzorov. Vsi obiski so bili enodnevni, razen obiska ZPKZ Ig, ki je bil dvodnevni.

Le dve lokaciji krajev odvzema prostosti – dva oddelka zavodov za prestajanje kazni zapora (Odprti oddelek Ig ZPKZ Ljubljana in Odprti oddelek Rogoza ZPKZ Maribor) – so v letu 2014 obiskali le Varuhovi uslužbenci kot predstavniki DPM. Na drugi strani noben obisk DPM ni bil opravljen le s strani predstavnikov nevladnih organizacij. To pomeni, da je bila velika večina, tj. 37 od skupno 39 lokacij, obiskanih s strani skupine DPM, ki so jo sestavljali tako Varuhovi uslužbenci kot tudi predstavniki NVO.

NVO SKUP je sodelovala pri obiskih skupno 21 lokacij, od tega 10 policijskih postaj, treh vzgojno-izobraževalnih zavodov, dveh zavodov za prestajanje kazni zapora, dveh psihiatričnih bolnišnic, dveh socialnovarstvenih zavodov ter enega posebnega socialnovarstvenega zavoda in Centra za tujce.

NVO PIC je sodelovala pri obiskih skupno 17 lokacij, od tega petih policijskih postaj, petih zavodov za prestajanje kazni zapora, treh socialnovarstvenih zavodov, treh vzgojno-izobraževalnih zavodov in enega posebnega socialnovarstvenega zavoda.

NVO ZDUS je sodelovala pri obiskih skupno 10 lokacij, od tega treh psihiatričnih bolnišnic, treh socialnovarstvenih zavodov, treh zavodov za prestajanje kazni zapora in enega posebnega socialnovarstvenega zavoda.

NVO NP je sodelovala pri obiskih skupno petih lokacij, od tega štirih psihiatričnih bolnišnic in enega socialnovarstvenega zavoda.

Po dva predstavnika (različnih) NVO sta sodelovala pri obiskih štirih zavodov za prestajanje kazni zapora (obisk ZPKZ Ig, kjer sta poleg predstavnice ZDUS sodelovala tudi dva predstavnika PIC, vendar posamično), štirih socialnovarstvenih zavodov, treh psihiatričnih bolnišnic, dveh vzgojno-izobraževalnih zavodov in enega posebnega socialnovarstvenega zavoda. Po trije predstavniki (različnih) organizacij pa so sodelovali v dveh primerih, in sicer pri obisku ZPKZ Ljubljana in psihiatrične bolnišnice (Enote za forenzično psihiatrijo Oddelka za psihiatrijo UKC Maribor).

Pogodbeni izvedenec medicinske stroke je v okviru obiska DPM sodeloval pri obiskih 14 ustanov – največkrat v primeru socialnovarstvenega zavoda (Center starejših Pristan, Dom starejših Kranjska Gora – Dom Viharnik, Center starejših Notranje Gorice, Center starejših Zimzelen Topolšica, Dom starejših Idila, d. o. o.) in psihiatričnih bolnišnic (Oddelek za psihiatrijo UKC Maribor, Psihiatrična bolnišnica Begunje, Psihiatrična bolnišnica Ormož, Enota za forenzično psihiatrijo Oddelka za psihiatrijo UKC Maribor), trikrat pri obiskih zavodov za prestajanje kazni zapora (ZPKZ Ljubljana, ZPKZ Ig in ZPMZKZ Celje) in enkrat pri obisku posebnega socialnovarstvenega zavoda (Dom Lukavci) in Centra za tujce.

In 2014, we conducted 39 visits to various institutions. We thus visited **16 police stations** (one control visit included) in Trebnje, Novo mesto, Ptuj, Gornja Radgona, Trbovlje, Litija, Nova Gorica, Bovec, Ljubljana-Šiška, Ljubljana-Vič, Vrhnika, Logatec, Domžale, Kamnik, Središče ob Dravi and Ljubljana Police Detention Centre; **seven prisons** (Nova Gorica Unit of Koper Prison, Ig Open Unit of Ljubljana Prison, Rogoza Open Unit of Maribor Prison, Celje Prison, Murska Sobota Unit of Maribor Prison); **five social care institutions** (Pristan Retirement Home in Vipava, Viharnik Retirement Home in Kranjska Gora, Notranje Gorice Residential Centre for the Elderly, Zimzelen Retirement Home in Topolšica and Retirement Home Idila d. o. o.); **two special social care institutions** (Dom Lukavci Special Social Care Institution and Dom Prizma Ponikve Special Social Care Institution); **four psychiatric hospitals** (Maribor University Medical Centre, Department of Psychiatry; Begunje Psychiatric Hospital, Ormož Psychiatric Hospital and Maribor University Medical Centre, Department of Psychiatry, Unit for Forensic Psychiatry) and **four institutions for the education of children and adolescents with emotional and behavioural disorders** in Višja Gora, Logatec, Jarše and Črna na Koroškem Special Education, Work and Care Centre, and the **Aliens Centre. All visits (except the visits to Nova Gorica Unit of Koper Prison and Ig Prison and the control visit to Ljubljana Police Detention Centre) were conducted without preliminary notification.** The total number of visits is somewhat lower than anticipated in the programme of visits due to the extended sick leave of an NPM member and the maternity leave of another NPM member. Visits in 2015 are to be conducted almost every week, or the number of visits will be higher than usual, i.e. about sixty.

Most visits in 2014 included visits to police stations (eight one-day visits), i.e. eleven in spring and nine in winter, four supervisions in summer and seven in spring. All visits took one day, except the visit to Ig Prison, which took two days.

Only two visits to places of deprivation of liberty, i.e. two prison units (Ig Open Unit of Ljubljana Prison and Rogoza Open Unit of Maribor Prison) were visited only by the Ombudsman's employees as the NPM representatives in 2014. On the other hand, none of the visits was conducted only by representatives of NGOs, which means that the majority, i.e. 37 of a total of 39 locations, were visited by the NPM group composed of the Ombudsman's employees and representatives of NGOs.

NGO SKUP participated in visits to a total of 21 locations, of which ten were police stations, three educational institutions, two prisons, two psychiatric hospitals, two social care institutions and one special social care institution and the Aliens Centre.

NGO PIC participated in visits to a total of 17 locations, of which five were police stations, five prisons, three social care institutions, three educational institutions and one special social care institution.

NGO ZDUS participated in visits to a total of ten locations, of which three were psychiatric hospitals, three social care institutions, three prisons and one special social care institution.

NGO NP participated in visits to a total of five locations, of which four were psychiatric hospitals and one social care institution.

Two representatives of (different) NGOs participated in each visit to four prisons (Ig Prison, where two representatives of PIC were also present in addition to the representative of ZDUS, but individually), four social care institutions, three psychiatric hospitals, two educational institutions and one special social care institution. Three representatives of (different) organisations participated in two cases, i.e. the visit to Ljubljana Prison and the psychiatric hospital (Unit for Forensic Psychiatry of the Department of Psychiatry of Maribor University Medical Centre).

The contractual medical expert participated in visits to 14 institutions, most frequently in the case of a social care institution (Pristan Retirement Home in Vipava, Viharnik Retirement Home in Kranjska Gora, Notranje Gorice Residential Centre for the Elderly, Zimzelen Retirement Home in Topolšica and Retirement Home Idila d. o. o.) and psychiatric hospitals (Department of Psychiatry of Maribor University Medical Centre, Begunje Psychiatric Hospital, Ormož Psychiatric Hospital and Unit for Forensic Psychiatry of the Department of Psychiatry of Maribor University Medical Centre), three visits to prisons (Ljubljana, Ig and Celje) and one visit to a special social care institution (Dom Lukavci Special Social Care Institution) and the Aliens Centre.

Pripravljenih je bilo 31 (končnih) poročil o naših obiskih, čeprav je bilo skupno opravljenih 39 obiskov različnih ustanov, a se, če se istega dne opravljajo obiski več PP, o tem obisku pripravi le eno poročilo. V 27 primerih so (predhodno oziroma) končno poročilo o obisku pripravili Varuhovi predstavniki, v enem primeru predstavnik PIC, v treh pa predstavnik SKUP.

Sklep

Menimo, da je Varuh z uvedbo Opcijskega protokola zagotovil učinkovito izvajanje nalog in pooblastil DPM. Hkrati se je z vključitvijo nevladnih in humanitarnih organizacij v izvajanje nalog in pooblastil DPM povečala tudi transparentnost Varuhovega delovanja na tem področju, kar zagotavlja še kakovostnejše izvajanje prevzetih nalog po ratifikaciji Opcijskega protokola. Taka rešitev je v Republiki Sloveniji novost pri uvajanju javno-zasebnega partnerstva in je lahko zgled za spremembe v delovanju drugih državnih organov, hkrati pa v mednarodnem pogledu pomeni enega od možnih uspešnih modelov za izvajanje Opcijskega protokola.

Z odzivi pristojnih organov (zlasti obiskanih ustanov) na naše ugotovitve in priporočila za izboljšanje stanja smo večinoma zadovoljni, saj kažejo pripravljenost na sodelovanje, zlasti pa ugotavljamo, da poskušajo obiskane ustanove sprejeti vse ukrepe za potrebne izboljšave, ki so v njihovi domeni. Z zadovoljstvom lahko ugotavljamo, da ugotovitve in predlogi ter priporočila za izboljšanje stanja, ki jih Varuh daje v okviru nalog in pooblastil DPM, pogosto dobijo odmev v izboljšanju pogojev in ravnanja z osebami, ki jim je odvzeta prostost. Pri tem si želimo še boljšega in poglobljenega sodelovanja s pristojnimi ministrstvi, zlasti ko gre za problematiko, ki terja sistemske spremembe na tem področju.

Sklepno ugotavljamo, da DPM s svojim delovanjem pomembno prispeva k izboljšanju položaja oseb, ki jim je odvzeta prostost. To je zaznal tudi Evropski odbor za preprečevanje mučenja in nečloveškega ali ponižujočega ravnanja ali kaznovanja (CPT) ob obisku v Sloveniji leta 2012 (glej poročilo o tem obisku, str. 10).¹¹ocene o dobro opravljenem delu prihajajo tudi iz strokovnih krogov.¹² Ne nazadnje ugotovitve DPM citira tudi Evropsko sodišče za človekove pravice¹³ v svojih sodbah, prav tako so predmet preučevanja v številnih diplomskih in magistrskih delih.

¹¹ Glej: <http://www.cpt.coe.int/documents/svn/2013-16-inf-eng.pdf>.

¹² Glej npr. Korošec, Damjan: Poročilo Varuha človekovih pravic o izvajanju nalog državnega preventivnega mehanizma na pot, v: Pravna praksa, št. 47, 8. 12. 2011.

¹³ Glej npr. zadevo Mandić in Jović proti Sloveniji ter Štrucl Jakob in ostali proti Sloveniji.

Some 31 (final) reports on our visits were drafted; although a total of 39 visits to different institutions were conducted, only one report is prepared on that visit if several police stations are visited in one day. In 27 cases, the (preliminary or) final report on the visit was prepared by the Ombudsman's representatives; in one case, the report was drafted by a PIC representative and in three cases a representative of SKUP.

Conclusion

We believe that the Ombudsman ensured the efficient implementation of duties and powers of the NPM by implementing the Optional Protocol. By including non-governmental and humanitarian organisations in the implementation of duties and powers of the NPM, the transparency of the Ombudsman's operations in this field increased, which ensures even better implementation of the duties assumed upon the ratification of the Optional Protocol. This solution is a novelty in the Republic of Slovenia in the implementation of public private partnership and may serve as an example for further changes in the work of other state authorities, and in international terms, it may present one of possible and successful models for implementing the Optional Protocol.

We are mostly pleased with the response of relevant authorities (particularly visited institutions) to our findings and recommendations for the improvement of situations, since they show a readiness to cooperate. We particularly note that the institutions visited are trying to adopt all measures needed for improvements which are in their domain. We are pleased to establish that the findings, proposals and recommendations for improvements given by the Ombudsman within its duties and powers of the NPM frequently do result in an improvement in conditions and the treatment of persons deprived of liberty. We strive to enhance and deepen cooperation with relevant ministries, particularly regarding issues which demand systemic changes in the field.

In the end, we highlight that the NPM's operations significantly contribute to improving the situation of persons deprived of liberty. This was also noted by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) when visiting Slovenia in 2012 (see report on this visit, p. 10).¹¹ Assessments of successful work have also come from the expert sphere,¹² since the findings of the NPM have also been quoted by the European Court for Human Rights¹³ in its judgements and are also the subject of many diploma and Master's theses.

¹¹ See: <http://www.cpt.coe.int/documents/svn/2013-16-inf-eng.pdf>.

¹² See e.g. Korošec, Damjan: Poročilo Varuha človekovih pravic o izvajanju nalog državnega preventivnega mehanizma na pot, in Pravna praksa, no. 47, 8 December 2011.

¹³ See e.g. case Mandić and Jović v. Slovenia and Štrucl Jakob and Others v. Slovenia.

1.1 Obiski v zavodih za prestajanje kazni zapora in mladoletniškega zapora



Splošno

V letu 2014 smo v okviru izvajanja nalog in pooblastil DPM obiskali sedem od skupno 14 lokacij, na katerih so delovale dislocirane notranje organizacijske enote Uprave Republike Slovenije za izvrševanje kazenskih sankcij (UIKS) – Generalnega urada Ministrstva za pravosodje (Generalnega urada MP) v obliki zavodov za prestajanje kazni zapora (ZPKZ; zavod(i)) – oziroma njihovi oddelki: ZPKZ Koper – Oddelek Nova Gorica, ZPKZ Ljubljana, ZPKZ Ljubljana – Odprti oddelek Ig, ZPKZ Ig, ZPKZ Maribor – Odprti oddelek Rogoza, ZPMZ in KZ Celje. Tudi v tem letu smo opazili, da so bila vodstva ZPKZ dobro seznanjena z našimi nalogami in pooblastili, tako da je naše delo potekalo nemoteno. Po vsakem obisku je skupina pripravila poročilo o ugotovitvah s priporočili, ki je bilo poslano UIKS in ZPKZ, kjer je bil opravljen obisk. UIKS se je redno odzivala na naša poročila. Bistveni odzivi (tisti, ki smo jih prejeli do priprave tega zapisa) so vključeni v to poročilo.

V letu 2014 je DPM od navedenih krajev odvzema prostosti štiri obiskal spomladi (11. 3. 2014 ZPKZ Ljubljana, 24. 4. 2014 ZPKZ Ljubljana – Odprti oddelek Ig in 7. 5. 2014 ZPKZ Ig; zaradi potreb po individualnih razgovorih in zaključnem pogovoru z vodstvom smo slednjega obiskali še 15. 5. 2014), pozimi smo obiskali dva zavoda, in sicer 12. 2. 2014 ZPKZ Koper – Oddelek Nova Gorica in 8. 12. 2014 ZPKZ Maribor – Oddelek Murska Sobota, poleti smo obiskali en zavod (23. 6. ZPKZ Maribor – Odprti oddelek Rogoza), prav tako jeseni (30. 9. 2014 ZPMZ in KZ Celje), pri čemer so bili vsi navedeni kraji odvzema prostosti obiskani v drugem letnem času kot ob prejšnjem obisku.

Pri v prejšnjem odstavku navedenih obiskih krajev odvzema prostosti sta sodelovala dva predstavnika Varuha in dva predstavnika nevladnih organizacij (ZPKZ Koper – Oddelek Nova Gorica), trije predstavniki Varuha in dva predstavnika nevladne organizacije (ZPKZ Ljubljana), dva predstavnika Varuha (ZPKZ Ljubljana – Odprti oddelek Ig), štiri predstavniki Varuha in dva predstavnika nevladne organizacije (ZPKZ Maribor), trije predstavniki Varuha in ena predstavnica nevladnih organizacij (ZPKZ Ig), trije predstavniki Varuha in en predstavnik nevladne organizacije (obisk ZPKZ Ig zaradi potrebe po dodatnih osebnih pogovorih z zaprtimi osebami in izvedbe zaključnega pogovora z vodstvom), dva predstavnika Varuha (ZPKZ Maribor – Oddelek Rogoza), štiri predstavniki Varuha in dva predstavnika nevladnih organizacij (ZPMZ in KZ Celje), dva predstavnika Varuha in dva predstavnika nevladnih organizacij (ZPKZ Maribor – Oddelek Murska Sobota). Pogodbeni izvedenec za zdravstvo je sodeloval pri treh obiskih, in sicer: ZPKZ Ljubljana, ZPKZ Ig ter ZPMZ in KZ Celje. Posebej velja poudariti, da so pri rednem obisku ZPKZ Koper – Oddelek Nova Gorica kot opazovalci prisostvovali tudi predstavniki kazahstanskega državnega preventivnega mehanizma, pri obisku ZPKZ Ig pa predstavnice Latvije.

Štirje obiski so bili nenapovedani, tri pa smo prej napovedali (ZPKZ Koper – Oddelek Nova Gorica, ZPKZ Ig ter ZPMZ in KZ Celje). Vsi obiski (razen obiska ZPKZ Ig) so bili opravljeni v enem dnevu.

Obiski ZPKZ so večinoma potekali po ustaljenem zaporedju (ZPKZ Koper – Oddelek Nova Gorica, ZPKZ Ljubljana – Odprti oddelek Ig, ZPKZ Ig, ZPKZ Maribor – Odprti oddelek Rogoza): po uvodnem pogovoru si je skupina, ki so jo sestavljali predstavniki Varuha in predstavniki ene ali dveh pogodbenih nevladnih organizacij, ogledala vse prostore v ZPKZ, vključno s pomožnimi prostori, in se pogovorila z vsemi zaprtimi osebami, ki so to želele. Nato sta bila na vrsti pregled relevantne dokumentacije in pogovor z vodstvom ZPKZ, v nekaterih primerih (ZPKZ Ljubljana, ZPMZ in KZ Celje, ZPKZ Maribor – Oddelek Murska Sobota) pa smo se razdelili v dve ali tri skupine, od katerih je ena opravila uvodni pogovor z vodstvom zavoda ter nato nadaljevala ogled določenih prostorov in opravila pogovore z izbranimi zaprtimi osebami. Druga in tretja skupina sta si razdelili ogled zavoda po določenih oddelkih ali določenih prostorih in vmes opravili pogovore z zaprtimi osebami, ki so to želele. Zaradi velikosti in specifičnosti zavodov ali samega nadzora (ZPKZ Ljubljana, ZPMZ in KZ Celje, ZPKZ Maribor – Oddelek Murska Sobota) smo se po uvodnih razgovorih razdelili v pare ali skupine, kjer smo stremeli k temu, da je par sestavljen iz enega moškega in ene ženske, skupina pa ne iz vseh predstavnikov istega spola.

1.1 Visit to prisons and juvenile prisons

General

While implementing the duties and powers of the NPM in 2014, we visited a total of 14 different locations where internal organisational units of the Prison Administration of the Republic of Slovenia of the Ministry of Justice in the form of prisons or their sections were operating, i.e. Nova Gorica Unit of Koper Prison, Ljubljana Prison, Ig Open Unit of Ljubljana Prison, Ig Prison, Rogoza Open Unit of Maribor Prison, Celje Prison and Juvenile Prison. During the visits in 2014, we observed that the management in prisons were well informed of our duties and powers, which facilitated smooth operations. After each visit, the group prepared a report on the findings with recommendations submitted to the Prison Administration of the Republic of Slovenia and the respective prisons. The Prison Administration of the Republic of Slovenia responded regularly to our reports. The key responses (received before the preparation of this report) are included in this report.

In 2014, the NPM visited four prisons in spring (Ljubljana Prison on 11 March 2014, Ig Open Unit of Ljubljana Prison on 24 April 2014 and Ig Prison on 7 May 2014; due to the need to conduct individual interviews and a concluding discussion with the management, the latter was also visited on 15 May 2014). Two prisons were visited in winter, i.e. Nova Gorica Unit of Koper Prison on 12 February 2014 and Murska Sobota Unit of Maribor Prison on 8 December 2014. One prison was visited in summer (Rogoza Open Unit of Maribor Prison on 23 June) and autumn (Celje Prison and Juvenile Prison on 30 September 2014), whereby these prisons were visited in different seasons than hitherto.

When visiting the prisons mentioned in the preceding paragraph, two Ombudsman's representatives and two representatives of NGOs (Nova Gorica Unit of Koper Prison), three Ombudsman's representatives and two representatives of NGOs (Ljubljana Prison), two Ombudsman's representatives (Ig Open Unit of Ljubljana Prison), four Ombudsman's representatives and two representatives of NGOs (Maribor Prison), three Ombudsman's representatives and one representative of NGOs (Ig Prison), three Ombudsman's representatives and one representative of NGOs (visit to Ig Prison due to the need to conduct additional personal interviews with prisoners and a concluding discussion with the management), two Ombudsman's representatives (Rogoza Open Unit of Maribor Prison), four Ombudsman's representatives and two representatives of NGOs (Celje Prison and Juvenile Prison), and two Ombudsman's representatives and two representatives of NGOs (Murska Sobota Unit of Maribor Prison). The contractual medical expert participated in three visits, i.e. Ljubljana Prison, Ig Prison, and Celje Prison and Juvenile Prison. It should be emphasised that representatives of the National Preventive Mechanism from Kazakhstan participated as observers in the regular visit of Nova Gorica Unit of Koper Prison, and NPM representatives from Latvia at the visit to Ig Prison.

Four visits were unannounced, three were announced (Nova Gorica Unit of Koper Prison, Ig Prison and Celje Prison and Juvenile Prison). All visits (except to Ig Prison) were conducted in one day.

Most of the visits to prisons were conducted according to an established sequence (Nova Gorica Unit of Koper Prison, Ig Open Unit of Ljubljana Prison, Ig Prison, Rogoza Open Unit of Maribor Prison). After the introductory discussion, the group composed of the Ombudsman's representatives and representatives of one or two contractual NGOs reviewed all premises of the prison, including auxiliary facilities, and interviewed all prisoners who had forwarded such requests. This was followed by a review of relevant documentation and discussions with prison management. In some cases (Ljubljana Prison, Celje Prison and Juvenile Prison, and Murska Sobota Unit of Maribor Prison), we divided into two or three groups, of which one conducted an introductory discussion with the management and then continued with a review of certain facilities and conducted interviews with selected prisoners. The second and third groups divided the review of the institution according to certain sections or facilities and also conducted interviews with prisoners who wished to be interviewed. Due to the size and specificity of institutions or supervision (Ljubljana Prison, Celje Prison and Juvenile Prison, and Murska Sobota Unit of Maribor Prison), we divided into pairs or groups after the introductory discussion and tried to ensure each pair consisted of a man and woman and that the group was not composed of members of the same gender.

Pogodbeni izvedenec je naslednji dan po nadzoru (ZPKZ Ljubljana, ZPMZ in KZ Celje) ali v krajšem času po našem obisku (ZPKZ Ig) ločeno opravil nadzor zdravstvenih prostorov, zdravstvene oskrbe in zdravstvenega varstva.

V seštevku je bilo ob naših obiskih v ZPKZ 540 zaprtih oseb, od tega 270 obsojencev oziroma obsojenk (prišteti so tudi obsojenci, ki so prestajali kazen zapora na podlagi 12. člena Zakona o izvrševanju kazenskih sankcij, ter obsojenci, ki so bili v hišnem zaporu, obsojenci, ki so bili v fazi prihoda, obsojenci na begu, obsojenci v bolnišnici, obsojenci na prekinitvi izvrševanja zaporne kazni, obsojenci na forenzični psihiatriji), 155 pripornikov oziroma pripornic in osem oseb, zoper katere se je izvajal uklonilni pripor.

Poročila o posameznih obiskih in poglobitve ugotovitve DPM v zvezi z njimi so objavljeni (v angleškem jeziku le nekateri) na Varuhovi uradni spletni strani, v tem poročilu pa izpostavljamo le poglobitve okoliščine v zvezi s področjem, ki jih je DPM ugotovil v letu 2014.

Ugotovitve z obiskov – nekateri primeri dobre prakse in priporočila za izboljšanje stanja.

Bivalni pogoji

Ob obisku **ZPKZ Koper, Oddelek Nova Gorica** je DPM ugotovil, da so prostori, namenjeni zaprtim osebam, čisti, urejeni in redno vzdrževani. Navkljub temu pa materialne razmere, predvsem zaradi starega kovinskega pohištva in stare zgradbe, za zaprte osebe še naprej ostajajo relativno slabe. Upoštevano je bilo tudi priporočilo DPM s prejšnjega obiska, saj so bile nameščene zavese pri tuših, v spalnice odprtega oddelka so bile zaradi novogradnje muzeja (novogradnja, oddaljena približno dva do tri metre) nameščena stekla, ki onemogočajo pogled v sam prostor in na osebe, ki bi se v njih zadrževale, realizirana je bila tudi napovedana zamenjava oken polodprtega oddelka. Navkljub pozitivnim spremembam je DPM ob pregledu sanitarnega dela (tuširnice) zaprtega, polodprtega oddelka in bolniške sobe ugotovil, da ni nameščenih zaves in predlagal, da se v kabinah za prhanje te namestijo. Razmere v pripornem delu oddelku se niso spremenile in ostajajo neustrezne zaradi okoliščin, ki smo jih doslej že večkrat izpostavili (bivalni prostori so utesnjeni, v njih je malo dnevne svetlobe ipd.). Pri pregledu sanitarnega dela pripora (prav tako tuširnice) pa so bili na stropu opaženi madeži, ki jih povzroča plesen. UIKS je v svojem odzivnem poročilu zapisala, da je oddelek že izvedel sanacijo in prepleskal prostor ter prostore ustrezno opremil z zavesami.

Ob obisku **ZPKZ Ljubljana** je DPM opazil, da na vratih sob niso več pritrjena imena zaprtih oseb v njih oziroma je na tablici napisana le številka, ki pomeni število nameščenih zaprtih oseb v posameznem prostoru. V zavodu zaradi slabe finančne situacije prihaja do pomanjkanja nujno potrebnih investicij.

V **pripornem delu** so priporniki še vedno ves dan (razen bivanja na prostem) zaklenjeni v bivalnih prostorih, z izjemo od štiri do pet ur v dopoldanski izmeni, z izjemo vikenda, ko ostajajo zaklenjeni. DPM je zato predlagal, da zavod razmisli o možnosti, da se ure, namenjene bivanju na prostem, ne bi prekrivale s časom, ko so bivalni prostori pripornih sob tako ali tako odklenjeni in se priporniki lahko družijo na hodniku. Večina pripornikov v času obiska ni bila zaposlena niti s prostočasnimi aktivnostmi niti z delom. Zato je DPM ponovno predlagal, da zavod poišče načine za ustvarjalnejše preživljanje prostega časa vsaj za tiste pripornike, ki to želijo tudi v prihodnje. Prav tako je bilo ob obisku ugotovljeno, da je treba na menjava žarnice čakati več dni ali celo več tednov, zato je DPM predlagal, da si zavod priskrbi primerno zalogo žarnic (in drugega potrošnega materiala). Določene volnene odeje naj bi dražile kožo, ena od odej pa je bila preluknjana, zato je DPM predlagal, naj zavod poskrbi za redno čiščenje volnenih odej. DPM je ob obisku opazil tudi sledeče pomanjkljivosti: v sobi 41 poškodovana tla, izruvano vtičnico in poškodovan WC-kotliček, v sobi 53 premikajoč se lijak in (po pripornikovih navedbah) slabo ogrevanje, v sobi 56 premikajočo se vodovodno pipo, v sobi 57 nedelujočo luč, v sobi 50 izpuljeno vtičnico, v sobi 52 okrušen strop in vtičnico v okvari, pri čemer bi bilo treba vse navedene prostore tudi prepleskati. Na hodniku je bilo mogoče zaznati tudi močan prepah, v drugem nadstropju (v sobi 132) ni deloval klicni zvonec, zato je DPM predlagal, da se med rešetke v železni pregradi in vratih oddelka namesti pleksi steklo ali poišče druga ustrežna rešitev ter da se napaka v delovanju klicnega zvonca nemudoma odpravi. Fitnes v priporu je lepo urejen, prebeljen in snažen, kar naj bi bila samoiniciativna zasluga enega od pripornikov, zato je DPM zavodu predlagal, da še vnaprej spodbuja voljo pripornikov, da slednji k vzdrževanju zavoda prispevajo po svojih zmožnostih.

A day after the visit (Ljubljana Prison, Celje Prison and Juvenile Prison) or soon after (Ig Prison), the contractual expert conducted a separate inspection of medical facilities, medical and health care.

During our visits to prisons, 540 persons were imprisoned, of whom 270 were convicted persons (including persons convicted on the basis of Article 12 of the Enforcement of Criminal Sanctions Act and those who were under house arrest, those in the admission phase, prisoners who had absconded, those in the hospital or in the forensic psychiatry ward and those whose sentence was suspended), and 155 detainees and eight persons subject to imprisonment for the non-payment of fines.

The reports on individual visits and main findings of the NPM are published (only some are in English) on the Ombudsman's official website. Only the key circumstances established by the NPM in 2014 are highlighted in this report.

Findings of the NPM – certain cases of good practice and recommendations for improving the situation.

Living conditions

When visiting **Nova Gorica Unit of Koper Prison**, the NPM established that premises intended for prisoners are clean, tidy and regularly maintained. Irrespective of this, material conditions, particularly due to old metal furniture and the old building, remain relatively poor. The NPM recommendation from the previous visit was observed, since shower curtains were installed and windows preventing a view of bedrooms in the open section and persons in them due to the new construction of the museum (a distance of two to three metres). The forecast replacement of windows of the semi-open section was also realised. In spite of positive changes, the NPM established that shower curtains are missing in the sanitary section (shower room) of the closed and semi-closed section and the patient room and proposed that these be installed in shower units. Conditions in the detention section of the unit did not change and remain unsuitable due to circumstances pointed out several times before (living premises are stifling, do not get sufficient daylight and similar). Mouldy patches were noticed on the ceiling in the sanitary section (shower room). In its response report, the Prison Administration of the Republic of Slovenia stated that the unit had corrected the situation, painted the premises and installed curtains.

When visiting **Ljubljana Prison**, the NPM noticed that the names of prisoners are no longer on the doors of their rooms, but only a figure denoting the number of people accommodated in an individual room is written on the board. Due to the poor financial situation, there is a lack of urgent investments.

In the **detention section**, detainees are still locked in the living quarters all day (except when they are outdoors) with the exception of four to five hours in the morning shift; whereas at weekends they remain locked. The NPM proposed that the management consider the possibility that hours intended for outdoor activities do not overlap with the hours when the living quarters of the detainees are unlocked and the detainees may gather in the corridor. At the time of the visit, the majority of detainees were not involved in free-time activities or work. The NPM thus proposed again that the institution find ways to enable detainees to spend free time more creatively at least for those detainees who wish to do so. It was also discovered that it took several days or even several weeks to replace a light bulb; the NPM thus suggested that a suitable stock of light bulbs (and other expendable materials) be provided. Certain wool blankets were said to irritate the skin and one blanket had holes, so the NPM proposed that the institution provide regular cleaning of wool blankets. During the visit, the NPM noticed the following deficiencies: damaged floor, pulled out electrical socket and damaged toilet tank in room 41, loose sink and insufficient heating (according to the detainee) in room 53, loose tap in room 56, non-functional light in room 57, pulled out electrical socket in room 50, peeling ceiling and malfunctioning electrical socket in room 52; all these rooms also need to be repainted. A strong draft was detected in the corridor, and the call bell (in room 132) on the second floor did not function. The NPM proposed that plexiglass be installed between the bars in the metal barrier or another suitable solution be found, and that the malfunction of the call bell be eliminated immediately. The fitness facility is tidy, painted and clean, which is due to the initiative of one of the detainees. The NPM suggested that the institution further encourage detainees to contribute to the maintenance of the institution to the best of their abilities.

V **delu za obsojence** je glavna problematika prezasedenost prostorov. Priporočila DPM s prejšnjega obiska, ki so se nanašale na odpravo določenih ugotovljenih pomanjkljivosti (pleskanje sob, popravilo poškodovanega inventarja ipd.), so bila sicer upoštevana, vendar pa so bile navkljub temu ugotovljene nekatere pomanjkljivosti oziroma napake v bivalnih prostorih. Tako je v bivalnem prostoru za upravno kaznovane št. 114 in bivalnem prostoru št. 8 puščala cev na umivalniku, poškodovana stena se je nahajala v bivalnem prostoru št. 130, poškodovan kotliček za vodo je bil v bivalnih prostorih št. 123, v bivalnem prostoru št. 5 in 6 je puščala ter zamakala tudi streha, kar je ustvarjalo vidne sledove na stropu bivalnega prostora, v prostoru št. 146 je delovala le ena luč, vrata pa so bila poškodovana v bivalnih prostorih št. 137 in 138. Ugotovljeno je bilo tudi, da je oddelek za obsojence v delu, kjer so nameščeni kadilci, potreben pleskanja in da so bile v nekaterih bivalnih prostorih nameščene le pene namesto žimnic, zato je DPM predlagal, da je treba zaposlene v zavodu opozoriti na več samoiniciativnosti pri ugotavljanju napak, da se oddelek kadilcev prepleska in da se pene zamenjajo z ustreznimi žimnicami.

UIKS je na navedbe podala obširen odgovor, v katerem je navedla, da je nemogoče organizirati sprehod na način, da se ne bi prekrival s časom, ko so sobe pripornikov odprte, saj bi to pomenilo neenako obravnavanje pripornikov iz pritličja in višjega nadstropja, enako pa je mogoče trditi tudi za uporabo fitnesa. Zavod se bo trudil pripornike začasno zaposliti z dodatnimi aktivnostmi. V zvezi z volnenimi odejami je UIKS navedla, da lahko vsak pripornik umazano ali strgano odejo zamenja s čisto in kemično očiščeno. Zavod je po obisku DPM preveril stanje glede omar in ugotovil, da je do tega, da imajo nekateri priporniki na voljo le polovico omare, prišlo zato, ker so se tako med seboj dogovorili priporniki. Zavod je ukrepal tako, da ima sedaj vsak pripornik enak delež omare. Prepričan in s tem širjenje cigaretnega dima je zavod saniral tako, da je namestil nov mehanizem za odpiranje in zapiranje vrat, rešitvi s pleksi steklom pa se je odrekel, saj bi se s tem zmanjšala zračnost prostorov, slabša pa bi bila tudi slišnost pravosodnih policistov. Klicni zvonec iz sobe 112 naj bi zavod po obisku nemudoma saniral, glede na navedbe o prezasedenosti, uporabi pen in preostalih napakah pa se je UIKS odzvala z navedbami, da je prezasedenost mogoče sanirati le z izgradnjo novega zavoda. Pene se že nadomeščajo z ustreznimi žimnicami, ki jih je zavod pridobil po obisku DPM, preostale pomanjkljivosti pa bo zavod ustrezno saniral.

DPM je med obiskom **ZPKZ Ljubljana – Odprti oddelek Ig** ugotovil, da do zamenjave iztrošenega pohištva (zamenjava kovinskih postelj in omar v prostoru št. 1) še vedno ni prišlo in da so v tem prostoru in tudi v preostalih prostorih stara lesena okna, ki ne tesnijo oziroma se ob večjih nalivih pojavi celo zamakanje vode v prostore. Zavod je upošteval priporočilo DPM s prejšnjega obiska in v bivalni prostor št. 1 namestil garderobne omarice, ki obsojencem omogočajo shranjevanje osebnih stvari. DPM je zato predlagal, da se v prostoru št. 1 stara kovinska posteljna ogrodja zamenjajo z novimi in da se proučijo možnosti o zamenjavi iztrošenih oken oziroma da se ta ustrezno zatesnijo, da vsaj ne bi prihajalo do zamakanja vode. V kopalnici je bilo ugotovljeno, da je bilo upoštevano priporočilo DPM s prejšnjega obiska, da se zamenja poškodovana plastična vrata kabine za prhanje oziroma celo več, da so bili odstranjeni vsi plastični deli tudi ostalih kabin za prhanje in zamenjani z zavesami. Hkrati je bilo ugotovljeno, da so problem zadrževanja vode na tleh pred kabinami za prhanje rešili z namestitvijo posebne gumijaste kopalniške preproge, ki obsojencem po tuširanju zagotavlja, da jim kljub morebitnemu iztekanju vode na tla kopalnice ne bi spodrsnilo. DPM je bil opozorjen, da sta se tako pralni kot sušilni stroj pokvarila, perilo pa naj bi prali v matičnem ZPKZ Ljubljana oziroma ga lahko obsojenci s prostimi izhodi perejo doma. DPM je navkljub temu predlagal, naj se proučijo možnosti o zamenjavi pokvarjenih aparatov, ki bodo obsojencem omogočali pranje perila in s tem pri njih spodbujali tudi delovne navade in vzdrževanje osebne higiene. Zadnja pomanjkljivost, ki jo je DPM opazil med obiskom, je odsotnost knjige kritik in pohval za hrano v jedilnici, zato je bilo zavodu predlagano, da omenjeno knjigo priskrbi. UIKS je v svojem odzivnem poročilu navedla, da je zavod podal predloge za zamenjavo pohištva, popravilo oken in nakup novega pralnega in sušilnega stroja, o katerih še ni bilo odločeno, v jedilnici pa je ponovno na voljo tudi knjiga kritik in pohval za hrano.

The main problem in the **section for convicted persons** is overcrowding. The recommendations from the previous NPM visit referring to the elimination of certain established deficiencies (painting of rooms, repair of damaged inventory and similar) were observed, but certain deficiencies or errors in the living quarters were still ascertained. There was a leak in the pipe of the sink in the living quarters of prisoners serving sentences relating to administrative matters in room 114 and in room 8. A damaged wall was discovered in room 130 and a damaged toilet tank in room 123. There was a roof leak in rooms 5 and 6 which left visible marks on the ceiling. Only one light was working in room 146 and doors were damaged in rooms 137 and 138. It was also established that the section for convicted persons dedicated to smokers is in need of painting, and that only foam mattresses instead of proper mattresses were found in certain rooms. The NPM suggested that staff be encouraged to show more initiative when establishing deficiencies, to paint the smoking section and to replace foam mattresses with suitable ones.

The Prison Administration of the Republic of Slovenia provided a comprehensive response in which it stated that it was impossible to organise a walk so it did not overlap with the time when detainees' rooms were open since this would mean unequal treatment of detainees from the ground floor and the higher floor and the same could be said for the use of the fitness facility. The institution would try to keep the detainees occupied with additional activities. Relating to wool blankets, the Prison Administration of the Republic of Slovenia stated that every detainee could replace a dirty or torn blanket with a clean one which had been dry-cleaned. After the NPM visit, the institution verified the situation regarding closets and discovered that some detainees use only half of the closet because of an agreement between the detainees themselves. The institution took action and all detainees now use equal shares of closets. To prevent draft and the spread of cigarette smoke, the institution installed a new mechanism for opening and closing doors, and rejected the solution with plexiglass, which would reduce the airiness of premises and judicial police officers' ability to hear. The call bell in room 112 was repaired immediately after the visit. Relating to the statements on overcrowding, use of foam mattresses and other deficiencies, the Prison Administration of the Republic of Slovenia replied that overcrowding could only be resolved by the construction of a new facility. The foam mattresses were already being replaced with suitable mattresses which the institution obtained after the NPM visit. Other deficiencies would be eliminated accordingly.

During the visit to **Ig Open Unit of Ljubljana Prison**, the NPM established that worn-out furniture (replacement of metal beds and closets in room 1) had not been replaced and that old wooden window frames which were not properly sealed or which even leak during heavy rains had not been replaced in this and other rooms. The institution complied with the NPM recommendation from the previous visit and placed wardrobes in room 1 which enable the storage of personal items. The NPM also suggested that the old metal bed frames in room 1 be replaced with new ones and to consider the possibility of replacing windows or ensure sufficient sealing to prevent water leakage. It was determined that the NPM recommendation from the previous visit had been observed in the bathroom where damaged plastic doors of the shower units had not been merely replaced, but all plastic parts in other shower units had been replaced with curtains. The problem of water retention on the floor in front of the shower unit was solved by placing a special rubber bathroom mat on the floor which prevents prisoners from slipping after getting out of the shower unit. The NPM was informed that the washing and drying machines were out of order and that clothes were being washed at the main Ljubljana Prison facility, or prisoners granted weekend passes were able to wash their clothes at home. The NPM suggested that the option of replacing broken machines should be examined in order to allow prisoners to wash their clothes and thus encourage their work habits and maintenance of personal hygiene. The last deficiency noticed by the NPM during the visit was the absence of a book for comments and complaints about food in the dining room and thus proposed that the institution acquire one. In its response report, the Prison Administration of the Republic of Slovenia stated that the institution had submitted proposals for the replacement of furniture, repair of windows and purchase of a new washing and drying machine which had not yet been decided on, but the comments and complaints book for food was already available in the dining room.

Ob obisku **ZPKZ Ig** je bilo ugotovljeno, da je bil oddelek za obsojenke v času obiska lepo urejen in zadovoljivo pospravljen ter čist. Obsojenke so tudi pripomnile, da prestajajo različne režime, ki med seboj prostorsko niso popolnoma ločeni, zaradi česar prihaja do težav z upoštevanjem dnevnega reda, na kar je DPM zavodu predlagal, da se preučijo možnosti uskladitve različnih režimov, tako s prostorskega kot časovnega vidika. Več obsojenk je izpostavilo, da v zavodu ni na voljo sredstev za dezinfekcijo rok, katerega si po navodilih osebja ne smejo priskrbeti niti same. DPM je v zvezi s tem zavod zaprosil za pojasnilo. Poleg tega je želel izvedeti, kako obsojenke seznanjajo z možnostjo zaupnega testiranja na okužbo s HIV in virusom hepatitisa oziroma na kakšen način jim posredujejo potrebne informacije o teh boleznih. Na oddelku za obsojenke je DPM še ugotovil, da je bivalni prostor št. 45 hladnejši od ostalih, kar so potrdile tudi nameščene obsojenke, zato je DPM prosil za podatek, ali se temperatura v tej sobi redno spremlja in ali je izvedena zatesnitev oken v tem prostoru dosegla svoj namen. DPM si je ogledal tudi domsko bolnišnico, namenjeno nosečnicam, ki je bila primerno urejena, za kar je zavod pohvalil.

V pripornem oddelku je bilo ugotovljeno, da v bivalnem prostoru št. 3 še vedno zaudarja iz odtokov. DPM je zato predlagal, naj se poskrbi za ustrezno sanacijo odtokov, zavod pa naj več napora vложи v ozaveščanje zaprtih glede pravilne uporabe sanitarij. Ker so bile na nekaterih posteljah v času obiska še vedno nameščene pene brez prevleke, je DPM predlagal, da se pene zamenjajo z ustreznimi žimnicami. Pripornicam je v predprostoru (pred bivalnimi prostori) omogočeno medsebojno druženje dve uri pred sprehodom, hkrati pa jim je v času sprehoda omogočena tudi uporaba fitnesa, kar je DPM sicer pohvalil, vendar pa ob tem predlagal, da se pripornicam omogoči uporaba fitnesa izven časa, namenjenega za sprehod, saj zaradi možnosti njegove uporabe pripornice ne smejo biti prikrajšane za čas, ki je sicer namenjen za bivanje na prostem. DPM je še predlagal, da se odprtost sob še poveča in da se v odzivnem poročilu sporočita podatka o tem, kdaj lahko pripornice telefonirajo in ali je odzivnost zavodskega osebja glede prošelj pripornic res slabša zaradi odsotnosti osebja.

UIKS je v svojem odzivnem poročilu zapisala, da ima zavod nefunkcionalno razporeditev prostorov, zaradi česar prostorske ločenosti ni mogoče zagotoviti. Zapornice se nad tem sicer ne pritožujejo, zavod pa je predlagal izgradnjo novega objekta. Dostop do zavoda je enostaven, zaradi česar zavod javljanja in časovnega režima ne bo spreminjal. Sanitarno-higienski pregledi se izvajajo vsakih 14 dni. Zapornice imajo na voljo higienske robčke, dezinfekcijska sredstva za roke pa so na voljo pri vodji oddelka oziroma v ambulanti. O možnosti testiranja na okužbo s HIV in hepatitisi so zapornice obveščene ob prihodu, svetovanje pa jim je zagotovljeno ob samem testiranju in po njem. Okna v prostoru št. 46 so zatesnjena in zapornice niso sporočile, da jih zebe, poleg tega zavod ni opazil znižane temperature, zato ocenjuje, da so zapornice zaradi prekomernega odpiranja vrat nizko temperaturo ustvarile same. Odtok v prostoru pripora št. 3 se redno čisti, večje sanacije pa zaradi slabega finančnega stanja niso predvidene. Tudi pene se menjajo skladno s finančnimi sredstvi. Ne nazadnje se pripornice v fitnes ne prijavljajo in koristijo le skupen prostor, zaradi česar je časovna razporeditev po mnenju zavoda ustrežna. Pripombe na neodzivnost osebja pa je zavod zavrnil, saj niti sodelavka, ki se je upokojila, niti nova sodelavka na tem področju pripomb ali pritožb v zvezi z odzivnim časom nista dobili.

V **ZPKZ Maribor – Odprti oddelek Rogoza** so bili prostori zadovoljivo urejeni. DPM je ugotovil, da v vseh sobah ni zunanjih ali notranjih senčil za okna (npr. v sobi št. 9 ni bilo zavese, v sobi št. 12 pa je bila nameščena), vendar pa obsojenci, kot je bilo to mogoče razbrati iz opravljenih pogovorov, tega niso problematizirali. V zvezi s sobo za gibalno ovirane je URSIKS že v odzivu na poročilo DPM o prejšnjem obisku navedla, da problem z ležišči v oddelku rešujejo tako, da po prihodu invalidnega obsojenca na njegovo željo pri podjetju Sanolabor nabavijo posteljo na reverz. Doslej je prišlo le do enega takega primera. UIKS se v odzivnem poročilu do navedenega ni opredelila.

V **ZPMZ in KZ Celje** večjih investicij od prejšnjega obiska DPM ni bilo. Zavod sicer meni, da je nujno treba obnoviti kuhinjo, vendar sredstva za obnovo niso odobrena. Direktorica je pojasnila, da zavoda ni smiselno obnavljati, saj bi bilo treba zgraditi novega, pri čemer naj bi zavod že imel primerno lokacijo za novogradnjo in bo zadevo poskušal čim prej realizirati.

When visiting **Ig Prison**, it was established that the section for female prisoners was satisfactorily tidy and clean. The female prisoners noted that they were subject to different regimes which were not completely spatially divided, which resulted in problems when observing daily schedules. The NPM suggested to the institution to explore possibilities of harmonising different regimes from the aspect of space and time. Several female prisoners highlighted the insufficient quantity of disinfectants for hands, which, according to the staff rules, they cannot supply themselves. The NPM required further clarifications from the management. It also inquired about informing female prisoners about the possibility of confidential HIV and hepatitis testing, or in what way information necessary about these diseases was being given them. The NPM ascertained that room 45 in the section for female prisoners was colder than other rooms, which was also confirmed by its residents, so the NPM inquired whether temperature in this room was monitored regularly and whether the sealing of the windows in this room was performed accordingly. The NPM also reviewed the patient room intended for pregnant women, which was suitably arranged, for which the institution received a commendation.

It was established in the detention section of the unit that the odour from the drains was still present in room 3. The NPM proposed that suitable cleaning of drains be implemented and the institution should invest more effort in informing prisoners of the correct use of sanitary facilities. Because foam mattresses without covers were still used in certain beds, the NPM suggested that foam mattresses be replaced with suitable mattresses. The female prisoners may socialise in the anteroom (in front of living quarters) two hours before their daily walk and they may also use the fitness room during the time dedicated to their walk, which the NPM found commendable, but also suggested that prisoners be able to use the fitness room also outside that time since, prisoners should not be deprived of the time intended for outdoor activities due to the possibility of its use. The NPM also proposed that the openness of rooms be increased and that data on when prisoners may make phone calls and if the staff's response relating to requests for phone calls was actually deteriorating due to the staff's absence be included in the response report.

In its response report, the Prison Administration of the Republic of Slovenia wrote that the layout of rooms in the institution is not functional, which is why the spatial division was impossible. The female prisoners did not complain about this; however, the institution suggested the construction of a new facility. The access to the institution is simple and thus the regime of reporting and scheduling would not be changed. Sanitary-hygienic controls are implemented every 14 days. The female prisoners have access to hygienic tissues, and disinfectants for hands are available from the head of the section or in the patient room. The prisoners are informed about the possibility of HIV and hepatitis testing upon their admission; counselling is provided during testing and afterwards. Windows in room 46 are sealed, and prisoners did not report about being cold. Furthermore, the institution did not notice a drop in the temperature, so it is assessed that the prisoners themselves caused lower temperatures by opening the door. The drain in room 3 is being cleaned on a regular basis; major renovations are not anticipated due to the poor financial situation. The foam mattresses are also being replaced in accordance with financial abilities. Finally, the prisoners do not register to enter the fitness room, and utilise only the common area, which is why scheduling is suitable according to the institution. The comments relating to the staff's response were rejected by the institution, since neither the worker who retired nor the new employee received any complaints about response times in this field.

The facilities were satisfactory in **Rogoza Open Unit of Maribor Prison**. The NPM established that external or internal window blinds were missing in all rooms (e.g. there were no curtains in room 9, while there was a curtain in room 12); however, the prisoners did not consider this problematic according to discussions conducted with them. Relating to the room for prisoners with movement disabilities, the Prison Administration of the Republic of Slovenia had already responded to the NPM report on the previous visit that the issue with beds was being resolved in a way that, upon the admission of a prisoner and according to his wishes, a bed is hired from the company Sanolabor. So far, there has been one such case. The Prison Administration of the Republic of Slovenia did not state an opinion in its response report on this matter.

No major investments were implemented in **Celje Prison and Juvenile Prison** since the NPM's last visit. The management believe that kitchen must be renovated, but the funds for renovation had not been approved. The director explained that it was not sensible to renovate the institution, because a new one must be built, whereby a suitable location had already been chosen and they would try to realise the project as soon as possible.

V prvem nadstropju oddelka za obsojence omare niso imele polic, obsojenci pa naj bi po njihovih navedbah morali sami kupovati ključavnice, če želijo, da je njihova omara zaklenjena. Ugotovljeno je bilo tudi, da so ležišča iztrošena in nečista. Iz navedb obsojencev je bilo ugotovljeno, da so obsojenci iz sob št. 202, 203 in 204 v jutranjem času zaklenjeni na hodnik pred svoje sobe, posledično pa naj ne bi imeli možnosti uporabe stranišča. Namestitev v sobi št. 220 je neprimerna zaradi njene lege, predvsem pa zaradi kar trojnih rešetk, ki otežujejo dotok zraka in svetlobe v prostor in ovirajo pogled skozi okno, poleg tega je prostorsko primerna le za eno osebo. Sobi št. 131 in 309 sta bili opremljeni z držali za pomoč pri uporabi toaleta, vendar pa so bile stene v sobi št. 131 popisane in vrata razbita. DPM je namestitev držal za uporabo toaleta sicer pozdravil, a v zvezi s poškodbami pohištva in inventarja predlagal, da se te sprotno sanirajo. DPM je zaprosil tudi za pojasnilo, ali je po njegovem obisku prišlo do kakšnih premestitev in ali zavodske kapacitete omogočajo ločitev oseb v uklonilnem zaporu od obsojencev – in če ne, kako zavod take situacije rešuje. Ob obisku so nekateri obsojenci problematizirali pomanjkanje toaletnega papirja in sredstev za čiščenje oziroma higieno, zato je DPM zaprosil za pojasnilo, po kakšnem ključu se obsojencem navedena sredstva delijo in kako se ravna v primeru pomanjkanja le-teh. Ne nazadnje pa je DPM zaprosil tudi za pojasnilo glede navedb, da na polodprtem oddelku televizor ne deluje in da ga ne poskušajo popraviti, poleg tega naj bi nekateri obsojenci morali posodo pomivati z mrzlo vodo zaradi pokvarjenega grelnika.

Bivalne razmere se v oddelku za pripor od prejšnjega obiska niso bistveno spremenile. Sobe so še vedno (pre)tesne, sicer pa so v večini primerov primerno vzdrževane. Od 13. 7. 2012 ima del pripora (bivalna prostora št. 406 in 407 – v času obiska DPM devet pripornikov) spremenjen (odprti) režim in sta omenjeni sobi del dneva odklenjeni. Na podlagi elaborata o postopni preureditvi pripora z dne 27. 5. 2012 naj bi zavod bivalne prostore odprtega režima pripora preuredil, vendar je to idejo opustil, saj pristojno ministrstvo ni odobrilo finančnih sredstev, zato je DPM predlagal, da se preučijo možnosti za zagotovitev potrebnih finančnih sredstev za izvedbo elaborata o odpiranju celotnega pripora. Ugotovljeno je bilo tudi, naj bi priporniki v nekaterih sobah dobili hišni in dnevni red dan pred obiskom DPM, ker ga pred tem v sobah ni bilo, zato je DPM opozoril, da morajo biti notranji predpisi zavoda zaprtim osebam vselej na razpolago. Ležišča so bila v določenih sobah v izredno slabem stanju (soba št. 307). Ponekod je DPM opazil tudi raztrgane brisače, ki so imele v sredini luknjo z razlogom, da so lahko priporniki z njimi pomivali tla, saj jim je za čiščenje zmanjkalo krp. Priporniki so skorajda soglasno izpostavili, da jim je tuširanje sicer omogočeno, vendar le dvakrat tedensko, nekateri pa so celo povedali, da naj bi v skupni kopalnici iz odtokov lezli ščurki. DPM je zato predlagal, naj se pripornikom zagotovi pogostejša uporaba kopalnice, poleg tega pa naj se zamenjajo tudi dotrajane pene, ki služijo ležiščem.

V **ZPKZ Maribor – Oddelek Murska Sobota** je tako v pripornem kot obsojeniškem delu je pohištvo zelo dotrajano – predvsem železni okvirji ležišč in železne omare, ki bi bile potrebne najmanj prebarvanja. DPM je v zvezi s sobo št. 8 (prehodna oziroma večnamenska soba) doslej že štirikrat, tj. po vsakem obisku oddelka, predlagal, naj se soba ustrezno uredi oziroma opremi, predlog pa je ponovil tudi tokrat. Soba je namreč (še vedno) opremljena z nepritrjenim pohištvom: mizo, stolom, omaro in železnim ogrođjem v obliki pograda, keramično straniščno školjko in umivalnikom ter stenskim radiatorjem, prav tako pa so v njej cevi napeljene nadometno in tudi okno je iz navadnega stekla. Nedvomno gre za okolje številnih priložnosti, še posebej, ko je v njem oseba, ki je nevarna, saj lahko ogroža sebe ali druge (kar se je doslej že dvakrat zgodilo, in sicer 17. 12. 2013 in 3. 11. 2014). Nadzor notranjosti tega prostora je treba izvajati pri neprestano odprtih vratih, kar ob navedenih razmerah predstavlja še dodaten problem – ne le zaradi varnosti ali nepotrebnega vznemirjanja drugih v slušnem polju, temveč tudi z vidika dostojanstva osebe, ki je pri tem na očeh prav vsem mimoidočim.

V tleh jedilnice je še vedno razpoka, na katero je DPM že večkrat opozoril. O tem naj bi bila na kolegiju ZPKZ Maribor sprejeta odločitev, da se ponovno prouči vsa razpoložljiva dokumentacija in da se pristopi k sanaciji problema z zbiranjem ponudb – očitno pa doslej še ni prišlo do realizacije navedenega. Hišni red oddelka je bil iz slovenskega jezika preveden v angleščino, ne pa tudi v madžarščino. DPM je zato predlagal, da se prouči možnost prevoda še v italijanski, madžarski, hrvaški in nemški jezik (kot uradne jezike vseh štirih sosednjih držav, pri čemer prvi in drugi štejeta tudi za jezik italijanske oziroma madžarske narodnostne skupnosti), ustrezen romski jezik (kot jezik tretje skupnosti, o čemer Ustava Republike Slovenije govori kot o posebnih pravicah), pa tudi v francoski jezik (kot uradni jezik Sveta Evrope) in vsaj še v ruski jezik (Rusija kot edina preostala stalna članica Varnostnega sveta Združenih narodov, katere uradni jezik najverjetneje razume nezanemarljivo število zaprtih oseb v Republiki Sloveniji).

The wardrobes on the first floor had no shelves, and according to the prisoners, they had to buy locks themselves if they wanted to keep the closets locked. It was also established that the mattresses were worn out and dirty. The prisoners stated that prisoners from rooms 202, 203 and 204 were locked out of their rooms in the morning and had to stay in the corridor in front of their rooms. As a result, they were also unable to use toilets. Accommodation in room 220 is not suitable due to its position, particularly due to triple bars which prevent air and light getting into the room and hinder the view through the window. Furthermore, the room is suitable for accommodating only one person. Rooms 131 and 309 were equipped with handles aiding the use of the toilet; however, there is graffiti on the walls in room 131 and the door was broken. The NPM commended the installation of handles aiding the use of the toilet, but proposed that damaged furniture and equipment be repaired promptly. The NPM also asked whether any relocations had occurred since its last visit and if the institution's capacities enable the separation of persons imprisoned for the non-payment of fines and convicted persons, and if not, how the institution resolved such situations. Some prisoners mentioned the lack of toilet paper and cleaning or hygiene agents, so the NPM asked for an explanation of the method of distributing these agents to prisoners and how their shortage was handled. Finally, the NPM also inquired about information that the television was not working in the semi-open unit and was not being repaired. Furthermore, some prisoners had to wash dishes with cold water, because the boiler was out of order.

Living conditions in the detention section had not changed significantly since the last visit. The rooms are still (over)crowded, although suitably maintained in most cases. Since 13 July 2012, a part of the detention section (rooms 406 and 407 – nine detainees at the time of the NPM visit) had modified (open) regimes and these two rooms are unlocked part of the day. On the basis of the study on the gradual rearrangement of the detention section of 27 May 2012, the living quarters of the open regime were supposed to be rearranged. This idea was abandoned, because the relevant ministry did not approve the funds. The NPM suggested that possibilities of ensuring necessary financial means for drafting a study on opening up the entire detention section be examined. It was also ascertained that detainees in certain rooms received house rules and daily schedules a day before the NPM visit and were not previously available in their rooms. The NPM thus pointed out that internal regulations of the institution had to be available to prisoners at all times. Mattresses in certain rooms were in exceptionally poor condition (room 307). In some rooms, the NPM noticed torn towels which had holes in the middle, so detainees could clean the floor with them since they had run out of cleaning cloth. The detainees almost unanimously claimed that they were allowed to shower only twice a week, and some even said that cockroaches came from the drains in the common bathroom. The NPM suggested that detainees be enabled more frequent use of the bathroom and that worn out foam mattresses be replaced.

Furniture in the detention and prison sections of **Murska Sobota Unit of Maribor Prison** is worn, particularly metal bed frames and metal closets, which should at least be painted. Regarding room 8 (transitional or multi-purpose room), the NPM had already proposed four times, i.e. after every visit, that the room be suitably arranged or equipped; the proposal was repeated on this occasion. The room is (still) equipped with furniture which is not fixed: a table, chair, closet, metal frame for a bunk-bed, ceramic toilet bowl and sink, and a wall heater. The piping in the room is also temporarily installed and the window is made of ordinary glass. This is a hazardous environment, especially when a dangerous person who may be a threat to themselves or others is accommodated there (which has already happened twice, i.e. on 17 December 2013 and 3 November 2014). The supervision of this room must be constantly executed by the open door which – in these conditions – is an additional problem, not only for the safety or unnecessary disturbance of other people within hearing distance, but also from the aspect of the dignity of a person exposed to all passers-by.

There is still a crack in the dining room floor which the NPM has noted several times. In this regard, the Council of Maribor Prison decided to re-examine all available documentation and to address the problem with a call for proposals, which has not been realised yet. The house rules were translated from Slovenian into English, but not into Hungarian. The NPM thus proposed the possibility of translating into Italian, Hungarian, Croatian, German (as official languages of all four neighbouring countries, whereby the first and second are the languages of the Italian and Hungarian minorities living in Slovenia), a suitable Roma language (as the language of the third community included in the Constitution of the Republic of Slovenia under special rights), French (as the official language of the Council of Europe) and also at least into Russian (Russia, as the only remaining permanent member of the UN Security Council whose official language may be understood by a significant number of prisoners in the Republic of Slovenia).

Delo zaprtih oseb

Obisk **ZPKZ Koper, Oddelek Nova Gorica** je pokazal, da oddelek zagotavlja delo osmim zaprtim osebam, dve osebi pa sta bili za delo nezmožni. Dvema obsojencema dela ni bilo mogoče zagotoviti, navkljub temu da sta izrazila željo po njegovem opravljanju. Vodstvo zavoda je zatrdilo, da so o tem že obvestili sodišče. DPM je pri zagotavljanju dela glede na število zaprtih oseb izrekel pohvalo.

ZPKZ Ljubljana ne more zagotoviti dela vsem, ki si to želijo. Ugotovljeno je bilo, da je v JGZ Golovec zaposlenih 23 obsojencev, na hišnih delih 22, v kuhinji pa običajno dela od 15 do 20 zapornikov. Obsojenci, ki delajo zunaj (na podlagi 12. člena ZIKS-1), so nameščeni v Odrptem oddelku Ig. Od pripornikov so bili v času obiska DPM zaposleni le štirje (vsi na hišnih delih). DPM je ugotovil, da bi moral tako zavod kot UIKS vložiti več napora pri iskanju možnosti za izboljšanje stanja na tem področju. UIKS je v odzivnem poročilu sporočila, da si zavod prizadeva pri iskanju novih delovnih mest, vendar je pri tem omejen s potrebami hišnih del in potrebami na JGZ Golovec.

Ob obisku **ZKZP Ljubljana – Odrpti oddelek Ig** je bilo delo zagotovljeno trem obsojencem na zunanjih deloviščih, dvema v matičnem zavodu za prestajanje kazni zapora Ljubljana (v kuhinji in v mizarški delavnici) in trem na hišnih delih, poleg tega pa so bile za dva obsojenca v času obiska DPM aktivnosti za njuno zaposlitev v zaključni fazi. Dela tako ni bilo mogoče zagotoviti le enemu obsojencu, na oddelku pa so bili v tem času še pet obsojencev z omejenimi sposobnostmi za delo in dva upokojenca. DPM je izrekel pohvalo in predlagal, da se takemu trendu sledi tudi v prihodnje. Vendar pa je bilo ob obisku tudi ugotovljeno, da delavnica v objektu poleg Odrptega oddelka Ig ne obratuje več, posledično pa obsojencem ni več mogoče zagotoviti dela v njej. Ob tem je DPM predlagal, da se glede na velikost objekta in njegov dosedanj namen proučijo možnosti, da bi se le-ta oddal novemu najemniku, ki bi zagotavljal delo obsojencem, oziroma da se proučijo možnosti uporabe objekta za potrebe JZG in s tem zaposlitve inštruktorja. Odzivno poročilo UIKS se je dotaknilo tudi te dileme – zapisali so, da se bodo trudili najti novega najemnika.

V **ZPKZ Ig** je bilo v času obiska DPM zaposlenih 29 obsojenk (19 v delavnici JGZ Golovec, šest v kuhinji, dve v pralnici in dve na zunanjih deloviščih), poleg tega jih je šest zaposlenih zunaj zavoda po 12. členu ZIKS-1. Ob obisku je bilo ugotovljeno, da zavod ne zagotavlja dela nobeni pripornici. Število zaposlenih (obsojenk) se je od prejšnjega obiska DPM sicer povečalo, vendar se je hkrati bistveno povečalo tudi število obsojenk, zato je DPM predlagal, da zavod glede na povečano število obsojenk vložiti več napora v iskanje zaposlitve za vse obsojenke. DPM je prosil tudi za pojasnilo, zakaj je morala ena od obsojenk od nagrade za opravljeno delo plačati davek, ki ga druge zaposlene obsojenke niso plačale, poleg tega pa je predlagal, da zavod preuči možnosti zaposlitve dodatne osebe v pralnici. UIKS je odgovorila, da si zavod prek vodstva ves čas prizadeva zagotoviti čim več dela za zaprte osebe in na to opozarja JGZ Golovec. V zvezi z obračunanim davkom je UIKS sporočila, da je prišlo do računalniške napake in da bo obsojenki izplačana razlika vrnjena, glede pralnice pa naj bi zavod zmogljivost že povečal do njenega maksimuma.

V **ZPKZ Maribor – Odrpti oddelek Rogoza** je v času obiska DPM 12 obsojencev delalo v JGZ Kozjak in 11 na hišnih delih. Pet obsojencev dela še ni opravljal zaradi nedavnega prihoda in so bili še v fazi zaposlovanja, dva pa sta bila za delo nesposobna.

V JGZ Rinka, ki je del **ZPMZ in KZ Celje**, je bilo v času obiska zaposlenih le 31 oseb, od tega so trije obsojenci prestajali kazen po 12. členu ZIKS-1. DPM je ugotovil, da je število zaposlenih pripornikov upadlo, in sicer je od predzadnjega obiska DPM, ko je bilo od 28 pripornikov zaposlenih kar osem, ob zadnjem obisku DPM to število, kljub porastu števila pripornikov (44), upadlo na komaj štiri zaposlene pripornike. Glede na število obsojencev (ob obisku DPM 81) očitno upada tudi odstotek zaposlenih med obsojenci – to problematiko je DPM v svojem poročilu izrecno izpostavilo.

Na dan tokratnega obiska DPM je od zaprtih oseb v **ZPKZ Maribor – Oddelek Murska Sobota** delalo šest obsojencev. V delavnici ni delal nihče, ker iz JGZ Kozjak ni bilo nobenega naročila. Delo tako ni bilo zagotovljeno vsem obsojencem, ki bi želeli delati in so za delo sposobni, niti ne nobenemu priporniku ali osebi na prestajanju uklonilnega zapora. DPM je v tem delu le povzel, da so bile ravno pritožbe čez pomanjkanje dela, rekreacijo in prostočasne aktivnosti najštevilčnejše in da takšne razmere vodijo v malodušje, še posebej pri ljudeh, ki so bili na prostosti vajeni rednega dela.

Employment of prisoners

During the visit to **Nova Gorica Unit of Koper Prison**, it was established that eight prisoners were working and two persons were unable to work. It was not possible to find work for two prisoners, despite their express wish to work. The management stated that they had informed the court thereof. The NPM commended the management for providing work for prisoners as per their number.

Ljubljana Prison cannot provide work for all prisoners who want to work. It was established that 23 prisoners were employed at the public utility institute, JGZ Golovec; 22 were doing house work and 15 to 20 prisoners were usually working in the kitchen. Prisoners working outside the prison (on the basis of Article 12 of the ZIKS-1) were accommodated at Ig Open Unit. Only four detainees (doing house work) were working at the time of the NPM visit. The NPM ascertained that the institution and the Prison Administration of the Republic of Slovenia should make more effort to improve the situation in this field. In its response report, the Prison Administration of the Republic of Slovenia replied that it was making every effort to find new jobs, but was limited to the needs of house works and JGZ Golovec.

During the visit to **Ig Open Section of Ljubljana Prison**, work was provided for three prisoners at external sites, two in the main Ljubljana Prison (in the kitchen and carpenter's workshop); three were doing house work, and activities employing two prisoners were being finalised at the time of the NPM visit. Thus work could not be provided for one prisoner; at the time, five prisoners with limited capacity to work and two retired prisoners were present in the unit. The NPM commended such trends and proposed that they continue. However, it was also established that the workshop next to Ig Open Unit is no longer working, so prisoners cannot work there. The NPM suggested that, relating to the size of the facility and its purpose, the possibility of letting the workshop to a new lessee should be examined to provide work for the prisoners, or to study the option of using the facility for JZG needs and employing an instructor. The response report of the Prison Administration of the Republic of Slovenia stated that efforts would be made to find a new lessee.

At the time of the NPM visit, 29 female prisoners were employed in **Ig Prison** (19 in the workshop of JGZ Golovec, six in the kitchen, two in the laundry room and two at external sites); furthermore, six were working outside the prison as per Article 12 of the ZIKS-1. It was established at the visit that the prison did not provide work for any female detainees. Since the last NPM visit, the number of employed female prisoners had increased, but the number of female prisoners also increased, which is why the NPM proposed that the institution make more effort to provide jobs for all female prisoners. The NPM also requested clarification of the fact that a female prisoner had to pay tax on pay for work, which other prisoners did not pay, and it also proposed that the prison consider employing an additional person in the laundry room. The Prison Administration of the Republic of Slovenia replied that the prison management constantly strove to provide more work for prisoners and also pointed that out to JGZ Golovec. Relating to the calculated tax, the Prison Administration of the Republic of Slovenia stated that a computer error had occurred and that the difference would be paid to the relevant female prisoner. As per the laundry room, the prison had already reached its maximum capacity.

Some 12 prisoners from **Rogoza Open Unit of Maribor Prison** were working at JGZ Kozjak and 11 were involved in house work during the NPM visit. Five prisoners were not working due to their recent admission and were in the early employment phase, while two were unfit to work.

Only 31 prisoners were working at JGZ Rinka, which is part of **Celje Prison and Juvenile Prison** at the time of the visit, of which three were serving their sentence under Article 12 of the ZIKS-1. The NPM established that the number of employed prisoners dropped, i.e. in spite of the increase in the number of prisoners (44) since the last visit, the number of employed prisoners had dropped to four since the penultimate NPM visit, when eight were working from a total of 28. As per the number of prisoners (81 during the NPM visit), the percentage of employed prisoners was also obviously dropping; this issue was explicitly highlighted in the NPM report.

Six prisoners were working on the day of the NPM visit to **Murska Sobota Open Unit of Maribor Prison**. Nobody was working in the workshop, because JGZ Kozjak had submitted no orders. Work was thus not provided for all prisoners who wanted it, and were able to work nor for detainees or persons serving imprisonment for the non-payment of fines. In this part, the NPM merely summarised that complaints about the lack of work, recreation and free-time activities were most frequent and that such conditions lead to despondency, particularly among people who were used to regular work when at liberty.

Izobraževanje

ZPKZ Koper – Oddelek Nova Gorica je od prejšnjega obiska DPM nadaljeval z omogočanjem izobraževanja za zaprte osebe. Tako je bil v šolskem letu 2013/2014 en obsojenec vključen v srednje poklicno izobraževanje za odrasle. Na oddelku se je izvajal tudi program Ljudske univerze Nova Gorica Usposabljanje za življenjsko uspešnost – most do izobrazbe, potekal pa je tudi neformalni izobraževalni program Moč pozitivnega mišljenja ali kako si lahko pomagamo sami. DPM je takšno prizadevanje oddelka pri vključevanju zaprtih oseb v izobraževalne procese pohvalil kot izredno pozitivno.

V času obiska DPM sta se v **ZPKZ Ljubljana** izobraževala le dva obsojenca in noben pripornik. DPM je bilo tudi pojasnjeno, da se obsojenci, ki se vključijo v izobraževanje, premestijo na Odrpti oddelek Ig.

V **ZPKZ Ljubljana – Odrpti oddelek Ig** je v času obiska DPM en obsojenec obiskoval srednjo šolo na ljudski univerzi, v letu 2013 pa je bil en obsojenec tudi študent. Eden od obsojencev je v lastni režiji pridobil izpit za voznika osebnega vozila in eden licenco za voznika tovornega vozila. Dva obsojenca sta bila vključena v program Društva za nenasilno komunikacijo, dva pa sta navedeni program že uspešno zaključila. Trije obsojenci so bili v času obiska vključeni tudi v program Društva Žarek upanja glede odvisnosti od alkohola. UIKS je v svojem odzivnem poročilu navedla, da v pomanjkanje vključevanja v izobraževanje praviloma vodi slabo materialno stanje obsojencev, saj so programi plačljivi.

V času obiska DPM na **ZPKZ Ig** so bile štiri zapornice vključene v formalno obliko izobraževanja. Zaprtim osebam zavod omogoča tudi koordiniranje učnega procesa, načrtovanje opravljanja šolskih obveznosti v ZPKZ Ig in izven njega ter jim nudi pomoč pri pridobivanju učnega gradiva itd. Prav tako je ZPKZ Ig že vključen v evropski projekt, v okviru katerega bodo nemški strokovnjaki izobraževali slovenske inštruktorje, da bo mogoče na ta način opravljati formalno izobraževanje znotraj zavoda.

V **ZPKZ Maribor – Odrpti oddelek Rogoza** je imel eden od obsojencev status dijaka v Srednji zdravstveni in kozmetični šoli Maribor, eden pa je bil vključen v osnovnošolsko izobraževanje na Andragoškem zavodu Maribor.

V izobraževanje v letu 2014 je bilo v **ZPMZ in KZ Celje** do obiska DPM vključenih 36 zaprtih oseb, na dan obiska DPM pa 27. Glede na število vseh zaprtih oseb in ob upoštevanju dejstva, da so v zavodu nameščeni predvsem mladi ljudje, ki jim zavod ne more zagotoviti dela, je DPM predlagal, da zavod vloži še več navora v vključevanje zaprtih oseb v izobraževanje.

V **ZPKZ Maribor – Oddelek Murska Sobota** zaradi pomanjkanja interesa ni bil nihče vključen v osnovnošolsko ali srednješolsko izobraževanje.

Aktivnosti, obiski in uporaba telefonov

ZPKZ Koper – Oddelek Nova Gorica obsojencem omogoča uporabo fitnesa, za katerega je dobro poskrbljeno, saj je bil fitnes ob obisku DPM čist in prezračen. Pozitivna je tudi sprejeta odločitev vodstva, da imajo zaprte osebe možnost relativno dolgega zadrževanja na notranjem dvorišču, in sicer dopoldne med 8.00 in 15.15, popoldne pa med 15.15 in 17.00. Ker sta čez vikend navzoča le dva pravosodna policista, je gibanje na sprehajališču omejeno na zakonsko predpisani dve uri na dan. DPM je zato predlagal, da se proučijo možnosti, da se zaprtim osebam, tudi pripornikom, v času vikenda poskuša omogočiti več gibanja oziroma bivanja na sprehajališču. Oddelek ima za obiske namenjen le en prostor, kar v primeru hkratnega prihoda več obiskovalcev povzroči neprijetno čakanje. Tudi v zvezi s tem je DPM predlagal proučitev možnosti za izboljšave. UIKS se je odzvala in sporočila, da se sedaj pripornikom tudi ob sobotah omogoča gibanje na sprehajališču v dveh skupinah v dopoldanskem in popoldanskem času, glede prostora za obiske pa zavod ne more storiti ničesar, saj drugega primerne prostora nima.

Education

Nova Gorica Unit of Koper Prison continued to provide education to prisoners after the NPM's previous visit. In the 2013-2014 academic year, one prisoner participated in secondary vocational education for adults. The programme, Training for life success – Bridge to education, of the Nova Gorica Institute of Adult Education was implemented at the unit, including an informal educational programme, Power of positive thinking or how can we help ourselves. The NPM evaluated such efforts of including prisoners in educational processes as exceptionally positive and commendable.

At the time of the NPM visit, only two prisoners were in education in **Ljubljana Prison** and none of the detainees. It was explained to the NPM that prisoners taking part in education are transferred to Ig Open Unit.

One prisoner from **Ig Open Unit of Ljubljana Prison** was attending secondary school courses at an adult education centre during the NPM visit and one prisoner was a student in 2013. One prisoner obtained a driving licence on his own initiative and one an HGV licence. Two prisoners attended the programme of the Association for Non-violent Communication, and two had already successfully completed this programme. Three prisoners attended the programme of the Association the Ray of Hope on alcohol addiction. In its response report, the Prison Administration of the Republic of Slovenia stated that the poor material situation of prisoners resulted in poor participation in education because these programmes are not free.

Four female prisoners were attending a form of formal education at **Ig Prison** at the time of the NPM visit. The prison also enabled the coordination of learning and planning of implementing school obligations in Ig Prison and outside, and offered help in obtaining study material etc. Ig Prison is also participating in a European project within which German experts will educate Slovenian instructors to enable the provision of formal education within the prison.

One of the prisoners in **Rogoza Open Unit in Maribor Prison** had the status of a secondary school pupil of the Secondary School for Healthcare and Cosmetics in Maribor, and one prisoner was receiving primary school education at the Andragogical Institute of Maribor.

Prior to the NPM visit, 36 prisoners were receiving education in the 2014 academic year in **Celje Prison and Juvenile Prison** and 27 on the day of the visit of the NPM. As per the number of prisoners and considering the fact that the institution particularly accommodates young people for whom work cannot be provided, the NPM proposed that the prison make more effort to include prisoners in education.

Nobody was in primary or secondary education in **Murska Sobota Unit of Maribor Prison** due to the lack of interest.

Activities, visits and use of telephones

Nova Gorica Unit of Koper Prison enabled prisoners the use of a fitness room, which is well kept, since it was clean and ventilated during the NPM visit. The decision of the management to allow prisoners a relatively long stay in the inner courtyard, i.e. between 8:00 and 15:15 in the morning and between 15:15 and 17:00 in the afternoon, is also positive. Since only two judicial police officers were present over the weekend, recreation in the recreation yard was limited to the legally prescribed two hours a day. The NPM thus proposed that prisoners and detainees should also be permitted more movement or to stay in the recreation yard over the weekend. The unit has only one room for visits, which causes unpleasant waits if there are several visitors. The NPM suggested exploring possibilities for improvement. The Prison Administration of the Republic of Slovenia responded that recreation was now also possible on Saturdays in two groups in the morning and afternoon. The prison was unable to do anything about the room for visits, because it did not have any other suitable facilities.

Pripornikom je za rekreacijo v **ZPKZ Ljubljana** namenjen fitnes v oddelku pripora, ki je bil prenovljen. Po zagotovitvi vodje oddelka za vzgojo so prostočasne aktivnosti ali ustvarjalne delavnice aktivne in strukturirane, vanje pa se je od začetka leta 2012 vključilo približno 30 pripornikov. Ob obisku DPM so priporniki povedali, da ne vedo, da bi zanje obstajala organizirana aktivnost, vendar pa tudi sami ne izrazijo želje, da bi pri takih aktivnostih sodelovali. Tisti, ki v njih sodelujejo, si ob izvedbi teh aktivnosti želijo nekoga, ki bi jih pri risanju znal usmerjati. Priporniki so pogrešali tudi možnost kakršne koli zaposlitve. Dnevno se lahko zaprte osebe udeležujejo športnih aktivnosti, kot so namizni tenis, fitnes, nogomet, košarka, badminton in šah. DPM je ob navedenem ugotovil, da v zavodu upada raznolikost prostočasnih aktivnosti, predvsem tistih, ki zahtevajo vodenje strokovnega delavca (kot npr. delavnice, tečaji, predavanja), in zato predlagal, da UIKS poišče razloge za upad prostočasnih aktivnosti in tudi samega interesa zanje ter te razloge poskuša odpraviti. Obiski (razen za stekleno pregrado) lahko trajajo dvakrat na teden po dve uri, kdor pa ima obiske v parku, jih ima lahko dvakrat na teden po tri ure; priporniki imajo le dva tedna po sprejemu obiske praviloma za stekleno pregrado. Priporniki lahko telefonirajo 6-krat tedensko in po potrebi tudi dodatno, obsojenci pa lahko telefonirajo vsak dan, neomejeno, pri čemer izjema velja le v strožjem režimu, kjer so določene ure in je treba telefonski pogovor predhodno prijaviti. UIKS je na navedbe podala odgovor, da posameznike v zavodu za sodelovanje pri aktivnostih motivirajo pedagogi in da bodo namenjali več pozornosti raznolikosti aktivnosti.

Režim stikov obsojencev v **ZPKZ Ljubljana – Odprti oddelek Ig** z zunanjim svetom je od zadnjega obiska ostal nespremenjen. Obiski še vedno potekajo na dvorišču oddelka, sicer pa v jedilnici. Prosti izhod do 53 ur je imelo v času obiska 11 obsojencev, nenadzorovane obiske oziroma izhode po pet ur (v okolico Odprtega oddelka Ig) pa je imelo sedem obsojencev. Obsojenci še vedno lahko uporabljajo mobilne telefone in dostopajo do spleta.

Tudi ob tokratnem obisku je bilo ugotovljeno, da **ZPKZ Ig** skrbi, da so zaprte osebe vključene v različne prostočasne aktivnosti in izobraževanje (formalne in neformalne). Prav tako imajo obsojenke možnost uporabe računalnikov. Na dveh mestih v ZPKZ Ig je skupaj dostopnih 10 računalnikov. Uporaba računalnikov je od 11. 4. 2014 mogoča v času od 9. do 18. ure. V letu 2014 je bilo v sodelovanju z zunanjimi izvajalci izvedenih tudi več dogodkov, ki so namenjeni vsem zaprtim osebam.

Ureditev glede obiskov, domske skupnosti, malih skupin, uporabe mobilnih telefonov in interneta se po pojasnilih vodstva **ZPKZ Maribor – Odprti oddelek Rogoza** v času od zadnjega obiska DPM ni spremenila.

Zavod **ZPMZ in KZ Celje** vsako leto jeseni organizira informativni dan za svojce zaprtih oseb (pa tudi za druge organizacije, ki sodelujejo z zavodom), na katerem lahko dobijo informacije v zvezi s prestajanjem kazni zapora. Navkljub temu da na tak organiziran informativni dan običajno pride le malo svojcev, le okoli deset, je DPM z njim pozitivno zadovoljen in je v svojem poročilu predlagal, da se pri organiziranju informativnega dneva vztraja tudi v prihodnje. Zavod še vedno organizira potopisna predavanja in kulturne prireditve, ki se jih udeležujejo vse zaprte osebe. V zavodu se izvajajo tudi prostočasne aktivnosti, ki so organizirane v sodelovanju z zunajzavodskimi organizacijami. Kljub številnim aktivnostim, ki jih zavod organizira za zaprte osebe, je bilo ob obisku DPM opaziti nedejavnost zaprtih oseb, predvsem na oddelku pripora. DPM je zato predlagal, da zavod zlasti pri zaprtih osebah, ki se prostočasnih aktivnosti ne udeležujejo, preveri interes za sodelovanje na obstoječih prostočasnih aktivnostih in morebitno željo po drugačnih aktivnostih.

Vsem zaprtim osebam v **ZPKZ Maribor – Oddelek Murska Sobota** se vsakodnevno omogoča najmanj dveurno gibanje na prostem. DPM je takšno stanje ocenil za sprejemljivo, hkrati pa prosil za pojasnilo o organiziranih aktivnostih za pripornike in osebe na prestajanju uklonilnega zapora. Na oddelku obiski obsojencev potekajo ob torkih in nedeljah, obiski pripornikov pa so možni ob sredah in petkih. Za obiske oseb na prestajanju uklonilnega zapora je predviden čas ob sobotah. Za telefonske pogovore zaprtim osebam sta na oddelku na voljo dve telefonski govorilnici. Priporniki lahko uporabljajo tisto, ki je na dvorišču, in sicer vsak dan v času sprehodov, obsojenci in osebe na prestajanju uklonilnega zapora pa tisto, ki je v pritličnih prostorih objekta. DPM je ugotovil, da telefonska govorilnica na hodniku ne nudi dovolj zasebnosti, zato je predlagal, da se razmisli, kako zaprtim osebam omogočiti večjo zasebnost pri telefoniranju oziroma pri njeni uporabi (npr. namestitev pregrad okoli telefona).

Detainees in **Ljubljana Prison** may use a fitness room in the detention section, which was renovated. As assured by the head of the educational section, free-time activities or creative workshops are available and structured, and some 30 detainees have participated in them since the beginning of 2012. During the NPM visit, the detainees said that they were unaware of any organised activities, but they also did not express any desire to participate in such activities. Those who did participate wanted someone who would direct them in drawing activities. The detainees also complained about the lack of employment possibilities. The prisoners can participate in sports activities, such as table tennis, fitness, football, basketball, badminton and chess on a daily basis. The NPM ascertained that the diversity of free-time activities is declining, particularly of those which require the presence of an expert worker (e.g. workshops, courses, lectures) and proposed that the Prison Administration of the Republic of Slovenia find the reasons for this decline and the interest in them and try to remedy the situation. Visits (except with a glass barrier) may last two hours twice a week; those accepting visitors in the park may have them for three hours twice a week; as a rule, detainees have visits with a glass barrier only for two weeks after admission. Detainees may use the telephone six times a week, or more if necessary; the prisoners may use the telephone every day without limitation, except if under a stricter regime, where hours are determined and phone calls have to be announced. The Prison Administration of the Republic of Slovenia replied that educational staff motivate individuals to participate in activities and that more attention would be paid to the diversity of activities.

The visit regime in **Ig Open Unit of Ljubljana Prison** had remained unchanged since the last visit. Visits still take place in the courtyard of the unit or in the dining room. Free leave of up to 53 hours was being granted to eleven prisoners at the time of the visit; unsupervised visits or exits of up to five hours (in the vicinity of Ig Open Section) was granted to seven prisoners. Prisoners were still able to use mobile phones and access the Internet.

It was again established that **Ig Prison** provides different free-time activities and education (formal and informal). The female prisoners have access to computers. A total of ten computers in two locations were available in Ig Prison. Since 11 April 2014, the use of computers was possible between 9:00 and 18:00. In cooperation with external contractors, several events intended for all prisoners were implemented in 2014.

According to the management of the prison, the arrangements of visits, home community groups, small groups, the use of mobile phones and the Internet had not changed in **Rogoza Open Unit of Maribor Prison** since the last NPM visit.

Celje Prison and Juvenile Prison organise information days for prisoners' relatives (and other organisations cooperating with the prison) every autumn at which information on imprisonment may be obtained. In spite of the fact that a small number of relatives (about ten) usually attend such information days, the NPM was pleased and suggested in its report that information days also be organised in the future. The prison also organised travel lectures and cultural events which were attended by all prisoners. Free-time activities organised in cooperation with external organisations were also being implemented in the prison. Although the prison organised many activities, the NPM noticed the inactivity of prisoners, particularly detainees. The NPM thus suggested that the prison verify the interest in participating in the available free-time activities of prisoners who did not participate in them and their wishes for different activities.

All prisoners in **Murska Sobota Unit of Maribor Prison** were enabled two hours of outdoor recreation on a daily basis. The NPM assessed the situation as acceptable and also requested a clarification of the organisation of activities for detainees and persons imprisoned for the non-payment of fines. Prison visits take place on Tuesdays and Sundays, while detainees had visits on Wednesdays and Fridays. Persons imprisoned for the non-payment of fines receive visitors on Saturdays. Two telephone boxes were available to prisoners in the unit. Detainees could use the phone box in the courtyard every day during recreational walks, while prisoners and persons imprisoned for the non-payment of fines could use the phone box located on the ground floor of the facility. The NPM determined that the telephone box in the corridor provided insufficient privacy and proposed examining the possibility of providing more privacy for prisoners when making calls (e.g. installation of barriers around the telephone box).

Informacije o kadrovske zadevah, pravosodnih policistih in vzgojni službi

Stanje v zvezi s kadrovske zasedbo v **ZPKZ Koper – Oddelek Nova Gorica** se v primerjavi s prejšnjim obiskom ni spremenilo in je naslednje: vodja oddelka, socialna delavka, 16 pravosodnih policistov in en inštruktor.

Za delo z obsojenci **ZPKZ Ljubljana** skrbijo štirje pedagogi in ena socialna delavka, za delo s priporniki pa dva pedagoga in en psiholog. V Zavodu primanjkuje tudi kadra (izostanek dveh strokovnih delavcev), ki bi vodil športne aktivnosti, je pa zavod zaposlil še tretjega kuharja in s tem izboljšal stanje v kuhinji. Ker si obsojenci krajšajo čas z gledanjem televizije in igranjem računalniških iger, je DPM podal mnenje, da takšna izraba časa, ki ga imajo obsojenci, ki niso zaposleni, ne pripomore k pridobitvi delovnih navad in resocializaciji, temveč prav nasprotno. DPM je tudi predlagal, da UIKS poda oceno o ustreznosti sedanje kadrovske zasedbe na oddelku za vzgojo – da torej oceni, ali je vzgojna služba v sedanji zasedbi sposobna v celoti poskrbeti za doseganje teh ciljev ali bi morda zavod na tem področju potreboval kadrovske okrepitve. DPM je bilo tudi predstavljeno, da se delavci vzgojne službe slabo odzivajo na prošnje obsojencev po razgovorih, v priporu pa naj se skoraj ne bi odzivali, zato je UIKS prosil za podatke, ali je vzgojna služba lani in letos prejela kakšno pritožbo v zvezi z delom vzgojne službe zavoda, in če – v koliko primerih so bile utemeljene. Pripomb na delo pravosodnih policistov ni bilo. UIKS je odgovorila, da razgovori s posamezniki potekajo redno in pravočasno, da zaradi velike količine administrativnega dela ni mogoče vedno zagotoviti takojšnjega odziva na pripombe oziroma pritožbe, da pa v letu 2014 pritožb niso dobili.

Glede kadrovske zasedenosti v **ZPKZ Ljubljana – Odprti oddelek Ig** do večjih sprememb ni prišlo oziroma je bilo ob tokratnem obisku DPM ugotovljeno, da je prejšnja pedagoginja v septembru 2013 postala vodja oddelka. Glede na konstantno večjo zasedenost oddelka, je DPM predlagal, da se proučijo možnosti, da bi bila pedagoginja na delo na Odprtem oddelku Ig razporejena za polni delovni čas in ne le polovični. Oddelek še vedno nima ločenih sanitarij za zaposlene (moški/ženske), prav tako zaposlenim ni omogočeno tuširanje, na kar je kot pomanjkljivost DPM opozoril že ob vseh dosedanjih obiskih (v letih 2010, 2011 in 2012). UIKS je pojasnila, da predlogu DPM ni mogoče ugoditi zaradi pomanjkanja finančnih sredstev.

V **ZPKZ Ig** je sistemiziranih 27 delovnih mest pravosodnih policistov in prav vsa mesta so bila v času obiska DPM tudi zasedena. Število naj bi se v kratkem povečalo. DPM tudi tokrat ni slišal nobene pritožbe na delo in odnos pravosodnih policistov oziroma smo ponovno slišali le pohvale. DPM je zato predlagal, da pravosodne policistke in policisti takšen nivo komunikacije z zaprtimi osebami ohranijo tudi v prihodnje. Pojasnjeno je bilo tudi, da se bo število zaposlenih z upokojitvijo vodje oddelka za vzgojo in delo v zelo kratkem času še zmanjšalo, je pa Vlada RS sicer odobrila dve nadomestni zaposlitvi in še eno dodatno zaposlitev. DPM zato pričakuje, da bodo odobrene zaposlitve s strani Vlade RS v čim krajšem času realizirane. UIKS je v odzivnem poročilu zapisala, da so bili v zavod premeščeni štirje pravosodni policisti, postopek javnega natečaja z dvema kandidatka za pravosodni policistki pa je še v teku. V zvezi z zaposlitvami v vzgojni službi je UIKS pojasnila, da je bil v mesecu juniju 2014 izveden javni natečaj za delovno mesto pedagog in da bo postopek predvidoma zaključen v nadaljnjih mesecih.

Na oddelku **ZPKZ Maribor – Odprti oddelek Rogoza** med zaposlene štejejo: vodjo oddelka in svetovalko pedagoginjo, pet pravosodnih policistov, referentko izvrševanja kazni (sistemizirana je v ZPKZ Maribor, dejansko pa dela v OO Rogoza, pri čemer opravi tudi administrativna dela) in inštruktorja kuharja. Vodstvo oddelka je v zvezi z odzivnim poročilom URSIKS iz leta 2013 povedalo, da so bili aneksi k pogodbam o zaposlitvi izdani, vendar le za nadomeščanje v času dopustov, da je oddelek sicer formalno dobil psihologinjo, vendar je ta že od vsega začetka na porodniški in tu dejansko sploh še ni delala, in da operativni vodja nima več statusa invalidnosti. DPM je zato zaprosil za pojasnilo URSIKS o trenutni kadrovske situaciji, na kar je UIKS v odzivnem sporočilu odgovorila, da pomanjkanje osebja rešujejo z zagotovljenimi finančnimi sredstvi, oddelek pa je začel tudi z izvedbo javnega natečaja za zasedbo strokovnega delovnega mesta.

Information on staff management, judicial police officers and education service

The staffing situation in **Nova Gorica Unit of Koper Prison** had not changed in comparison to the previous visit and included the head of the unit, a social worker, 16 judicial police officers and one instructor.

Four educators and one social worker worked with prisoners in **Ljubljana Prison**, and two educators and one psychologist worked with detainees. The prison lacked sufficient staff (absence of two expert workers) for sports activities; however, the prison had employed a third cook and thus improved the situation in the kitchen. Since prisoners spent their time watching television and playing computer games, the NPM stated that such utilisation of prisoners' time who were not employed failed to contribute to acquiring work habits and re-socialisation, and had the contrary effect. The NPM also proposed that the Prison Administration of the Republic of Slovenia provide an assessment of the suitability of the current staffing situation in the education service, i.e. to evaluate if the current composition of the education service fully enables the attainment of its objectives, or are more staff needed. The NPM was also informed that the response of workers in the education service to prisoners' requests for consulting services was poor, and they barely responded in the detention section. The Prison Administration of the Republic of Slovenia was thus requested to provide information on whether the education service had received any complaints about their work in 2013 and 2014, and if so, in how many cases were justified. There were no complaints about the work of the judicial police officers. The Prison Administration of the Republic of Slovenia responded that consultations with individuals were regular and timely and that it was impossible to respond immediately to comments and complaints, due to the great quantity of administrative work, but they had not received any complaints in 2014.

The staffing situation in **Ig Open Unit of Ljubljana Prison** had not changed significantly. It was established upon the NPM visit that the former educator had become the head of the service in September 2013. Relating to the constantly rising occupancy of the unit, the NPM suggested examining possibilities that an educator would be employed full time in Ig Open Unit and not only part time. The unit still lacked separate sanitary facilities for staff (men and women). The staff were also not able to take showers, which the NPM has pointed out on all visits (in 2010, 2011 and 2012). The Prison Administration of the Republic of Slovenia explained that the NPM's proposal could not be acted on due to the lack of funds.

Some 27 systemic work places of judicial police officers were foreseen in **Ig Prison** and all positions were occupied during the NPM visit. The number was to be increased soon. The NPM received no complaints about the work or attitude of judicial police officers; in fact, commendations were noted again. The NPM suggested that the judicial police officers continue to maintain this level of communication with prisoners. It was explained that the number of staff would soon be further reduced with the retirement of the head of the education service; however, the Government of the Republic of Slovenia has approved two replacements and one additional post. The NPM expects that posts approved by the Government of the Republic of Slovenia be promptly filled. In its response report, the Prison Administration of the Republic of Slovenia stated that four judicial police officers had been transferred to prison, and the public call for two female judicial police officers was still underway. Regarding employment in the education service, the Prison Administration of the Republic of Slovenia explained that a public call for an educator had been implemented in June 2014 and the procedure would be completed in the following months.

The staff at **Rogoza Open Unit of Maribor Prison** include the head of the unit, adviser/educator, five judicial police officers, enforcement clerk (employed at Maribor Prison but working in Rogoza Open Unit, whereby she also does administrative work) and instructor/cook. Relating to the 2013 response report of the Prison Administration of the Republic of Slovenia, the management stated that annexes to employment contracts had been issued, but only for substitutions during annual leave. The unit was formally appointed a psychologist, but she was on maternity leave since the beginning and had not worked there at all, and the operations manager no longer had disability status. The NPM then inquired about the current staff situation at the Prison Administration of the Republic of Slovenia and received the reply in the response report that the lack of staff was being resolved with the ensured financial means and a public call had been published for the position of an expert employee.

Ob zadnjem obisku **ZPMZ in KZ Celje** je bilo sistemiziranih 57 delovnih mest pravosodnih policistov, eno ni bilo zasedeno. Od takrat se je 13 pravosodnih policistov upokojilo, vendar se njihova odsotnost praviloma ni nadomestila. Tako je bilo ob obisku DPM v letu 2014 zaposlenih 49 pravosodnih policistov, od tega tri pravosodne policistke. Hkrati se je povečalo število zaprtih oseb z 89 (ob zadnjem obisku) na 122 (ob tem obisku DPM). Kljub temu pa je upadlo število nadur z 8.409 v letu 2012 na 3.419 v letu 2013. DPM je v zvezi s tem prosil, da zavod sporoči, zakaj je kljub očitnemu zmanjšanju števila zaposlenih pravosodnih policistov prišlo do upada števila nadur v letu 2013. DPM je tudi predlagal, da UIKS ponovno prouči ustreznost sistemizacije in zasedenosti delovnih mest pravosodnih policistov.

Poleg vodje oddelka sta zasedeni dve delovni mesti svetovalca pedagoga (eden od njiju za določen čas), dve delovni mesti diplomiranih medicinskih sester, eno delovno mesto višjega svetovalca za sprejem, odpust in izobraževanje obsojencev, eno delovno mesto višjega svetovalca – socialni delavec in tri delovna mesta svetovalca pedagog ter eno višji svetovalca psiholog. Skupaj je torej zaposlenih 11 vzgojnih delavcev, od teh eden za določen čas. Problem se pojavlja, ker so štirje od njih zaradi zdravstvenih omejitev zaposleni le polovični delovni čas, zavod pa ne razpolaga z glavno pisarno, kar direktorica zavoda šteje kot pomanjkljivost. DPM je tako ugotovil, da so delovna mesta v vzgojni službi glede na večje število delavcev, ki delajo polovični delovni čas, še slabše zasedena kot ob zadnjem obisku DPM. Glede na povečano število zaprtih oseb je DPM predlagal, da UIKS ponovno preuči ustreznost sistemizacije in zasedenosti delovnih mest v vzgojni službi zavoda ter poda oceno, ali je s sedanjo zasedbo delovnih mest še mogoče zadovoljivo obvladovati potrebe vseh zaprtih oseb.

Ob obisku **ZPKZ Maribor – Oddelek Murska Sobota** je bilo ob obisku DPM pojasnjeno, da je sistemiziranih 26 delovnih mest, dejansko zaposlenih pa je 24 oseb. Pri tem so neuniformirani vodja oddelka, pedagog in inštruktor – kuhar, v uniformi pa so poveljnik, 13 pravosodnih policistov in ena pravosodna policistka, pet operativnih vodij izmen in referentka izvrševanja kazni. Predvideni ukrepi UIKS iz odzivnega poročila naj bi bili realizirani, bi pa navkljub temu na oddelku potrebovali vsaj še enega strokovnega delavca, saj sam pedagog vselej pokriva okoli 40 oseb, medtem ko je v drugih zavodih oziroma oddelkih to število precej manjše.

Uporaba strožjih ukrepov

Ob obisku **ZPKZ Koper – Nova Gorica** DPM ni ugotovil, da bi se strožji ukrepi pretirano uporabljali. Sogovornik je pojasnil, da v letu 2014 v času našega obiska na oddelku niso zabeležili nobene namestitve po 206. členu in 98.a členu ZIKS-1. Prav tako je poudaril, da v letih 2013 in 2014 niso zabeležili nobenega disciplinskega postopka, niti namestitve po 236. členu ZIKS-1.

V **ZPKZ Ljubljana** na podlagi danih podatkov in razgovorov z zaprtimi osebami DPM ni ugotovil pretirane uporabe sile. Zavod je pojasnil, da so bila v letu 2013 16-krat uporabljena prisilna sredstva. Za vsako uporabljeno prisilno sredstvo je bila izdelana ocena o upravičenosti, nobeden od ukrepov pa ni bil neupravičen. Po 236. členu ZIKS-1 (odstranitev v posebni prostor) je bilo v letu 2013 v posebni prostor nameščenih pet oseb. V vseh primerih so bile izdane odločbe. Prostor je brez ugotovljenih pomanjkljivosti. Podatkov o drugih izrednih dogodkih v zavodu v letu 2013 DPM ni prejel. V istem letu je bilo v zavodu podanih 18 predlogov za disciplinsko kaznovanje pripornikov. Zoper obsojence je bil sprožen in končan disciplinski postopek. Le v dveh primerih sankcija ni bila izvršena (v enem zaradi zdravnikovega mnenja in v drugem zaradi prestane kazni). V dveh primerih je bil postopek ustavljen – v enem, ker je bil obsojenec odpuščen. UIKS je opozorila, da zavod ni prejel odziva sodišča na disciplinske predloge in da na neodzivanje do zdaj še ni ukrepal.

DPM med obiskom **ZPKZ Ljubljana – Odrpti oddelek Ig** ni prejel nobenih navedb o uporabi prisilnih ukrepov.

Ob obisku **ZPKZ Ig** DPM na podlagi danih podatkov in informacij od zaprtih oseb ponovno ni ugotovil prekomerne uporabe prisilnih sredstev, o čemer priča tudi podatek, da jih v letih 2013 in 2014 (do dneva nadzora) niso uporabili. Zavod tudi ne beleži nobene namestitve po 236. členu, 206. členu in 98.a členu ZIKS-1 in nobenega samomora oziroma poskusa samomora, v letu 2014 pa je bil evidentiran en klasičen pobeg, vendar se je obsojenka sama vrnila.

Some 57 judicial police officers were employed in **Celje Prison and Juvenile Prison** at the time of the visit; one position was not occupied. Thirteen judicial police officers have retired since then and most of their positions have not been occupied. Thus, 49 judicial police officers, of whom three were women, were employed at the time of the NPM visit in 2014. However, the number of prisoners increased from 89 (at the last visit) to 122 (on the occasion of the last visit). Nevertheless, the number of overtime hours dropped from 8,409 in 2012 to 3,419 in 2013. The NPM requested an explanation for the drop in overtime in 2013 in spite of the obvious reduction in the number of officers. The NPM also suggested that the Prison Administration of the Republic of Slovenia again examine the suitability of systemising and occupying judicial police positions.

In addition to the head of the unit, there were two adviser/educators (one of whom was employed for a fixed period), two university graduate nurses, one senior adviser for admissions, release and education of prisoners, one senior adviser/social worker, three adviser/educators and one senior adviser/psychologist, which is a total of 11 employed education workers, of whom one was employed for a fixed period. A problem occurred because four of them were only employed part-time due to medical constraints, and the prison had no main office, which the director of the prison considered a deficiency. The NPM thus determined that positions in the education service relative to the large number of people working part-time were even less sufficiently utilised than on the occasion of the NPM previous visit. Regarding the increased number of prisoners, the NPM proposed that the Prison Administration of the Republic of Slovenia re-examine the suitability of the systemisation and occupancy of positions in the education service of the prison and provide an assessment of whether the current occupancy of posts still enabled the satisfactory management of all prisoners' needs.

The NPM learned that 26 positions were systemised in **Murska Sobota Unit of Maribor Prison** and 24 persons were actually employed; these include the non-uniform head of the unit, an educator and instructor/cook, and a commander, 14 judicial police officers, of whom one is female, five operational shift officers and an enforcement clerk. The anticipated measures in the response report of the Prison Administration of the Republic of Slovenia were supposedly realised; nevertheless, at least one additional expert worker is needed, since one educator works with about 40 people, while this number in other prisons or units is significantly lower.

Application of stricter measures

When visiting **Nova Gorica Unit of Koper Prison**, the NPM did not determine any excessive use of stricter measures. Our discussion partner explained that no accommodations as per Articles 206 and 98.a of the ZIKS-1 had been recorded in 2014 at the time of our visit. Furthermore, it was stressed that no disciplinary procedures or accommodations as per Article 236 of the ZIKS-1 had been recorded in 2013 or 2014.

On the basis of data provided and interviews with prisoners, the NPM did not establish any excessive use of force in **Ljubljana Prison**. The management explained that coercive measures had been used sixteen times in 2013. An assessment of justifiability was prepared for each coercive measure used and none of the measures was unjustified. According to Article 236 of the ZIKS-1 (removal to a special room), five persons were accommodated in special rooms in 2013. Decisions on the removal to a special room were issued in all cases. No deficiencies were discovered in the special room. The NPM did not receive any other data on extraordinary events in the prison in 2013. The management received 18 proposals for disciplinary proceedings against detainees in the same year. Disciplinary proceedings were initiated and completed against prisoners. Sanctions were not implemented only in two cases (in one case due to a physician's opinion and in the second case due to the completion of the sentence). Proceedings were terminated in two cases; in one case because of the release of the prisoner. The Prison Administration of the Republic of Slovenia pointed out that the prison had not received a court response to disciplinary proposals and had not taken action relating to the lack of response.

When visiting **Ig Open Unit of Ljubljana Prison**, the NPM did not receive any information about the use of coercive measures.

On the basis of data provided and information from prisoners, the NPM did not establish any excessive use of coercive measures in **Ig Prison**, further proof of which is the information that coercive measures were not used in 2013 or 2014 (up to the day of the visit). The prison also did not record any accommodations as per Articles 236, 206 and 98.a of the ZIKS-1 and no suicides or attempted suicides; one escape was recorded in 2014, but the female prisoner returned of her own free will.

V **ZPKZ Maribor – Odprti oddelek Rogoza** je bilo DPM pojasnjeno, da od prejšnjega obiska ni prišlo do nobenega disciplinskega postopka. V tovrstnih primerih so osebe sicer podvržene »tretmanski obravnavi«, rezultat tega pa je dopolnitev osebnega načrta (odvzem ugodnosti). Obsojencu je vedno dana tudi možnost, da se izjasni o očitani kršitvi, kar podpira tudi podatek, da ni veliko pritožb obsojencev zoper dopolnitve osebnega načrta. Kljub temu je DPM zaprosil UIKS za podatek, koliko je takšnih pritožb in kako je bilo o njih odločeno. Zaprosil je tudi za pojasnilo, kakšno je stališče Generalnega urada UIKS o tem, kakšna mora biti razlika v znakih obsojenčevih dejanj, da njegovo »posedovanje alkoholnih pijač« (oziroma narkotikov) lahko šteje za hujši disciplinski prestopok obsojenca (po 87. členu ZIKS-1), kdaj pa le za lažjega (po 92. členu Pravilnika o izvrševanju kazni zapora), vendar pa DPM odzivnega poročila do priprave tega zapisa še ni prejel.

V **ZPMZ in KZ Celje** so bila prisilna sredstva v 2013 uporabljena (le) dvakrat (leto pred tem do novembra 13-krat), v letu 2014 pa osemkrat. O vsaki uporabi je bila opravljena ocena upravičenosti in primernosti uporabe prisilnih sredstev. Ugotovljeno je bilo, da so bila prisilna sredstva vselej uporabljena strokovno in upravičeno. Ti podatki ne kažejo pretirane uporabe (pri)sile nad zaprtimi osebami, saj so kljub preseženi uradni zmogljivosti zavoda strožji ukrepi v upadu. DPM je zaključil, da sta praksa izpeljave disciplinskega postopka in delo pravosodnih policistov zgledna in dobra. Odstranitev v posebni prostor (medicinka) po 236. členu ZIKS-1 je bila v letu 2013 izvršena petkrat, v letu 2014 pa osemkrat (dvakrat v zaporednih dneh zoper isto osebo). V teh primerih so bile vselej izdane odločbe s pravnim poukom. V strožji režim v skladu z 206. členom ZIKS-1 (prej 6. člen PIKZ) so bili v letu 2013 nameščeni štirje obsojenci, v letu 2014 pa šest obsojencev (v času obiska DPM so bili v strožjem režimu nameščeni trije obsojenci). Pozitivno je, da se strožji režim čedalje manj uporablja. Zaključenih disciplinskih postopkov z oddajo v samico je bilo v letu 2013 10, v letu 2014 pa 16, kar je sicer manj kot v letu 2012. Skrb pa sta vzbudili dve (ločeni) pričevanja obsojencev, ki sta bila deležna disciplinske kazni oddaje v samico. Eden od njiju je zatrjeval, da je bil nazadnje v samici skupno štiri dni, pri tem pa je bil na dnevnem dveurnem sprehodu le dvakrat; drugi pa je podobno navajal, da ga nazadnje, ko je bil v samici, trikrat ali štirikrat »niso spustili na sprehod«. V zvezi s tem je DPM zaprosil za stališče zavoda do teh očitkov, ki pa naj v vsakem primeru vključuje tudi pojasnilo o tem, ali zavod vodi tozadevno evidenco oziroma na kakšen način zagotavlja, da je (tudi) obsojencem, ki prestajajo disciplinsko kazen oddaje v samico, dana pravica do dveurnega sprehoda na prostem dnevno (91. člen ZIKS-1).

V **ZPKZ Maribor – Oddelek Murska Sobota** je DPM ugotovil, da v letu 2014 prisilna sredstva niso bila uporabljena, so pa bile izdane štiri disciplinske odločbe na podlagi prvega odstavka 90. člena ZIKS-1.

The management of **Rogoza Open Unit of Maribor Prison** explained to the NPM that no disciplinary proceedings had been instigated since its last visit. In such cases, persons are subjected to "treatment consideration", the result of which is the supplementation of a personal plan (withdrawal of benefits). The prisoners were also able to explain the alleged violation, which was also supported by the fact that not many prisoners' complaints had been lodged against the supplementation of their personal plans. Nevertheless, the NPM requested the Prison Administration of the Republic of Slovenia to provide data about such complaints and how they are resolved. It also requested an explanation of the position of the head office of the Prison Administration of the Republic of Slovenia about the difference in prisoners' actions when their "possession of alcohol" (or narcotics) was considered a severe disciplinary offence (as per Article 87 of the ZIKS-1) and when was it considered a minor offence (as per Article 92 of the Rules on the implementation of prison sentences); however, the NPM did not receive the response report before the drafting of this report.

Coercive measures were used in **Celje Prison and Juvenile Prison** (only) twice in 2013; they had been used thirteen times by November 2012, and eight times in 2014. An assessment of justifiability and suitability was prepared for each coercive measure. It was established that coercive measures were always implemented professionally and justifiably. These data did not show the use of excessive force on prisoners, since the application of stricter measures was declining although the official capacity of the prison has been exceeded. The NPM concluded that the practice of implementing disciplinary proceedings and the work of judicial police officers were commendable and good. Removal to a special room as per Article 236 of the ZIKS-1 was executed five times in 2013 and eight times in 2014 (twice in successive days against the same person). Decisions on the removal to a special room with caution were always issued in these cases. Four prisoners were accommodated in the stricter regime as per Article 206 of the ZIKS-1 (previously Article 6 of the PIKZ) in 2013 and six prisoners in 2014 (three prisoners were under the stricter regime at the time of the NPM visit). It was commendable that the stricter regime was being implemented less. Ten disciplinary proceedings resulting in solitary confinement were held in 2013 and sixteen in 2014 which was less than in 2012. Two (separate) testimonies by prisoners who were in solitary confinement caused concern. One of them claimed that he had been in solitary confinement for four days, whereby he had been on the two-hour daily recreational walk only twice; the second prisoner similarly claimed that when he was in solitary confinement he was not "allowed to go for a walk" three or four times. In this regard, the NPM asked the prison for their position on these claims, which should in any case also include an explanation of whether the prison kept a record on solitary confinement, or in what way it ensured that prisoners in solitary confinement were also given the right to a daily two-hour outdoor recreational walk (Article 91 of the ZIKS-1).

The NPM established that no coercive measures were used in **Murska Sobota Unit of Maribor Prison** in 2014; however, four disciplinary decisions were issued on the basis of the first paragraph of Article 90 of the ZIKS-1.

Zdravstveno varstvo

ZPKZ Koper – Nova Gorica zdravstveno oskrbo še vedno zagotavlja Zdravstveni dom Nova Gorica, pojasnjeno pa je bilo tudi, da do sprememb v zdravstvu pri njih ni prišlo.

Pregled v delu zdravstvenega varstva in zdravniške oskrbe v **ZPKZ Ljubljana** je opravil doc. dr. Milan Popovič, dr. med., specialist splošne kirurgije (izvedenec). Priporočila, predlogi in zaprosila DPM v tem delu so rezultat njegovih ugotovitev. DPM je bilo pojasnjeno, da odvisniki prejema Methadone in Suboxone kot nadomestilo za droge in razna pomirjevala. DPM je UIKS zaprosil za podatek o oceni uspešnosti obstoječe metode zdravljenja odvisnosti od drog v zavodu in ali so bile kdaj predstavljene in ponujene še kakšne druge možnosti za zdravljenje te odvisnosti. UIKS je odgovorila, da obravnava odvisnosti v zaporih poteka v skladu s Strokovnim navodilom obravnave odvisnosti od prepovedanih drog, ki ga je Generalni urad UIKS pripravil v sodelovanju s Koordinacijo centrov za preprečevanje in zdravljenje odvisnosti od prepovedanih drog. UIKS je tudi pojasnila, da k obravnavi odvisnosti pristopajo z različnimi modeli in da je substitucija le del nizkopražnega programa, ki predstavlja nižjo nevarnost okužbe s hepatitisom B, C in HIV, obolevnostjo in umrljivostjo, in da omogoča boljše kakovost življenja odvisnika v času zdravljenja. Za zaprte osebe skrbijo zdravniki splošne medicine, zaposleni na Oddelku za nujne medicinske pomoči (NMP) Zdravstvenega doma v Ljubljani, locirani v zgradbi UKC. Dva psihiatra, ki prihajata enkrat do dvakrat na teden, skrbita za psihofizična stanja in posebej za stanja odvisnih od raznih psihoaktivnih snovi. V ZPKZ enkrat tedensko dela tudi stomatolog.

Ugotovljeno je bilo, da je zdravstveno zavarovanje zaprtih oseb v zavodu še vedno glavni in kronični problem. Nekateri od teh oseb nimajo urejenega niti osnovnega zdravstvenega zavarovanja, drugim, ki imajo zdravstvene izkaznice, pa le-te ne veljajo, ker nimajo poplačanih stroškov osnovnega zdravstvenega zavarovanja. V primerih neodložljivega zdravljenja pri teh osebah zdravljenje poplačajo iz hišne blagajne. Zaradi tega se večkrat pojavijo konflikti, v katerih sta najbolj izpostavljeni medicinski sestri, ki ju zaposluje Ministrstvo za pravosodje. UIKS je pojasnila, da se s problemom zdravstvenega zavarovanja srečujejo na vseh zavodih za preustajanje kazenskih sankcij. Problem ocenjujejo kot velik, vendar ne kroničen, saj za tiste osebe, ki nimajo zavarovanja, zdravljenje plača zavod. Uspešno rešujejo individualne probleme z Zavodom za zdravstveno zavarovanje, skupno in sproti na podlagi navodila Generalnega urada pa rešujejo tudi probleme o postopanju za vse zavode za preustajanje kazni zapora. O težavah redno seznanjajo in opominjajo pristojno Ministrstvo za zdravje, kjer imajo tudi oni besedo pri pripravi sprememb Zakona o zdravstvenem varstvu in zdravstvenem zavarovanju. UIKS priznava, da prihaja do navedenih konfliktnih situacij med medicinskim osebjem in zaprtimi osebami, vendar pravi, da jih uspešno rešujejo z alarmnim stikalom (zvoncec), ki ga lahko medicinsko osebje uporabi v vsakem trenutku, ko se počutijo ogrožene, in z neposredno bližino pravosodnega policista, ki lahko v trenutku, ko zasliši zvonec, vstopi v ambulanto ter vpokliče (prenosna postaja TETRA) tudi vse preostale pravosodne policiste v zavodu.

Bolniška soba je manjša soba z dvema posteljama, ki ji pripada še higienski prostor. Vsaka postelja ima pripomoček za mobilizacijo težje pokretnega pacienta. Na stenah ni morebitnih ventilov za dovajanje kisika in zraka, kar izvedenec ocenjuje kot pomanjkljivost. Izvedenec je čakalnico ocenil kot neprimerno in utesnjeno za oskrbo življenjsko nevarnih stanj. Manjka nujno potreben ležeči voziček, saj je zanašanje na bližino UKC lahko v nasprotju s časom, ki je potreben za nujno intervencijo. V primeru nenadne motnje zavesti ali nekega drugega smrtno nevarnega stanja je treba pacienta položiti na ležeči voziček, da se mu lahko pristopi z vsake strani. UIKS je pojasnila, da je v ordinaciji pregledna postelja, ki je fiksna in trenutno zadostuje, in da se nujni in nenadni primeri za oskrbo življenjsko nevarnih stanj rešujejo v prostoru dogodka. Prenove prostorov se ne morejo lotiti, saj nimajo potrebnih finančnih sredstev.

DPM je ugotovil, da **ZPKZ Ljubljana – Odrpti oddelek Ig** splošnega zdravnika, psihiatra in zobozdravnika obsojencem še vedno zagotavlja v ambulanti ZPKZ Ljubljana. DPM ni prejel nobenih pritožb obsojencev glede zagotavljanja zdravniške oskrbe. V času obiska nihče od obsojencev ni prejemal terapije, urinski testi pa se opravljajo le občasno.

Health care

Health care in **Nova Gorica Unit of Koper Prison** was still provided by Nova Gorica community health centre; it was explained that no major changes occurred in health care.

The examination of health and medical care in **Ljubljana Prison** was conducted by our expert, Dr Milan Popovič, specialist in general surgery. The recommendations, proposals and requests of the NPM in this section are the result of our findings. It was explained to the NPM that drug addicts were taking Methadone and Suboxone as substitutes for drugs and various sedatives. The NPM requested from the Prison Administration of the Republic of Slovenia an assessment of the success rate of the present treatment of drug addiction in the relevant prison and if any other forms of treatment had ever been provided. The Prison Administration of the Republic of Slovenia responded that the treatment of addiction in prisons was conducted in accordance with the Expert instruction on treating drug addiction, which the Head Office of the Prison Administration of the Republic of Slovenia prepared in cooperation with centres for the prevention and treatment of addiction to illicit drugs. The Prison Administration of the Republic of Slovenia also explained that different models were used in the treatment of addiction and that substitution was only part of a low-threshold programme which presented a lower risk of hepatitis B and C and HIV infection, prevalence and mortality, and that it enabled a better quality of life for addicts during treatment. General practitioners employed at the unit for emergency medical aid of Ljubljana Community Health Centre at Ljubljana University Medical Centre treat prisoners. Two psychiatrists who visit the prison twice weekly attend to the prisoners' psycho-physical condition and particularly the condition of prisoners addicted to different psychoactive substances. A dentist works in the prison once a week.

It was established that the health insurance of prisoners was still the main and topical issue in the prison. Some prisoners did not even have basic health insurance and health insurance cards of other prisoners were not valid because their basic health insurance had not been covered. In the case of the immediate treatment of such persons, the treatment was covered by the prison's budget. Conflict frequently occurred due to this issue, in which the two nurses employed by the Ministry of Justice were most exposed. The Prison Administration of the Republic of Slovenia explained that health insurance was an issue in all prisons. The problem is assessed as great, but not chronic, because the prison covers treatment for prisoners with no insurance. Individual problems with the Health Insurance Institute of Slovenia were being successfully resolved, and on the basis of the instruction from the Head Office, issues on procedures in all prisons were also being jointly and promptly resolved. The problems were regularly reported to the Ministry of Health, with which they also participate in drafting amendments to the Health Care and Health Insurance Act. The Prison Administration of the Republic of Slovenia admitted to the occurrence of conflict situations between medical staff and prisoners, but wrote that these were successfully resolved with an alarm switch (bell) which the medical staff could use at any moment when threatened, and by the immediate presence of a judicial police officer who enters the infirmary upon hearing the alarm and calls (TETRA mobile station) other judicial police officers in the prison.

The patient's examination room consists of a smaller room with two beds and hygienic premises. Every bed has a device for moving patients with severe mobility difficulties. No valves for supplying oxygen and air were on the walls, which the expert assessed as a deficiency. The expert also assessed the waiting room as unsuitable and stifling for the treatment of life-threatening conditions. A mobile patient table was urgently needed, because reliance on the close proximity of Ljubljana University Medical Centre may not suffice in the case of urgent intervention. In the case of sudden disturbances of consciousness or any other life-threatening condition, the patient must be put on a mobile table that enables approach from each side. The Prison Administration of the Republic of Slovenia explained that a fixed examination bed was located at the infirmary, which currently sufficed and that the treatment of urgent and sudden cases of life-threatening conditions was being addressed at the location of the occurrence. The renovation of the premises could not be undertaken because of the lack of funds.

The NPM established that a general practitioner, a psychiatrist and a dentist for prisoners of **Ig Open Section of Ljubljana Prison** were still provided by the infirmary of Ljubljana Prison. The NPM received no complaints from prisoners relating to the provision of such medical care. No prisoner was undergoing a treatment at the time of the visit; urine tests are conducted occasionally.

Pri ogledu **ZPKZ Ig** v delu zdravstvenega varstva in zdravniške oskrbe je izvedensko mnenje prav tako podal doc. dr. Milan Popovič, dr. med., specialist splošne kirurgije, ki sodeluje z DPM kot zunanji izvedenec (izvedenec).

Prostora za preglede in izvajanje medicinske oskrbe po izvedenčevem mnenju nista primerna, saj pacientu ne omogočata zasebnosti in zaupnosti. Prostor, v katerem je zdravnik, je neposredno povezan s prostorom, v katerem je medicinska sestra. Zdravnik nima svojega delovnega prostora. Tudi ginekološka miza je postavljena na sredino ambulante, kar po mnenju izvedenca ne zbuja prijetnega občutka. Te razmere se kljub prejšnjim priporočilom o preureditvi prostorov še vedno niso spremenile. Tudi UIKS se strinja, da je preureditev prostorov nujna – a na voljo nimajo potrebnih finančnih sredstev – in da je v vsakem primeru ustrežnejša rešitev gradnja novega objekta. Ambulanta je opremljena z mizo za nudenje medicinske oskrbe, kovčkom s pripomočki za reanimacijo in kisikovo bombo, manjka pa ji mobilni voziček, namesto katerega uporabljajo zajemalna nosila, kar v določenih zdravstvenih stanjih ni primerno. UIKS je pojasnila, da se pristojna zavodska zdravnica ne strinja z uporabnostjo mobilnega vozička v zavodu, saj za nujno medicinsko pomoč vedno pokličejo Reševalno postajo Ljubljana in ne bi bilo smiselno pacienta predstavljati z enega vozička na drugega, s čimer se DPM ne strinja.

Po izvedenčevi ugotovitvi ZPKZ Ig ne razpolaga s pravo bolniško sobo, ki bi bila nujno potrebna za primere nujnih stanj, akutnih boleznih in pri poslabšanih kroničnih stanjih. Bolniška soba bi morala biti za ta namen primerno opremljena s pripomočki za izvajanje zdravstvene oskrbe pacientk. Pohvalno pa je, da razpolagajo s sobo za nosečnice oziroma dojilje. UIKS je odgovorila, da zavod ima bolniško sobo, a je res, da je ta preurejena v prostore za namestitve nosečnic in mater z otroki, uporablja pa se tudi kot bolniška soba, ko v zavodu ni nosečnic. UIKS je pojasnila tudi, da bi, če bi bila izkazana potreba po namestitvi v bolniško sobo, tako osebo nemudoma namestili v eno od sob s sanitarnimi prostori.

Za zdravljenje odvisnih od različnih psihoaktivnih snovi in v splošnem tudi za vzgojo zaprtih oseb skrbijo pedagog, psihiater, sociolog in diplomirani psiholog in višji svetovalec, ki vse skupaj koordinira. Odvisnim pomaga z višjepražnim programom tudi Društvo Projekt Človek. Odvisni, običajno jih je 10 do 20, so na redni substituciji z Methadone in Suboxone.

V **ZPKZ Maribor – Odpri oddelek Rogoza** DPM ni zaznal nobenih resnih pritožb zoper zdravstvo.

V **ZPMZ in KZ Celje** je bilo ugotovljeno, da je pred vhodom v delovne prostore prazen, dokaj utesnjen hodnik. V njem ni ne klopi ne stola, da bi se čakajoči lahko usedel. Prav tako ni sedečega ali ležečega vozička za sprejem pacienta v primeru nenadnega slabega stanja. Izvedenec opozarja, da pacienti, ki se zdravijo z injekcijami, ne morejo stati in čakati na hodniku. Stene so prazne, brez posterjev z zdravstvenovzgojno vsebino, ki bi popestrili neprijazen prostor in hkrati delovali informativno. DPM je na zato na podlagi izvedenčevih priporočil predlagal, da se stene na hodniku opremijo s posterji izobraževalnih vsebin, sam hodnik pa s stoli, in da se pridobi sedeči in mobilni voziček. S hodnika je mogoč neposreden dostop v delovni prostor medicinskih sester, od tam pa v ordinacijo splošne medicine ali stomatološko ordinacijo. Tako je prostora za nemoteno delovanje ambulante zelo malo, še posebej pri medicinskih sestrah, kjer ga ni niti za stol ali voziček. Tudi ambulanta splošne medicine ne razpolaga s kaj več prostora. Zobna ordinacija predstavlja skladiščni prostor za vse, za kar medicinske sestre in zdravnik nimajo prostora. Med enim in drugim prostorom je ena bolniška postelja, ki stoji na drugi strani hodnika. DPM je ob tem predlagal, da zavod v sodelovanju z Zdravstvenim domom Celje prouči možnosti za preureditev pohištvenega dela v prostoru, kjer delajo medicinske sestre in kjer je stomatološka ordinacija, tako da bi bilo delovanje obeh ordinacij prostorsko popolnoma ločeno.

When reviewing medical and health care in **Ig Prison**, an expert opinion was also provided by Dr Milan Popovič, a specialist in general surgery, who cooperates with the NPM as an external expert.

The room for examination and provision of medical care were unsuitable according to the expert, because they deprive the patient of privacy and confidentiality. The doctor's room is directly connected with the nurse's room. The doctor has no working area. The gynaecological examination table is in the middle of the infirmary, which gives rise to discomfort. These conditions have not changed in spite of the past recommendations about rearranging the premises. The Prison Administration of the Republic of Slovenia also agreed that the rearrangement of premises is urgent, but it did not dispose of the necessary financial means, and the construction of a new facility was in any case a more suitable solution. The infirmary was equipped with a table for the provision of medical care, a resuscitation kit and an oxygen bottle, but lacked a mobile table, instead of which a stretcher was used, which is inappropriate for certain medical conditions. The Prison Administration of the Republic of Slovenia explained that the prison's general practitioner did not agree with the use of a mobile table, since they always called Ljubljana ambulance service in emergencies, so it would thus not be sensible to transfer a patient from one table to another; the NPM does not agree with this assessment.

According to the expert's opinion, Ig Prison did not have a suitable infirmary for the treatment of urgent conditions, acute diseases or worsening chronic conditions. In this case, the patient room would require equipment for treating female patients. However, it is commendable that a room for pregnant or breastfeeding women is available. The Prison Administration of the Republic of Slovenia replied that the prison had a patient room which had been rearranged for the accommodation of pregnant women and mothers with children, but was also being used as a patient room when no pregnant women are in the prison. It was also explained that if the accommodation of a person in the patient room was necessary, the person would be immediately accommodated in one of the rooms with sanitary facilities.

The treatment of people addicted to different psychoactive substances and the general well-being of prisoners is provided by an educator, a psychiatrist, a sociologist, a graduate psychologist, and a senior adviser who manages the coordination. The Projekt Človek Association is also helping drug addicts with their high-threshold programme. The addicts, usually between 10 to 20 prisoners, are on regular substitution with Methadone and Suboxone.

The NPM did not learn of any serious complaints about medical care in **Rogoza Open Unit of Maribor Prison**.

In **Celje Prison and Juvenile Prison**, an empty, quite stifling corridor was noticed upon entering the working premises. No benches or chairs are available for waiting people to sit on. There is also no wheelchair or mobile table for admitting patients in an emergency. The expert also pointed out that patients being treated with injections should not be standing and waiting in the corridor. The walls were bare, without posters with health educational content which would enliven the unfriendly space and also be informative. On the basis of the expert's recommendations, the NPM proposed that walls in the corridor be equipped with educational posters, and that the corridor be equipped with chairs, a wheelchair and a mobile table. Direct access to the working premises of nurses was enabled from the corridor and from there into the general practitioner's consulting room or the dentist's consulting room, which allowed very little room for the uninterrupted functioning of the infirmary, especially in the nurses' area, where not even a chair or a wheelchair could be fitted. The general practitioner's consulting room also lacked space. The dentist's consulting room served as a store for everything that the nurses and the doctor did not have space for on their premises. One patient bed located on the other side of the corridor was between two rooms. The NPM suggested that the prison, in cooperation with Celje Community Health Centre, study the possibility of rearranging the furniture in the nurses' section and the dentist's consulting room so that the functioning of the consulting rooms is completely separated.

ZPKZ Maribor – Oddelek Murska Sobota sodeluje z ZD Murska Sobota, iz katerega prihajata tudi zdravnica in medicinska sestra, ki delata vsak torek (za obsojence, od 12. do 13. ure) in četrtek (za pripornike, od 12. do 13. ure). Ob četrtek na oddelek prihaja psihiater (od 15. do 17. ure), ki ima z zdravstvenim domom sklenjeno podjemno pogodbo. Na oddelek prihaja od štiri- do petkrat na teden medicinska sestra, ki tudi pripravlja (po navodilu zdravnice ali psihiatra) predpisano terapijo, ki jo nato delijo pravosodni policisti. Zobozdravstvene storitve se zaprtim osebam omogočajo v samem zdravstvenem domu. Zaprtim osebam se omogoča nemoteno obiskovanje specialističnih pregledov v spremstvu pravosodnih policistov, osebam, ki imajo že podeljene določene ugodnosti, pa se za pregled odobri namenski izhod. Če zavodski zdravnik oceni, da določen pregled ni potreben, vendar ga oseba še vedno želi, ga mora kriti sama, na kar se specialist tudi prej opozori. Obsojencem se zagotovi tudi zaupno testiranje na okužbo s HIV in hepatitisom na podlagi drugega odstavka 63. člena ZIKS-1, za kar morajo le izraziti željo. Na oddelku ni bolniške sobe; če bi jo oseba slučajno potrebovala, je ne premeščajo, temveč leži v svojem dotedanjem ležišču. Do oprave obiska DPM je bilo opravljenih skupno 63 urinskih testov, ki se opravljajo na podlagi sklepa strokovne službe, in sicer na podlagi terapevtskega dogovora (obsojenci, ki so vključeni v obravnavo odvisnosti) in na podlagi soglasja (obsojenci, ki prestajajo kazen zaradi kaznivega dejanja, povezanega s prepovedanimi drogami, a naj ne bi bili pod njihovim vplivom oziroma naj z njimi ne bi imeli težav). V zvezi s tem je DPM UIKS zaprosil za stališče glede razlik v pristopih med zavodi (čas, ki je na voljo za oddajo urina, možnosti glede stimuliranja uriniranja, ukrepi, ki sledijo morebitni neodddaji urina zaradi zatrjevane nezmožnosti oddaje, razlage v smeri detekcijskega časa), saj gre za eno od problematik, ki bi jo bilo treba celostno proučiti in pa vsaj v navedenih vidikih poenotiti prakso.

Na podlagi mnenja pogodbenega eksperta v zvezi s čakalnico pred ambulantnimi prostori **ZPKZ Dob pri Mirni** ob našem obisku v tem zavodu v letu 2013 smo predlagali, naj bo ta opremljena z dvema vozičkoma, enim za ležeči in enim za sedeči položaj pacienta, saj bolni ali poškodovani obsojenci ne morejo biti na klopi kot preostali, ki niso v življenjsko nevarnem stanju. UIKS je bil mnenja, da je voziček medicinska oprema in bi ga zato moral glede na medsebojni dogovor zagotoviti Zdravstveni dom Trebnje. Ker pa je ta ob tem podal nasprotujoče si mnenje, smo obema predlagali, da se o implementaciji predloga za zagotovitev vozička dogovorita. ZD Trebnje se je v letu 2014 odzval na predlog in sporočil, da so že naročili voziček za sedeči položaj pacienta, meni pa, da glede na razpoložljivost nosil v zavodu ležeči voziček ni potreben. UIKS je ob tem tudi napovedala, da je na pristojno Ministrstvo za zdravje podala ponovno pobudo za medsebojno srečanje, kjer bi predstavila celostno problematiko, ki se pojavlja pri opravljanju zdravstvene dejavnosti zaprtih oseb v ZPKZ. Verjame tudi, da bodo s skupnim sodelovanjem našli ustrezne rešitve.

Murska Sobota Unit of Maribor Prison cooperated with Murska Sobota Community Health Centre, from which a doctor and a nurse come who work on Tuesdays (for prisoners between 12:00 and 13:00) and Thursdays (for detainees between 12:00 and 13:00). A psychiatrist, who has a work contract with the community health centre, comes on Thursdays (between 15:00 and 17:00). A nurse visits the unit four to five times a week and also prepares therapies prescribed by the doctor or the psychiatrist, which are then distributed by judicial police officers. Dental services were provided in the community health centre. Prisoners were enabled uninterrupted access to specialist examinations while being escorted by judicial police officers. For persons already granted certain benefits, leave was approved for examinations. If the prison doctor assessed that a certain examination was not necessary, but the person still wished to undergo it, the person must cover the costs of any such examination, of which the specialist is also notified. Prisoners were enabled confidential testing for HIV and hepatitis infection on the basis of the second paragraph of Article 63 of the ZIKS-1, which the prisoners had to request. The unit has no patient room; if required, a person was not transferred, but remained in their own bed. Until the NPM visit, a total of 63 urine tests had been performed on the basis of a decision by the expert service, i.e. on the basis of a therapeutic agreement (prisoners being treated for addiction) and on the basis of consent (prisoners serving a sentence for a criminal offence connected with illicit drugs, but who supposedly were not under their influence or were not addicted). In this regard, the NPM requested the position of the Prison Administration of the Republic of Slovenia on different approaches to this matter in prisons (time available for the provision of urine, options to stimulate urination, measures which follow a possible failure to provide urine due to claiming the impossibility of provision, explanations relating to detection times), since this is a problem requiring comprehensive consideration, or at least the harmonisation of practice in the aforementioned aspects.

Based on the opinion of our contractual expert on the waiting room in front of the infirmary of **Dob pri Mirni Prison** during our visit in 2013, we proposed that the waiting room be equipped with a wheelchair for sitting and a mobile table for lying patients, since sick or injured prisoners cannot sit on the bench like other patients who are not in a life-threatening situation. The Prison Administration of the Republic of Slovenia believed that a wheelchair was medical equipment and should thus be provided by Trebnje Community Health Centre as per the mutual agreement. However, the latter gave a contrary opinion, so we suggested that both parties agree on the implementation of the proposal for providing the wheelchair. In 2014, Trebnje Community Health Centre responded that a wheelchair for sitting patients had already been ordered, but believed that a mobile table was not necessary, considering the availability of stretchers in the prison. The Prison Administration of the Republic of Slovenia also stated that it had resubmitted its initiative to the relevant Ministry of Health for a mutual meeting where problematic areas established during the provision of medical care in prisons would be presented. It was certain that suitable solutions would be found in mutual cooperation.

Prehrana

Ob obisku **ZPKZ Koper – Nova Gorica** je bilo DPM pojasnjeno, da je s 15. 1. 2014 prišlo do spremembe pri zagotavljanju hrane za zaprte osebe, saj je bila prekinjena pogodba s prejšnjim dobaviteljem, hrano zdaj namreč zagotavlja Dijaški dom Nova Gorica. Vodstvo je poudarilo, da pritožb zoper hrano ni več, kar potrjujejo tudi obsojenci.

Ob obisku **ZPKZ Ljubljana** DPM med priporniki ni zaznal večjih pripomb zoper količino in kakovost hrane, tudi člani DPM so precenili raznolikost in zadostnost kosila, saj je nadzor potekal v času obroka. Obroke osebe dobivajo v svoje sobe. S strani zavoda je bilo poudarjeno, da so z zaposlitvijo novega, tretjega kuharja omogočili toplo večerjo štiri dni v tednu. Zavod pričakuje, da bodo zaprte osebe zaradi izdelave enotnih standardov za vse zavode UIKS bolj nezadovoljne (več rib, zelenjave, sadja), obroki pa zaradi tega tudi dražji. Proteine je mogoče kupovati tako kot v vseh zavodih le v kantini, saj se s tem izenačuje praksa med zavodi in zmanjšuje možnost vnosa nedovoljenih substanc. DPM je ugotovil, da nobeden od obrokov ni obvezen in da se obsojenci ne udeležujejo nekaterih obrokov, predvsem zajtrka, saj ga rajši prespijo. DPM je poudaril utrjevanje spoštovanja, odgovornosti in redoljubnosti, pri čemer spuščanje obrokov ni del tega. UIKS je pojasnila, da so obsojenci prek malih skupin, ki jih vodijo pedagogi, in prek domske skupnosti seznanjeni s pomenom zdrave prehrane in posameznih obrokov; zaradi ekonomičnosti in zmanjševanja odpadne hrane so v letu 2014 vpeljali možnost odjave od obroka. Zaprte osebe, ki delajo v JGZ Golovec, so pohvalile kakovost in količino malic, ki jih dobijo med delom. Pri pregledu jedilnice pa je DPM ugotovil, da je zavod upošteval priporočilo DPM s prejšnjega obiska in saniral poškodbo stropa nad delilnim pultom.

V **ZPKZ Ljubljana – Odprti oddelek Ig** je bila jedilnica v času nadzora DPM čista, vendar pa tokrat v njej ni bilo knjige pritožb in pohval za hrano. Resnih pritožb zoper kakovost in količino hrane ni bilo.

Prav tako ob obisku **ZPKZ Ig** ni bilo zaznani večjih in resnejših pripomb glede prehrane, z izjemo pripornice (tujke, državljanke Nigerije), ki se je pritožila glede onemogočanja uporabe začimb, ki jih je imela pri sebi pred namestitvijo v pripor. Od vodstva je DPM prejelo pojasnilo, da s strani tujke do obiska sicer ni prejelo pritožbe glede navedenega, da pa bo zadeva preverjena (7. 5. 2014). Ob obisku 15. 5. 2014 je bila zadeva že sanirana – pripornica je po navedbah vodstva že uporabljala svoje začimbe, prav tako je to potrdila tudi sama. DPM ugotavlja, da se je njegovo priporočilo s prejšnjega nadzora glede dajanja dodatne hrane upoštevalo in da se vsem ženskam, ki želijo dodatek, ta tudi omogoči. Zavod ima namen zaposliti še dodatno osebo v kuhinji.

V **ZPKZ Maribor – Odprti oddelek Rogoza** glede prehrane ni bilo ugotovljenih nobenih posebnosti.

Prav tako kot v ostalih zavodih tudi v **ZPMZ in KZ Celje** ni bilo posebnih pripomb glede hrane, razen te, da včasih dobijo kruh s pretečenim rokom uporabe. Ko je DPM zavod povprašal o teh navedbah, je dobil odgovor, da je kruh kljub preteku roka uporabe določen čas še vedno uporaben, zato DPM opozarja, da delitev kruha s pretečenim rokom uporabe ni dostojno in spoštljivo do zaprtih oseb. DPM predlaga, da zavod ob delitvi kruha upošteva datum, odtisnjen na ovitku. DPM je pri nekaterih od obsojencev naletel na pripombe, da ne dobivajo pribora in da morajo zato meso jesti z rokami.

Zavodska trgovina

Ob obisku **ZPKZ Koper – Nova Gorica** je DPM prejel veliko pritožb zoper zavodsko trgovino – predvsem zaradi slabe založenosti, visokih cen, neprijaznosti osebja in težav pri delovanju telefonskih kartic ter preostalih zatrjevanih drugih nepravilnosti. Že ob obisku je DPM prejel sporočilo, da se pri izvajalcu zavodske trgovine načrtujejo spremembe.

Ob obisku **ZPKZ Ljubljana** DPM ni naletel na večje pripombe zoper trgovino, prejel pa je podatek, da je nakup proteinov možen le še v kantini.

ZPKZ Ljubljana – Odprti oddelek Ig nima zavodske trgovine, po nakupih odhajajo organizirano.

Food

When visiting **Nova Gorica Unit of Koper Prison**, it was explained to the NPM that a change in the supply of food to prisoners occurred on 15 January 2014, since the agreement with the previous supplier was terminated and the food was now being provided by Nova Gorica residence hall for secondary school students. The management highlighted that no further complaints against food were recorded, which was also confirmed by the prisoners.

The NPM did not detect any major complaints with regard to the quantity or quality of food in **Ljubljana Prison** and the members of the NPM also assessed the diversity and sufficiency of food, since the visit took place at lunch time. The prisoners receive meals in their rooms. The management stressed that by employing a third cook, they were able to provide hot dinners four times a week. The management expected that with the implementation of common standards for all prisons by the Prison Administration of the Republic of Slovenia, prisoners would be less pleased (more fish, vegetables, fruit) and the meals would also be more expensive. As in other prisons, proteins could only be purchased in the canteen, which unifies prison practice and reduces the possibility of obtaining illicit substances. The NPM established that meals were not obligatory and that prisoners did not take certain meals, particularly breakfast, but they slept through it. The NPM stressed the enhancement of respect, responsibility and tidiness, whereby the skipping of meals was certainly not part of this. The Prison Administration of the Republic of Slovenia explained that through small groups led by educators and the home community groups, prisoners were aware of the importance of a healthy diet and individual meals. Due to economising and the reduction of wasted food, the possibility of cancelling a meal was introduced in 2014. Prisoners working in JGZ Golovec commended the quality and quantity of lunches they received when working. When reviewing the dining room, the NPM noticed that the prison had observed the NPM recommendation from the previous visit and repaired the damaged ceiling above the distribution counter.

The dining room in **Ig Open Unit of Ljubljana Prison** was clean during the NPM review, but there was no comments and complaints book for food. No serious complaints about the quality and quantity of food were received.

When visiting **Ig Prison**, no major or serious complaints about the food were received, except from a detainee (a citizen of Nigeria) who complained about the inability to use spices which she had brought with her. The NPM received a clarification from the management that no complaint was received from the relevant detainee with regard to the aforementioned and assured that the matter would be examined (7 May 2014). The matter had already been resolved during the visit on 15 May 2014; the detainee was able to use her spices, which she also confirmed. The NPM established that its recommendations from the previous review about extra food had been observed and that all women who wanted more food were able to get it. The prison was also planning to employ another person in the kitchen.

No particularities relating to food were established in **Rogoza Open Unit of Maribor Prison**.

No special complaints about food were heard at **Celje Prison and Juvenile Prison**, except that bread was sometimes past its expiry date. When the NPM inquired about this, the reply was that bread may still be used for some time after its expiry date; the NPM emphasised that distributing bread with expired dates is not suitable or respectful towards prisoners. The NPM suggested that when distributing bread, the prison observe the date on the packaging. Some prisoners commented that they did not receive cutlery and were forced to eat meat with their hands.

Prison shop

When visiting **Nova Gorica Unit of Koper Prison**, the NPM received many complaints about the prison shop, particularly its poor stock, high prices, unfriendliness of the staff, problems with the functioning of telephone cards and other alleged irregularities. Upon its arrival, the NPM was informed that changes were being planned with the prison shop provider.

The NPM did not receive any major complaints about the shop in **Ljubljana Prison**, but it received information that the purchase of proteins was only possible in the canteen.

Ig Open Unit of Ljubljana Prison did not have a prison shop; the purchases were organised.

V **ZPKZ Maribor – Murska Sobota** imajo zaprte osebe možnost nakupovati v zavodski kantini tako, da dvakrat v tednu pravosodnemu policistu zjutraj oddajo listek z navedenim želenim blagom in priloženim denarjem, potem pa prejmejo nakupljene artikle, račun zanje in razliko v denarju.

Knjižnica

V **ZPKZ Koper – Nova Gorica** je bilo ugotovljeno, da se je upoštevalo priporočilo DPM in želje oddelka, da se knjižnici zagotovijo novi regali za knjige. Knjižnica je zdaj lepo urejena v pritličju zgradbe poleg vodstva, zanjo skrbi socialna delavka, ki je zadolžena tudi za dostavo knjig zaprtim osebam. DPM je predlagal, da bi za knjižnico skrbel kdo od obsojencev, glede na to, da je problematika zagotavljanja dela vsem zaprtim osebam velika.

ZPKZ Ljubljana obsojencem omogoča prost dostop do knjig, medtem ko si jih priporniki izbirajo po seznamu. Za knjižnico skrbi ena oseba. DPM je ugotovil, da je knjižnica dobro založena tako s knjigami kot tudi s kopijami zakonodaje, ne premore pa letnih poročil DPM in Varuha človekovih pravic RS.

DPM med obiskom **ZPKZ Ljubljana – Odprti oddelek Ig** v prostorih učilnice in knjižnice ni ugotovil nobenih sprememb.

Po mnenju DPM ima **ZPKZ Ig** lepo urejeno knjižnico, ki, pohvalno, premore tudi nekaj poročil Varuha človekovih pravic RS. Zavod prav tako omogoča dostop potujoči knjižnici Otona Župančiča (enkrat mesečno), ki zaprtim osebam nudi dostop do posebnega gradiva (npr. literature za maturo).

ZPMZ in KZ Celje sodeluje z Osrednjo knjižnico Celje, v kateri si lahko zaprte osebe tudi izposojajo knjige. Enkrat na teden se izvede naročilo za knjige, ki jih želijo obsojenci. V Mavrični sobi imajo zaprte osebe na razpolago tudi nekaj knjig.

V **ZPKZ Maribor – Murska Sobota** knjižnice ni, vendar pa pedagog in navadno še eden od obsojencev – skladno s sklenjenim dogovorom med oddelkom in Pokrajinsko in študijsko knjižnico Murska Sobota – enkrat tedensko odhajata v slednjo po knjižnično gradivo, ki ga naročijo zaprte osebe.

Tujci

Ob obisku **ZPKZ Koper, Oddelek Nova Gorica** je DPM opozoril, naj se v primeru nastanitve tujca poskrbi, da bodo njegovi bivalni prostori v času njegovega bivanja opremljeni s hišnim redom v italijanskem jeziku (po potrebi tudi angleškem), saj imajo vse osebe pravico biti obveščene o svojih pravicah in dolžnostih in načinu bivanja na oddelku v razumljivem jeziku.

Ob obisku **ZPKZ Ig** je bilo v zavod nameščenih osem tujk (ena državljanka Nigerije, dve državljanke Ukrajine, tri državljanke Republike Srbije, ena državljanka Bosne in Hercegovine in ena državljanka Slovaške). DPM je prejel pojasnilo direktorice, da v zavodu nimajo težav s komunikacijo z zaprtimi osebami, izpostavila pa je novost, ki jo omogoča sodišče. Če pripornica ne razume jezika, v katerega sta prevedena hišni in dnevni red, se ji s strani sodišča omogoči tolmača, da ji pojasni režim nastanitve. Zavod zagotavlja brezplačno pravno pomoč obsojenkam za pravno varstvo njihovih pravic, določenih v ZIKS-1 in predpisih, izdanih na njegovi podlagi (211. člen ZIKS-1). UIKS je pojasnila, da so vse obsojenke s predpisi s področja izvrševanja kazenskih sankcij seznanjene že ob nastopu kazni, kolikor pa se pojavi potreba po pomoči glede varstva pravic, obsojenkam nudi pomoč strokovni delavec ali druga ustrezno usposobljena oseba, zaposlena na zavodu.

Prisoners in **Murska Sobota Unit of Maribor Prison** may purchase goods in the prison canteen twice a week by submitting a shopping list with desired goods and money to the judicial police officer in the morning; they then receive the purchased goods, a receipt and change.

Library

It was established in **Nova Gorica Unit of Koper Prison** that the NPM recommendation and the wish of the unit was observed and new book shelves were installed in the library. The library is now nicely arranged on the ground floor of the building next to the management office; a social worker, also responsible for the delivery of books to prisoners, is managing it. The NPM proposed that one of the prisoners manage the library, since the provision of jobs for prisoners is a great problem.

Ljubljana Prison enables free access to books for prisoners, while detainees may choose books from a list. One person manages the library. The NPM established that the library is well-stocked with books and copies of legislation, but does not include the NPM's or the Ombudsman's annual reports.

The NPM did not establish any changes in the classroom or library of **Ig Open Unit of Ljubljana Prison**.

The NPM believes that **Ig Prison** has a well arranged library, which also includes some annual reports of the Human Rights Ombudsman of the Republic of Slovenia, which is commendable. The prison also allows access to the Oton Župančič mobile library (once a month), which enables prisoners access to special material (e.g. material for secondary school leaving exams).

Celje Prison and Juvenile Prison cooperate with Celje Central Library, from which prisoners may borrow books. Once a week, orders are placed for the books the prisoners want. Some books are also available in the Rainbow Room.

Murska Sobota Unit of Maribor Prison does not have a library, but in agreement with the unit and the Murska Sobota Regional and Study Library, the educator and usually one of the prisoners visit Murska Sobota Regional and Study Library once a week and collect material which the prisoners order.

Aliens

When visiting **Nova Gorica Unit of Koper Prison**, the NPM pointed out that, for the purpose of admitting an alien, the prison must equip their living quarters with the house rules in Italian (also English if necessary), since everyone has the right to be informed on their rights and duties and the living arrangements in the unit in a language they understand.

Eight female aliens were accommodated in **Ig Prison** at the time of the visit (one citizen of Nigeria, two from Ukraine, three from Serbia, one from Bosnia and Herzegovina and one from Slovakia). The director of the prison explained that they had no communication problems with the prisoners and emphasised a novelty enabled by the court. If a detainee does not understand the language of the house and daily routine rules, the court provides an interpreter to clarify the accommodation regime. The prison provides free legal aid to female prisoners for legal protection of their rights determined in the ZIKS-1 and regulations issued on its basis (Article 211 of the ZIKS-1). The Prison Administration of the Republic of Slovenia explained that all female prisoners had been informed about the regulations in the field of enforcement of criminal penalties upon their admission to prison. An expert worker or another suitably qualified person employed at the prison provide assistance to female prisoners relating to the protection of rights if the need arises.

Sanitarno-higiensko nadzorstvo v ZPKZ

Do zanimivih ugotovitev smo prišli tudi v zvezi s sanitarno-higienskim nadzorstvom v zavodih za prestajanje kazni zapora, kot ga opredelujeta ZIKS-1¹⁴ in Pravilnik o izvrševanju kazni zapora.¹⁵ V zvezi z našim zaprosilom v poročilu DPM o obisku **ZPKZ Ig** z dne 7. 5. 2014 za pojasnilo o tem, kdaj je bilo nazadnje opravljeno sanitarno-higiensko nadzorstvo nad higieno prostorov, v katerih živijo obsojenke, razporejene v prostorih v drugem nadstropju, nam je Generalni urad UIKS sporočil naslednje (dopis št. 070-1/2014/63 z dne 15. 8. 2014): »Sanitarno-higienski pregledi se izvajajo tedensko oziroma na 14 dni. Zavodska medicinska sestra v spremstvu vodje oddelka za vzgojo in delo oziroma v spremstvu pravosodne policistke – operativne vodje opravi higiensko-sanitarni pregled po sobah in dnevnih prostorih. Občasno se opravi tudi poseben pregled hladilnikov (posebno preverjanje rokov uporabnosti živil), pri katerem se tudi izloči vsa hrana, ki ne ustreza rokom trajanja. Ugotovljena odstopanja zavodska medicinska sestra zapiše v dnevno poročilo, da se lahko nadalje ustrezno ukrepa in zagotavlja ustrezna higiena v zavodu.« Ob tem smo se spomnili na pojasnilo s strani istega naslova, ki smo ga na smiselno enako vprašanje prejeli nekaj mesecev pred tem v zvezi z obiskom DPM v **ZPKZ Dob pri Mirni** (dopis št. 070-1/2014/12 z dne 10. 4. 2014), in sicer »da zavod nima posebej organizirane zdravstvene službe, ima zgolj zaposlene zdravstvene delavce, ki izvajajo naloge po navodilih zdravnikov iz javne zdravstvene mreže in opravljajo tiste naloge, ki jih javna zdravstvena mreža ne izvaja (npr.: urejanje hospitalizacij, urejanje specialističnih pregledov, doziranje terapije, razdelitev terapije). Zavodski zdravstveni delavci redno nadzirajo bolniške sobe in izvajajo nadzor v skladu s POBO,¹⁶ za druge bivalne prostore ni določen poseben protokol nadzora. Zavod se zaveda, da bi bilo s sanitarno-higienskega vidika dobrodošlo, da zdravstveni delavci izvajajo nadzor v vseh prostorih, vendar tega niso zmožni uvesti zaradi kadrovske težave«.

Zgoraj predstavljena različna odgovora sta terjala dodatna pojasnila, zato smo se odločili ponovno obrniti na Generalni urad UIKS. V odzivu slednjega (dopis št. 070-1/2014-83 z dne 7. 10. 2014) je bilo uvodno pojasnilo, da 60. člen Pravilnika o izvrševanju kazni zapora napotuje na izvajanje higiensko-sanitarnih pregledov, ki ga izvaja zdravstvena služba zavodov za prestajanje kazni zapora in da v tem delu pravilnik ne sledi sistemskim spremembam na tem področju, »saj v zavodih za prestajanje kazni zapora nimamo več zdravstvene službe, ampak zdravstvene naloge izvajajo v večjem delu pristojne zunanje zdravstvene organizacije, le v delu pa še pri nas zaposleni medicinski tehniki in medicinske sestre«, temu pa je sledilo tudi zagotovilo, da bo problematika izvajanja higiensko-sanitarnih pregledov ena od vsebin prihodnjih pogovorov z Ministrstvom za zdravje. Nadalje je Generalni urad UIKS posebej poudaril, »da vsebina teh pregledov ni enaka, kot so naloge drugih pristojnih zunanjih institucij (sanitarne, zdravstvene in druge inšpekcije), ki nadzore v zavodih za prestajanje kazni zapora izvajajo na podlagi splošnih predpisov. Vsebinski pregledov, ki se izvaja po omenjenem členu pravilnika, je predvsem nadziranje higiene zaprtih oseb in nadziranje higienskih pogojev (čistost oblačil in posteljnine, sanitarije, gretje, osvetlitev, prezračevanje sob)«.

Sanitary and hygienic supervision in prisons

We encountered interesting findings relating to sanitary and hygienic supervision in prisons as determined by the ZIKS-1¹⁴ and the Rules on the implementation of prison sentences.¹⁵ Relating to our request in the NPM report on the visit to **Ig Prison** on 7 May 2014, about when the last sanitary and hygienic supervision of the hygiene of the premises in which the female prisoners on the second floor live was conducted, the Prison Administration of the Republic of Slovenia replied as follows (letter no. 070-1/2014/63 of 15 August 2014): "Sanitary and hygienic supervisions are implemented every week or two weeks. The prison nurse accompanied by the head of the educational and work section or by a female judicial police officer/operations manager conducts a sanitary and hygienic supervision of rooms and living quarters. Special supervision of refrigerators (verification of expiry dates of foodstuffs) is conducted occasionally, whereby any food which does not comply with expiry dates is removed. The nurse records the established discrepancies in her daily report, so further actions can be taken and suitable hygiene in the prison is ensured." In this regard, we remembered a clarification from the same authority which we received in connection with virtually the same question a few months before relating to the NPM visit to **Dob pri Mirni Prison** (letter no. 070-1/2014/12 of 10 April 2014), i.e., "the prison does not have an specially organised health service; it merely employs medical staff who implement tasks according to the instructions of general physicians from the public health network and conduct tasks which the public health network does not implement (e.g. arranging hospitalisations and specialist examinations, dosage and distribution of medications). The prison medical staff regularly supervise patient rooms and implement supervision according to the POBO,¹⁶ no special supervision protocol is in force for other living premises. The prison is aware that it would be suitable from the sanitary and hygienic aspects for health staff to implement supervision in all premises; however, this is not possible due to a staff shortage."

The aforementioned differing replies required additional clarifications, so we contacted the Head Office of the Prison Administration of Slovenia again. The latter initially explained (letter no. 070-1/2014-83 of 7 October 2014) that Article 60 of the Rules on the implementation of prison sentences dictated the implementation of sanitary and hygienic supervision implemented by the prison health service, and that in this section the Rules failed to follow systemic changes in this field, "since the health service is no longer present in prisons, but health tasks are for the most part implemented by relevant external health organisation, and partly by the employed medical technicians and nurses." This was followed by an assurance that the issue of implementing sanitary and hygienic supervision would be one of the topics at future discussions with the Ministry of Health. The Head Office of the Prison Administration of Slovenia further stressed that, "the content of such supervision is not the same as the tasks of other relevant external institutions (sanitary, health and other inspections), which implement supervisions in prisons on the basis of general regulations. The content of supervisions implemented according to the above article of the Rules includes particularly supervision of prisoners' hygiene and control of hygienic conditions (cleanliness of clothes and bed linen, toilet facilities, heating, lighting, airing of rooms)."

14 V tej smeri gre izpostaviti predvsem prvi odstavek 42. člena ZIKS-1: »Prostori, v katerih prebivajo obsojenci, morajo ustrezati zdravstvenim, higienskim zahtevam in omogočati realizacijo osebnega načrta.«

15 V prvem odstavku 60. člena je določeno: §1 »Sanitarno-higiensko nadzorstvo nad pripravo in delitvijo hrane, vode, osebno higieno obsojencev, higieno prostorov, kjer obsojenci živijo in delajo, ter obleko, perilom in obutvijo obsojencev opravlja zavodska zdravstvena služba.« §2 »Zavod mora izvajati ukrepe, ki jih odredi sanitarna inšpekcija, ki v zavodu po splošnih predpisih opravlja sanitarno-higienski nadzor.«

16 V nadaljevanju (glej spodaj) smo nato med drugim preverili, ali se je pri kratici POBO mislilo na program za obvladovanje (in preprečevanje) bolnišničnih okužb – in če da, za kateri tak program gre – in zvezi s tem prejeli pojasnilo Generalnega urada UIKS, »da se pri kratici POBO misli na Program o izvajanju preprečevanja in obvladovanja bolnišničnih okužb (POBO), ki so ga v ZPKZ Dob pri Mirni izdelali na podlagi 7. člena Zakona o zdravstveni dejavnosti (Ur. l. RS, št. 23/05 – ZZDej – UPB2, 23/08, 58/08 – ZZdrS-E, 15/08 – ZPacP, 77108 – ZDZdr, 40/12 – ZUJF), Zakona o nalezljivih boleznih (Ur. l. RS, št. 69/95, 25/04 – Odl. US, 47104 – ZdZPZ, 119/05) ter v skladu z določbami Pravilnika o pogojih za pripravo in izvajanje programa za preprečevanje in obvladovanje bolnišničnih okužb (Ur. l. RS, št. 74/99, 92/06, 10/11). POBO so bili dolžni pripraviti za bolniške sobe in imajo POBO za bolniško sobo 1. oddelka in bolniško sobo 5. objekta.«

14 In this regard, the first paragraph of Article 42 of the ZIKS-1 must be emphasised: "Premises in which prisoners live must comply with health and hygienic requirements and enable the realisation of a personal plan."

15 The first paragraph of Article 60 determines: "The sanitary and hygienic supervision of the preparation and distribution of food and water, personal hygiene of prisoners, the hygiene of premises where prisoners live and work and their clothes, underwear and shoes is implemented by the prison health service." "The prison must implement measures ordered by the sanitary inspection which conducts sanitary and hygienic supervision in the prison as per general regulations."

16 In the continuation (see below), we verified whether the abbreviation POBO refers to the programme for controlling (and preventing) hospital-acquired infections, and if so, which programme was referred to. In this regard, we received the explanation of the Head Office of the Prison Administration of Slovenia that "the abbreviation POBO referred to the Programme on the prevention and control of hospital-acquired infections (POBO) which was prepared in Dob pri Mirni Prison on the basis of Article 7 of the Health Services Act (Official Gazette of the Republic of Slovenia, nos. 23/05 – ZZDej – UPB2, 23/08, 58/08 – ZZdrS-E, 15/08 – ZPacP, 77108 – ZDZdr, 40/12 – ZUJF), the Contagious Diseases Act (Official Gazette of the Republic of Slovenia, nos. 69/95, 25/04 – Odl. US, 47104 – ZdZPZ, 119/05) and in accordance with the provisions of the Rules on the preparation and implementation of the programme on the prevention and control of hospital-acquired infections (Official Gazette of the Republic of Slovenia, nos. 74/99, 92/06, 10/11). The prison was obliged to draft the POBO for patient rooms, and they have the POBO for the patient room of the first unit and the patient room of the fifth facility."

Na naše vprašanje o tem, kdaj je zavodska zdravstvena služba nazadnje opravila sanitarno-higiensko nadzorstvo v smislu 60. člena Pravilnika o izvrševanju kazni zapora tako v ZPKZ Dob kakor tudi v ZPKZ Ig, smo prejeli pojasnilo Generalnega urada UIKS, da v ZPKZ Dob doslej ni bil opravljen noben tovrstni pregled, v ZPKZ Ig pa 28. 8. 2014 »/.../ (vsi bivalni in dnevni prostori), nato pa se je še trikrat izvedel po posameznih sobah, in sicer 16. 9., 17. 9. in 30. 9. 2014. V septembru pregled v tem obsegu ni bil izveden, ker je bila zavodska medicinska sestra odsotna, so pa zaprosili medicinsko sestro pristojnega zdravstvenega zavoda, da v posameznih sobah opravi selektivni pregled.« Na to, kaj vse dejansko obsega sanitarno-higienski pregled po sobah in dnevnih prostorih, ki da ga opravlja medicinska sestra v ZPKZ Ig, in tudi, ali je to kakor koli dogovorjeno oziroma ustaljeno, pa je bil odziv, da »omenjeni pregled predstavlja pregled čistoče, higijene in urejenosti prostorov, pohištva in postelj ter tudi osebne higijene zaprtih oseb (oblačila in obutev). V skupnih prostorih se pregleda tudi hladilnik, kjer se poleg splošne čistoče ugotavlja tudi rok trajanja posameznih živil. Medicinska sestra vodi evidenco vseh higiensko-sanitarnih pregledov, kjer se zabeležijo nepravilnosti, ukrepi in predlogi izboljšav. Povzetek tega se zabeleži v dnevno poročilo zavoda«.

Ob sprva prejetih pojasnilih se nam je zastavljalo tudi vprašanje o tem, ali se za ZPKZ Ig torej pojmuje, da – v nasprotju od ZPKZ Dob pri Mirni – vendarle ima posebej organizirano zdravstveno službo. V zvezi s tem nam je Generalni urad UIKS sporočil, da je dejstvo, »da imamo v zavodih za prestajanje kazni zapora zaposlene tudi zdravstvene delavce, ki opravljajo dela in naloge zagotavljanja zdravstvene oskrbe zaprtih oseb. Pravilnik o izvrševanju kazni zapora v 60. členu res določa, da sanitarno-higiensko nadzorstvo nad pripravo in delitvijo hrane, vode, osebno higieno obsojencev, higieno prostorov, kjer obsojenci živijo in delajo, ter obleko, perilom in obutvijo obsojencev opravlja zavodska zdravstvena služba, vendar tu ne gre za neko posebno zdravstveno službo, ampak zgolj za zdravstvene delavce, ki imajo poleg zdravstvenih nalog tudi nalogo izvajanja higiensko-sanitarnega nadzora«. V zvezi z ZPKZ Dob pri Mirni pa nas je zanimala konkretizacija kadrovskih in organizacijskih okoliščin, ki ne dopuščajo opravljanja sanitarno-higienskih pregledov vsaj na način, kot je bil opisan za ZPKZ Ig. Te okoliščine je Generalni urad URSIKS utemeljeval z navedbami, da »imajo zaposlene štiri zdravstvene delavce. Od teh je eden pogosto odsoten iz zdravstvenih razlogov, občasno pa tudi drugi delavci zaradi lastnih težav ali boleznih otrok. Pogosto izvajajo naloge v povečanem obsegu, da opravijo redne obveznosti v okviru nalog v zdravstveni ordinaciji. Nadzor nad higiensko-sanitarnimi pogoji zaradi tega izvajajo pravosodni policisti in operativni vodje ter vodje oddelkov. Zdravstveni delavci opravljajo higienski nadzor samo v I. oddelku obsojencev in v bolniških sobah, kar so v stanju izvajati ob tej kadrovski zasedbi«.

Zaprosili smo tudi za stališče Generalnega urada UIKS o tem, ali bi bilo smiselno – po potrebi tudi izven okvirja »izvajanja nalog po navodilih zdravnikov« – določiti poseben protokol nadzora tudi še za druge bivalne prostore po zgledu prakse v ZPKZ Ig. V tej smeri nam je naslovnik sporočil, »da je bilo na aktivu zdravstvenih delavcev v URSIKS dogovorjeno, da je naloga zdravstvenih delavcev tudi nadziranje higijene zaprtih oseb in nadziranje higienskih pogojev (čistost oblačil in posteljnine, sanitarije, gretje, osvetlitev, prezračevanje sob ...). V ta namen je potrebno redno opravljati obiske po celicah in bolniških sobah. Na podlagi tega dogovora so v vseh zavodih pričeli izvajati te naloge, razen v ZPKZ Dob pri Mirni, kjer se soočajo s težjimi kadrovske razmerami glede zdravstvenih delavcev. Hkrati pa želimo poudariti, da so tudi pravosodni policisti zavezani k nadziranju izvajanja hišnega reda tekom celega dneva in skrbijo, da zaprte osebe izvajajo zahtevana čiščenja in vzdržujejo osebno higieno«.

Tudi pozorno sledenje prejetim pojasnilom glede sanitarno-higienskega nadzorstva (po 60. členu Pravilnika o izvrševanju kazni zapora) je torej pokazalo različno prakso v zavodih za prestajanje kazni zapora in tudi razkrilo, kakšna je razlaga te določbe s strani organa, katerega dislocirane notranje organizacijske enote so ti zavodi. Oboje bo v takem ali drugačnem smislu uporabna referenca za našo nadaljnjo obravnavo zaporske problematike – tako v okviru obravnave pobudo po ZVarCP kot pri izvrševanju nalog in pooblastil državnega preventivnega mehanizma po OPCAT.

To our question about when the prison health service had conducted the last sanitary and hygienic supervision in Dob and Ig prisons as per Article 60 of the Rules on the implementation of prison sentences, the reply of the Head Office of the Prison Administration of Slovenia was that no such supervision was conducted in Dob Prison and, in Ig Prison, supervision was implemented on 28 August 2014, "/.../ (all living and common premises) and then three times in individual rooms, i.e. on 16 September, 17 September and 30 September 2014. Supervision was not conducted in the same extent in September, because the prison nurse was absent; however, a nurse from the relevant health institute was asked to conduct a selective supervision in individual rooms." The reply to the question about what was actually encompassed in the sanitary and hygienic supervision of rooms and common premises conducted by the nurse in Ig Prison, and also, if this was in any way agreed on or regular practice, stated that "this supervision includes a control of cleanliness, hygiene and tidiness of premises, furniture and beds, and also personal hygiene of prisoners (clothes and shoes). A refrigerator is also examined in the common premises, where the expiry dates of foodstuffs are established in addition to general cleanliness. The nurse keeps a record of all sanitary and hygienic supervisions during which irregularities, measures and proposals for improvement are recorded. The summary is recorded in the prison's daily report."

Upon the initially received clarifications, we further inquired if Ig Prison, unlike Dob pri Mirni Prison, is considered to have a specially organised health service. In this regard, the Head Office of the Prison Administration of Slovenia replied that it was a fact "that prisons employed medical staff who implement the work and tasks of providing health care to prisoners. Article 60 of the Rules on the implementation of prison sentences actually stipulates that sanitary and hygienic supervision of the preparation and distribution of food and water, personal hygiene of prisoners and quarters where prisoners live and work, and prisoners' clothes, underwear and shoes is to be implemented by the prison health service, but this does not refer to any special health service, but merely medical staff who in addition to health tasks also implement the sanitary and hygienic supervision." Relating to Dob pri Mirni Prison, we inquired about the concrete staffing and organisational circumstances which did not permit the implementation of sanitary and hygienic supervisions in the way described for Ig Prison. These circumstances were substantiated by the Head Office of the Prison Administration of Slovenia by stating that "four medical workers are employed, one of whom is frequently absent for medical reasons, and occasionally other workers as well, due to their personal problems or their children being ill. They frequently have an increased work load in order to conduct their regular duties among the tasks in the medical consulting room. The supervision of hygienic and sanitary conditions is thus conducted by judicial police officers, operations manager and heads of units. The medical staff conduct hygienic supervision only in the first prison section and patient rooms, which is the most they can implement in the current staffing situation."

We also requested the opinion of the Head Office of the Prison Administration of Slovenia on whether it would be appropriate, if necessary also outside the framework of "implementing tasks according to the instructions of general physicians", to determine a special supervision protocol also for other living quarters as provided in the example of Ig Prison. In this regard, the reply was that "the working group of medical workers of the Head Office of the Prison Administration of Slovenia determined that the task of medical workers was also the supervision of hygiene of prisoners and hygienic conditions (cleanliness of clothes and bed linen, toilet facilities, heating, lighting, airing of rooms etc.). For this purpose, regular visits to prisoners' rooms and patient rooms must be conducted. On the basis of the above agreement, this task was then being implemented in all prisons with the exception of Dob pri Mirni Prison, which has severe staffing problems with medical staff. We would also like to add that judicial police officers are committed to the implementation of the house rules throughout the day and supervise the execution of required cleaning and maintenance of personal hygiene."

A detailed reading of clarifications on the sanitary and hygienic supervision (as per Article 60 of the Rules on the implementation of prison sentences) has thus revealed that prisons do things in different ways, and also provided the explanation of this provision by the authority responsible for these prisons. The above will in any case be a useful reference for our further consideration of prisons' issues, i.e. within the framework of discussing complaints as per the ZVarCP and the implementation of tasks and powers of the National Preventive Mechanism according to the OPCAT.

1.2 Obiski policijskih postaj



V letu 2014 smo obiskali 15 policijskih postaj po Sloveniji (PP Trebnje, PP Novo mesto, PP Ptuj, Postaja mejne policije Središče ob Dravi, PP Gornja Radgona, PP Trbovlje, PP Litija, PP Nova Gorica, PP Bovec, PP Ljubljana Šiška, PP Ljubljana Vič, PP Vrhnika, PP Logatec, PP Domžale in PP Kamnik) in Center za pridržanje Ljubljana. Obiski PP so bili opravljeni v okviru rednega nadzora, kontrolni obisk pa je bil opravljen v Centru za pridržanje Ljubljana. Tudi v tem letu smo opazili, da so bili policisti dobro seznanjeni z nalogami in pooblastili DPM, tako da je naše delo potekalo nemoteno. Vsi obiski, razen obisk Centra za pridržanje Ljubljana, so bili nenapovedani. Po vsakem obisku je skupina pripravila poročilo o ugotovitvah s priporočili, ki je bilo poslano Ministrstvu za notranje zadeve (MNZ) in obiskani policijski postaji (PP) oziroma postaji mejne policije (PMP) oziroma centru za pridržanje (CP), kjer je bil opravljen nadzor.

Poročila so nastala na podlagi pregleda prostorov za pridržanje, pogovora z vodstvom PP in na podlagi pregleda dokumentacije, povezane s pridržanjem oseb. MNZ se je redno odzivalo na naša poročila in se v večini primerov strinjalo z našimi ugotovitvami ter zagotovilo, da so nekatere pomanjkljivosti že odpravili oziroma da so predvidene izboljšave.

Obiski PP so še naprej potekali po ustaljenem zaporedju: najprej je skupina, ki so jo sestavljali predstavniki Varuha in predstavniki ene pogodbene nevladne organizacije (z izjemo obiska CP Ljubljana, kjer sta obisk izvedla le predstavnika Varuha), opravila ogled vseh prostorov za pridržanje, vključno s pomožnimi prostori (kot so prostori za sprejem, za tujce in odvetnika, skladišče, prostor za sprehod). Pri splošnem pregledu PP smo bili pozorni tudi na parkirne prostore za stranke – označenost parkirnih prostorov, še posebej na ustreznost dostopa za invalidne osebe, pogledali pa smo tudi garderobne prostore za policiste in morebitno njihovo ločenost za moške in ženske. Sledil je ogled intervencijskih vozil, če so bila na voljo med našim obiskom na PP, nato pa je bil na vrsti pogovor z vodstvom PP (največkrat s komandirjem, pomočnikom komandirja ali dežurnim policistom), ob katerem smo pregledali tudi dokumentacijo pridržanj naključno izbranih primerov (spisov). Ob vsakem obisku smo pridobili tudi statistične podatke o številu pridržanih oseb na obiskanih PP v letu 2014 (od dne 1. 1. 2014 do datuma dneva obiska).

Prostori za pridržanje

Število prostorov za pridržanje se razlikuje po PP, ki imajo od enega do šest prostorov za pridržanje – za krajša (do 12 ur) in daljša (do 48 ur) pridržanja; na CP Ljubljana pa imajo 20 prostorov za pridržanje (10 za krajša, 10 za daljša pridržanja). Na nekaterih obiskanih PP nimajo prostorov za pridržanje (PP Logatec, PP Litija in PP Kamnik), na PP Domžale pa prostore za pridržanje sicer imajo, vendar jih ne uporabljajo, zato se v obeh primerih pridržanja izvajajo na drugih PP oziroma na CP Ljubljana.

Dostop do prostorov za pridržanje je na nekaterih PP mogoč z vozilom neposredno skozi garažo oziroma glavni vhod ali po stopnicah mimo dežurnega policista (PP Novo mesto, PP Gornja Radgona, PP Bovec in PP Ljubljana Šiška), na PP Vrhnika pa je dostop mogoč po hodniku mimo dežurnega policista in skozi ločen zunanji vhod čez dvorišče PP.

Ob ogledu prostorov za pridržanje smo se osredotočili na ustrezno opremljenost, označenost in velikost prostorov, ustrezno osvetlitev (dnevna in umetna svetloba), primerno temperaturo in prezračevanje prostorov ter čistočo, sanitarije, dostop do pitne vode, oskrbe s hrano, videonadzor prostorov in klicno možnost, opremljenost prostorov z informacijami in brošurami o pravicah pridržanih oseb, možnost za gibanje na prostem ter možnost kajenja (in bivanja v sobah brez kajenja), urejenost pritožbenih poti in (ne)primerno pokritost sanitarnih prostorov z videonadzornim sistemom.

Opremljenost prostorov

Prostori za pridržanje so večinoma oštevilčeni in ustrezno opremljeni (WC). Ležišča so praviloma lesena in opremljena s PVC-žimnicami, vzglavniki in posteljnino, ki jo oseba dobi ob prihodu (odeje ali posteljnina za enkratno uporabo). Posteljnina je običajno shranjena v posebnem prostoru oziroma skladišču.

1.2 Visits to police stations

In 2014, we visited 15 police stations in Slovenia (Trebnje, Novo mesto, Ptuj, Središče ob Dravi Border Police Station, Gornja Radgona, Trbovlje, Litija, Nova Gorica, Bovec, Ljubljana-Šiška, Ljubljana-Vič, Vrhnika, Logatec, Domžale and Kamnik) and Ljubljana Police Detention Centre. The visits were conducted within the regular supervision, and a control visit was implemented in Ljubljana Police Detention Centre. In 2014, we observed that police officers were well informed of the duties and powers of the NPM, which enabled us to work smoothly. All visits, except to Ljubljana Police Detention Centre, were unannounced. After each visit, the group prepared a report on the findings, with recommendations sent to the Ministry of the Interior (MNZ) and to the visited police station (PP), border police station (PMP) or police detention centre (CP) where the review was conducted for information.

The reports were prepared on the basis of examination of detention rooms, the interview with the PP management and on the basis of reviewing the documents related to detention of persons. The MNZ regularly responded to our reports and, in the majority of cases, agreed with our findings and assured us that some deficiencies had been already eliminated or that improvements were planned.

The visits to PPs were conducted according to the established order: the group consisting of representatives of the Ombudsman and one of the contractual NGOs (except the visit to Ljubljana Police Detention Centre which was conducted only by two Ombudsman's representatives) reviewed all detention premises, including the auxiliary rooms (admissions rooms, rooms for aliens and a lawyer, storage facilities and recreation area). In the general examination of PPs, we also reviewed parking spaces for clients, labelling of parking spaces and appropriate access for the disabled, changing rooms for police officers and potential separation of men and women. The inspection of intervention vehicles, if they were present during our visit, was carried out next, which was followed by the interview with the PP management (mostly with the commander, assistant commander or a duty officer), during which we reviewed documentation (files) of randomly selected detention cases. During each visit, we also obtained statistical data on the number of the detainees at the visited PP in 2014 (from 1 January 2014 to the date of the visit).

Detention rooms

The number of detention rooms at PPs varies; they have between one and six detention rooms – for short (up to 12 hours) and longer (up to 48 hours) detention. Ljubljana Police Detention Centre has 20 detention rooms (10 for short and 10 for longer detention). Some of the visited PPs do not have detention rooms (Logatec, Litija and Kamnik); there are detention facilities in Domžale PP, but they are not being used, so detention is executed at other PPs or Ljubljana Police Detention Centre.

Access to detention rooms at some PPs is possible by vehicle directly through the garage or the main entrance or the staircase past the duty officer (Novo mesto, Gornja Radgona, Bovec and Ljubljana-Šiška). Entry at Vrhnika PP is possible along the corridor past the duty officer and through a separate outside entry through the PP courtyard.

When examining the detention rooms, our focus was primarily on proper equipment, marking and size of rooms, suitable lighting of rooms (daylight and artificial lighting), proper temperature, ventilation and cleanliness of rooms, toilets, access to drinking water, food supply, video surveillance of rooms and the possibility of making phone calls, equipment of rooms with information and brochures on the rights of detained persons, the possibility for outdoor exercise and smoking (and staying in non-smoking rooms), regulation of complaint channels and (un)suitable video surveillance of toilets.

Equipment of rooms

The detention rooms were generally marked and adequately equipped (toilets). Beds were typically wooden and equipped with PVC mattresses, pillows and bedding, which the persons receive upon their arrival (blankets or disposable bed linen). The bed linen was usually stored in a special room or warehouse.

Kot primere dobre prakse je DPM izpostavil:

- Treba je pohvaliti PP Trebnje, ki je upoštevala priporočilo s prejšnjega obiska in prostora za pridržanje opremila z vzglavnikom, poleg tega pa je očitno upoštevano tudi priporočilo DPM, naj se v uradnem zaznamku glede na dejstvo, da prostora za pridržanje nimata tekoče vode, zaznamuje, da je bila voda pridržani osebi ponujena.
- Tudi PP Novo mesto je upoštevala priporočilo s prejšnjega obiska, saj je svoje prostore za pridržanje opremila z vzglavniki.
- DPM pozdravlja tudi samoiniciativno dejstvo, da PP Ptuj zasežene predmete hrani v manjših oštevilčenih omaricah, da so bile nekatere stene v prostorih prepleškane, da so bili v prostorih za pridržanje nameščeni vzglavniki in da sta bila knjiga pohval in pritožb ter nabiralnik za anonimno oddajanje pohval in pritožb na vidnem mestu in ustrezno označena. PP je ob odsotnosti stikal za regulacijo umetne svetlobe namestila tudi dodatne šibkejše žarnice, ki so namenjene razsvetljevanju prostora v nočnem času.
- Pohvalno je tudi, da je PP Trbovlje realizirala priporočilo s prejšnjega obiska in sedaj razpolaga z zadostnim številom vzglavnikov in posteljnine.
- Pohvaliti velja tudi PP Litija, ki je realizirala priporočilo s prejšnjega obiska in je v prostor pri vhodu na PP namestila nabiralnik za možnost oddajanja anonimnih pohval in pritožb, poleg tega pa je bilo ob obisku še ugotovljeno, da PP po priporočilu s prejšnjega obiska bolj redno skrbi za čistost vozila za prevoz pridržanih oseb.
- Tudi PP Nova Gorica je upoštevala priporočila prejšnjega obiska, saj je govorno napravo v prostoru št. 3 ustrezno označila, prostore za krajša pridržanja pa opremila s posteljnino, vzglavniki in toaletnim papirjem in vanje namestila stikala za regulacijo umetne svetlobe.
- PP Bovec je prav tako upoštevala priporočilo s prejšnjega obiska in prostore opremila s posteljnino, vzglavnikom in toaletnim papirjem.
- Na PP Ljubljana Šiška je DPM ugotovil, da je bilo prav tako realizirano priporočilo s prejšnjega obiska, saj je PP v prostorih za pridržanje pripravila posteljnino, vzglavnike in odeje, DPM pa je ob pregledu dokumentacije zaznal tudi povečano skrbnost in zgladnost ob njenem beleženju.
- PP Vrhnika je spoštovala prejšnje priporočilo in na levi strani vhoda PP namestila nabiralnik za anonimno oddajanje pripomb in pohval.
- Pohvaliti je treba tudi PP Domžale, ki je že v sprejemni prostor pred prostoroma št. 25 in 26 namestila oglasno desko, na kateri so izobešeni plakati DPM, MNZ o pravicah pridržane osebe in plakat PIC o brezplačni pravni pomoči, poleg tega pa so bili prostori ob ogledu zelo čisti.
- V PP Kamnik je bil v hodnik pred dežurnega policista nameščen avtomat s hladnimi in toplimi napitki, na steklu okenca dežurnega policista pa je bil nalepljen tudi plakat MNZ s pravicami pridržane osebe.

Osvetljenost prostorov za pridržanje

Večina PP, ki smo jih obiskali v letu 2014, v prostorih za pridržanje nima naravne svetlobe (PP Trebnje, PP Novo mesto, PP Trbovlje, PP Vrhnika in PP Domžale), ima pa vsaj zadovoljivo umetno svetlobo. Na preostalih obiskanih PP glede osvetljenosti prostorov DPM ni podal pripomb.

Čistost prostorov

PP imajo praviloma zaposlene čistilke oziroma imajo sklenjeno pogodbo s čistilnim servisom. Prostori so bili urejeni, čisti in ustrezno prezračeni, le na PP Vrhnika bi bilo treba stene ob vhodu na PP prepleškati, na PP Nova Gorica pa bi bilo treba prostor za razgovore z odvetnikom večkrat prezračiti. **V odzivnem poročilu MNZ za PP Nova Gorica je bilo DPM zagotovljeno, da bo prostor za razgovore z odvetnikom večkrat prezračen.**

As an example of good practice, the NPM pointed out:

- Trebnje PP must be commended for observing the recommendation from the previous visit and equipping the detention room with a pillow; furthermore, the NPM recommendation to make an official note that water be offered to the detained person, since the detention rooms lacked running water, was also observed.
- Novo mesto PP also considered the recommendation from the last visit and equipped its detention premises with pillows.
- The NPM commended the initiative of Ptuj PP to keep seized items in small numbered lockers; they had also painted some of the walls, placed pillows in detention rooms and the comments and complaints book and the box for anonymous submission of comments and complaints in a visible place and marked them accordingly. Due to the lack of switches for regulating artificial lighting, PP also installed additional weak light bulbs intended for lighting the premises at night.
- It is also commendable that Trbovlje PP realised the recommendation from the previous visit and provided a sufficient number of pillows and bed linen.
- Litija PP also realised the recommendation from the previous visit and installed a box for collecting anonymous comments and complaints next to the entrance. It was further established that since the last visit, PP also more regularly cleaned the vehicle for transporting detainees.
- Nova Gorica PP also observed the recommendations from the previous visit and suitably marked the communication device in room 3. Premises for short detention were equipped with bed linen, pillows, toilet paper and switches for regulating artificial lighting.
- Bovec PP also realised the recommendation from the previous visit and equipped the premises with bed linen, pillows and toilet paper.
- The NPM established that Ljubljana-Šiška PP also observed the recommendation from the previous visit and placed bed linen, pillows and blankets in detention rooms. When reviewing the documentation, the NPM also noticed increased diligence and exemplary record keeping.
- Vrhnika PP complied with a previous recommendation and installed a box for collecting anonymous comments and complaints on the left of the entrance to PP.
- Domžale PP must also be commended, because they placed an information board in the reception room between rooms 25 and 26 which included posters of the NPM, the MNZ on the rights of detained persons and the PIC poster on free legal aid; furthermore, the premises were very clean upon the visit.
- A vending machine with cold and hot beverages was placed in the corridor near the duty officer in Kamnik PP and the MNZ poster on the rights of detained persons was placed on the window of the duty officer's room.

Lighting in detention rooms

The majority of police stations visited in 2014 did not have natural lighting in detention rooms (Trebnje, Novo mesto, Trbovlje, Vrhnika and Domžale) but they had sufficient artificial lighting. The NPM had no complaints relating to the lighting of premises at other visited police stations.

Cleanliness of rooms

Police stations employed cleaners or had contracts with cleaning services. The premises were tidy, clean and suitably aired; however, the walls at the entrance to Vrhnika PP need to be painted and the room for interviews with lawyers needs to be aired more frequently at Nova Gorica PP. **In its response report, the MNZ ensured the NPM that the room for interviews with lawyers in Nova Gorica PP would be aired more frequently.**

Sanitarije

Sanitarije so bile ustrezno urejene: WC-školjka v prostorih za daljše pridržanje in WC-počepnik z izplakovanjem v prostorih, ki so namenjeni krajšemu pridržanju. DPM je pomanjkljivosti ugotovil na PP Vrhnika, kjer je moški toaletni prostor zaudarjal po fekalijah, v ženskem toaletnem prostoru pa niso delovala vsa svetlobna telesa. Na PP Šiška v prostoru za pridržanje ni delovalo splakovanje WC-ja niti ni bilo tekoče vode. **V odzivnem poročilu za PP Šiška je MNZ navedlo, da bodo nepravilnosti odpravljene ob adaptaciji, da pa imajo v zvezi s tem na voljo le omejena finančna sredstva v letu 2015.**

Avdio- in videonadzor

Pravilnik o policijskih pooblastilih (Uradni list RS, št. 40/06 in 56/08 in 15/13; Pravilnik), ki se je v delu uporabljal še v letu 2014, je v prvem odstavku 54. člena določal, da mora policist, ki izvaja pridržanje, poskrbeti za varnost pridržane osebe od njene namestitve v prostor za pridržanje do izpustitve. Za nadzorovanje pridržanih oseb je lahko policist po tem Pravilniku uporabljal naprave za prenos zvočnih in slikovnih znakov, pri čemer mora biti uporaba teh naprav v prostoru vidno označena. Pravilnik je pri tem jasno določal, da nadzor s tehničnimi sredstvi ne izključuje neposrednega fizičnega nadzora (kot sedaj v 37. členu določa tudi novi Pravilnik o policijskih pooblastilih, Uradni list RS, št. 16/2014). Videonadzor je tako le pripomoček policistu pri neposrednem nadzoru pridržane osebe, ki pa ga je treba v vsakem primeru prilagajati okoliščinam posameznega primera. Posebno skrben mora biti nadzor pridržane osebe, če ta kaže nagnjenje k samopoškodovanju ali če z njim grozi, kar poudarjajo tudi Usmeritve za izvajanje policijskih pooblastil, ki še določajo, da se v takih primerih policist takoj posvetuje z dežurnim zdravnikom ali da se izvedejo drugi ukrepi za pomiritev oziroma preprečitev takšnih ravnanj. Vse to je očitno upoštevano tudi v Normativih za gradnjo, adaptacijo in opremo prostorov za pridržanje, saj le-ti določajo, da se videokamera namesti na strop ali nedosegljivo mesto tako, da nadzoruje celoten prostor, razen sanitarnega dela.

PP imajo v svojih prostorih za pridržanje nameščen videonadzorni sistem in klicni zvonec (avdiosistem, povezan s sobo dežurnega policista), kar je označeno z opozorilom (nalepko) o govorni napravi in videonadzoru pred vstopom v same prostore. DPM pa je v zvezi s tem opazil sledeče pomanjkljivosti: PP Trebnje ima sicer nameščen klicni zvonec, vendar prek njega ni možna neposredna komunikacija z dežurnim policistom, poleg tega pa prostor za pridržanje še vedno ni opremljen z videonadzorom. Ob ogledu PP Novo mesto je bilo ugotovljeno, da videonadzorni sistem v prostoru, označenim s št. 4 deloma obsega tudi toaletni del. Nadalje je bilo tudi na PP Gornja Radgona ugotovljeno, da del prostora za pridržanje ni pod videonadzorom. Na PP Ljubljana Šiška prostor za pridržanje ni videonadzorovan, vendar se ob samem prostoru nahaja policist, ki tudi vodi evidenco o stanju pridržane osebe. PP Domžale, ki prostora za pridržanje ne uporablja, osebo do prevoza v CP Ljubljana pridrži v prostorih, označenih s št. 25 in 26, ki nista videonadzorovana.

V zvezi z videonadzorom je treba omeniti tudi nadzor prostora za sprejem pridržanih oseb. Prostori za sprejem pridržanih oseb na PP Trebnje, PP Trbovlje, PP Vrhnika, PP Domžale in PP Kamnik niso videonadzorovani niti nimajo govorne naprave. DPM v takšnem primeru meni, da gre za pomanjkljivost, saj morebitnih navedb pridržanih ali zadržanih oseb o neprimernem ravnanju uradnih oseb z njimi na ta način ni mogoče preveriti. DPM je zato v navedenih primerih PP predlagal, naj se to odpravi, saj je tudi Evropski odbor za preprečevanje mučenja in nečloveškega ali ponižujočega ravnanja ali kaznovanja (Odbor) ob obiskih v Sloveniji pozval, naj se sprejmejo ukrepi, s katerimi se bo zagotovilo, da se elektronska oprema za beleženje policijskih postopkov redno uporablja. Kot je opozoril Odbor, je elektronsko snemanje (avdio in/ali video) policijskih pogovorov pomembna dodatna varovalka zoper grdo ravnanje s pridržanimi osebami, ki lahko zagotovi popoln in avtentičen zapis postopka pogovora in s tem močno olajša preiskavo kakršnih koli trditev o grobem ravnanju. To je zato v interesu tako oseb, s katerimi naj bi policija grdo ravnala, kot policistov, za katere neutemeljeno zatrjujejo, da so bili vpleteni v grdo ravnanje. Elektronsko zapisovanje policijskih pogovorov prav tako zmanjšuje možnost, da bi pridržane osebe pozneje lažno zanikale, da so podale kakršne koli izjave.

Toilets

The toilets were adequately arranged: the toilet bowl in the rooms for longer detention and squat toilet with flushing in the rooms for shorter detention. The NPM established deficiencies at Vrhnika PP, where the men's toilet smelt of faeces and not all lights were working in the women's toilet. The flushing in the toilet did not work and there was no running water in the detention room in Ljubljana-Šiška PP. **In its response report, the MNZ ensured that deficiencies would be eliminated upon the renovation of Ljubljana-Šiška PP and that limited funds were available in 2015.**

Audio and video surveillance

The Rules on police powers (Official Gazette of the Republic of Slovenia, nos. 40/06, 56/08 and 15/13; the Rules), which were still partly used in 2014, determined in the first paragraph of Article 54 that a police officer executing detention was responsible for the safety of the person detained from their accommodation in the detention room until their release. As per these Rules, the police officer was able to use devices for transmitting audio and video signals for the surveillance of persons detained, whereby the use of these devices had to be marked visibly. The Rules clearly stipulated the surveillance with technical devices did not exclude direct physical supervision (as determined in Article 37 of the new Rules on police powers (Official Gazette of the Republic of Slovenia, no. 16/2014)). Video surveillance is thus only an aid assisting a police officer in direct supervision of the person detained, which in any case must be adjusted to the circumstances of an individual case. Special attention must be paid when supervising detainees who are susceptible to harming themselves or if they threaten to do so, which is also emphasised in the Guidelines on exercising police powers, which further determine that a police officer must immediately consult a duty doctor in such cases or take other measures to conciliate or prevent such conduct. All of the above is also observed in the Standards for building, renovating and equipping detention premises, which determine that a video camera be installed on the ceiling or a place which cannot be reached in order to survey the entire room except the toilet section.

In their detention premises, video surveillance system and a call bell (audio system connected to the room of the duty officer) are installed at police stations and are marked with a warning note (label) about the communication device and video surveillance before the entrance to the premises. In this regard, the NPM detected the following deficiencies. Trebnje PP had a call bell, but direct communication with the duty officer was not possible; furthermore, the detention room had still not been equipped with a video surveillance device. When reviewing Novo mesto PP, it was established that the video surveillance system in room 4 partly covered the toilet section. At Gornja Radgona PP, it was determined that part of the detention room was not under video surveillance. The detention room at Ljubljana-Šiška PP was not under video surveillance, but a police officer was present next to the room who kept a record on the condition of the person detained. Domžale PP did not use the detention room; a person is detained in rooms 25 and 26, which are not under video surveillance, until their transportation to Ljubljana Police Detention Centre.

Relating to video surveillance, the supervision of the room for admitting detainees must also be mentioned. Premises for admitting detained persons at Trebnje, Trbovlje, Vrhnika, Domžale and Kamnik police stations were not under video surveillance or had no communication device. In these cases, the NPM established a deficiency since, in the case of possible complaints of detainees and temporary detained persons about inappropriate conduct of officials, these could not be verified. The NPM thus suggested that police stations eliminate these deficiencies, since the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the Committee) also called on Slovenia during its visits to adopt measures which would ensure that electronic equipment for recording police procedures is used regularly. As the Committee pointed out, the electronic recording (audio and/or video) of police interviews is an important safeguard against ill-treatment of detainees which may provide a comprehensive and authentic record of the interview process and thus significantly facilitate the investigation of any allegations of ill-treatment. This is in the interest of persons whom the police supposedly ill-treated and police officers about whom it is claimed without due cause were involved in ill-treatment. The electronic recording of police interviews also reduces the possibility of detainees later falsely denying that they made any such statements.

MNZ je v zvezi z ravnokar navedenim odgovorilo, da je namestitev govorne naprave in videonadzornega sistema na PP Trebnje evidentirana in da je bilo že v letu 2013 vse pripravljeno za izvedbo javnega naročila, vendar pa je bil javni razpis zaradi rebalansa proračuna razveljavljen. V letu 2014 je bil razpis za izvedbo javnega naročila ponovljen in je trenutno v fazi pridobivanja soglasij. V zvezi s PP Trbovlje je MNZ tudi obvestilo, da bo avdiovizualni sistem zagotovljen, ko bodo na voljo ustrezna finančna sredstva. Do navedb o pomanjkljivosti sistema na PP Vrhnika se MNZ ni posebej opredelilo, glede sistema na PP Domžale in PP Kamnik pa je **MNZ odgovorilo, da zaradi omejenih finančnih sredstev avdiovizualnega nadzora ni mogoče zagotoviti, so pa policiste pozvali, naj zato v čim večji meri uporabljajo elektronsko opremo za snemanje med policijskimi zaslišanji.**

Prehrana in voda

Večina PP pridržanim osebam zagotavlja hrano v obliki t. i. »lunch paketov«, ki jih je več vrst, med njimi tudi posebni za vegetarijance, in katerih rok uporabnosti je bil na vseh PP jasno razviden in ustrezen. Nekatere PP (ki izvajajo daljša pridržanja) imajo sklenjene pogodbe o dostavi (toplih) obrokov (CP Ljubljana) ali pa se topli obrok v primeru PP Ptuj zagotovi na podlagi naročilnice oziroma pogodbeno pri eni od gostiln s Ptuja, v primeru PP Nova Gorica pa se obrok zagotovi iz restavracije PU Nova Gorica oziroma enega od hotelov.

Zdravstvena oskrba pridržanih oseb

PP zdravniško pomoč zagotavljajo tako, da pridržano osebo odpeljejo v bližnji zdravstveni dom, ki ima zagotovljeno 24-urno dežurstvo, ali pa zdravnik sam obiše PP.

Intervencijska vozila

Opravljen je bil pregled intervencijskih vozil PP Gornja Radgona, PP Litija, PP Ljubljana Šiška in PP Kamnik. Vozila so bila redno vzdrževana in ob pregledu čista, izjemo je predstavljalo le intervencijsko vozilo PP Kamnik, v katerem je bila v prostoru za prevoz pridržanih oseb prazna tablica tablet Persen.

Sprehajališča

Sprehajališča so namenjena sprehajanju pridržanih oseb in kajenju. Žal večina PP nima posebnega sprehajališča, kar ni ustrezno predvsem na PP, kjer imajo tudi prostore za daljše pridržanje. Za sprehode se tako uporabljajo dvorišča PP, ob tem pa se zagotovi tudi ustrezno spremstvo oziroma osebni nadzor.

PP Ptuj osebam omogoča prosto gibanje na lastnem sprehajališču. Slednje sicer ni videonadzorovano, a gibanje neposredno nadzoruje policist. Sprehajališče je delno pokrito z nadstreškom, nepokrit del nima varovanja, med obiskom pa so se na sprehajališču nahajali star hladilnik, stojalo za obešanje perila in ostanki listja in druge umazanije, kar je DPM ocenil kot neprimerno. Ob obisku PP Gornja Radgona je bilo ugotovljeno, da se pridržanim osebam omogočita sprehajanje in kajenje na sprehajališču v velikosti približno 20 kvadratnih metrov, ki je pokrito, videonadzorovano, omogoča pa tudi neposredno komunikacijo, saj ima govorno napravo, kar je vse tudi ustrezno označeno. Pomanjkljivost sprehajališča je le v tem, da nima pepelnika, zaradi česar pridržane osebe cigaretne ogorke odvržejo v manjši jašek (odtok). **MNZ namestitev pepelnika šteje kot nepotrebno, saj imajo pridržane osebe možnost ogorek odvreči v odtok, poleg tega pa bi bil pepelnik lahko uporabljen kot predmet za napad.**

Regarding the aforementioned, the MNZ replied that the installation of the communication device and video surveillance system at Trebnje PP was recorded and that everything necessary for the implementation of the public call had already been prepared in 2013, but the public call was cancelled due to the revised budget. The public call was repeated in 2014 and the acquisition of consents was underway. Relating to Trbovlje PP, **the MNZ stated that the audio and video system would be ensured as soon as sufficient funds are provided.** The MNZ did not state its opinion about the deficiencies of the system at Vrhnika PP, but it replied with regard to Domžale and Kamnik PPs **that an audio and video system could not be provided due to limited funds; however, the police officers were requested to use electronic equipment for recording during interviews as much as possible.**

Food and water

The majority of police stations provide detained persons with food in the form of different types of lunch packages, including those for vegetarians; the expiry dates of lunch packages were clearly visible and suitable at all police stations. Certain police stations (implementing longer detention) concluded contracts on the delivery of (hot) meals (Ljubljana Police Detention Centre) or hot meals were provided on the basis of an order or agreement with a restaurant in the case of Ptuj PP. At Nova Gorica PP, a meal was provided from the restaurant of Nova Gorica Police Directorate or one of the hotels.

Health care of detained persons

Medical assistance is provided either by taking the detained person to the nearby 24-hour health care centre, or a doctor comes to the police station.

Vehicles for transporting detainees

The reviews of intervention vehicles were conducted at Gornja Radgona, Litija, Ljubljana-Šiška and Kamnik police stations. The vehicles were regularly maintained and clean upon the review, with the exception of the intervention vehicle at Kamnik PP where an empty blister pack of Persen pills was found in the area for the transportation of detained persons.

Recreation areas

Recreation areas are intended for exercising and smoking. The majority of police stations do not have a special exercise area, which is particularly inadequate for police stations with rooms for longer detention. Police station courtyards are thus used for exercising, whereby suitable escort or personal supervision is ensured.

Ptuj PP enabled free movement along its own recreation yard, which was not under video surveillance, but a police officer supervised the movement directly. The recreation yard is partly covered by a roof, while the open area is not under supervision. During our visit, there was an old refrigerator, a laundry rack, remains of fallen leaves and other dirt, which the NPM assessed as unsuitable. When visiting Gornja Radgona PP, it was established that detainees could walk and smoke in a recreation area of about 20 m² which had a roof and video surveillance and where direct communication with a communication device marked accordingly was also enabled. The deficiency of this area was that it had no ashtray, so detainees disposed of cigarette ends in a small shaft (drain). **The MNZ considered the provision of an ashtray as unnecessary since detainees could dispose of ends in the drain; furthermore, the ashtray could be used as an offensive weapon.**

Prostor za odvetnike

PP imajo poseben prostor za odvetnike ali pa za to uporabljajo druge prostore (prostor za sprejem pridržane osebe, za zaslišanje, delovne sobe za policiste).

Poleg seznama odvetnikov, ki je objavljen na spletni strani policije, imajo vse PP seznam odvetnikov tudi v tiskani obliki. Navkljub temu pa je DPM na PP Litija, PP Vrhnika, PP Logatec in PP Domžale ugotovil, da sezname odvetnikov na teh PP niso posodobljeni. **Iz odzivnega poročila MNZ za PP Vrhnika in PP Logatec je razvidno, da sta bila nova seznama natisnjena, policisti pa so bili opozorjeni na ažurnost periodičnega tiskanja, smiselno enako pa je razvidno iz odzivnega poročila MNZ za PP Domžale in PP Litija.**

Nekatere PP prostor za pogovore z odvetnikom nadzorujejo z videonadzorom, kar je označeno z ustrezno nalepko, nekatere PP pa imajo le govorno napravo.

Prostor za tujce

Poseben prostor za tujce ima le PMP Središče ob Dravi. Prostori so bili primerno čisti, je pa DPM predlagal, da se v prostor, poimenovan kot »soba za zaslišanje«, da brošuro in izobesi plakat MNZ s pravicami oseb v več jezikih; da se odstranijo odvečne klopi iz »prostora za deportacijo« in da se proučijo možnosti namestitve ustrezno označenega nabiralnika, ki bo omogočal anonimno oddajo pripomb in pohval. **MNZ je v odzivnem poročilu zagotovil, da so bile odvečne klopi odstranjene, zamisel o namestitvi označenega nabiralnika pa predana v preučitev za to pristojni službi.**

Seznanjenost pridržanih oseb z njihovimi pravicami

Policija je pred leti izdala brošuro v več jezikih z obvestilom o pravicah osebe, ki ji je bila odvzeta prostost. Brošuro imajo na vseh PP. Pohvalno je, da je brošura na večini PP na mestih, kjer je potrebna (prostori in predprostori za pridržanje, prostori za pogovore itn.). Seznanjenost s pravicami se zagotavlja tudi s plakati z obvestilom o prijetju zaradi odvzema prostosti, kar je pohvalno. Kljub temu je Evropski odbor za preprečevanje mučenja in nečloveškega ali ponižujočega ravnanja ali kaznovanja ob obisku v Sloveniji 2012 v delu, ki se nanaša na zagotavljanje zdravstvene pomoči, opozoril na »slab« oziroma neustrezen prevod te pravice v angleški in nemški jezik (takšen plakat smo opazili npr. ob našem obisku na PP Ptuj). V odzivnem poročilu je Vlada RS za navedeno opozorilo sporočila, da bo »preverila ustreznost prevodov pravic pridržanih oseb v tuje jezike in pripravila ustrezne spremembe«. DPM je zato ob tokratnem obisku omenjene PP prosil za sporočilo, kdaj je mogoče pričakovati, da bo PP opremljena z novimi plakati, katerih prevod v tuje jezike bo ustrezen. **V odzivnem sporočilu MNZ je dobil odgovor, da se bo s tiskanjem novih plakatov počakalo do sprejetja novele ZKP-M.** V okviru obiska PP Domžale pa je DPM zaradi dejanske nastanitve pridržane osebe do transportacije v CP Ljubljana predlagal, da se prostor, označen s št. 26, na novo opremi s plakatom MNZ o pravicah pridržane osebe, saj je bil plakat, nameščen v tem prostoru, strgan. **Iz odzivnega poročila MNZ je razvidno, da je bil predlog DPM glede novega plakata upoštevan.**

Room for lawyers

Police stations have either a special room for lawyers, or other premises are used for this purpose (admissions room for detained persons, interrogation room, offices of police officers).

In addition to the list of lawyers published on the police website, all police stations have the list of lawyers also in a printed form. Nevertheless, the NPM ascertained that the list of lawyers at Litija, Vrhnika, Logatec and Domžale police stations had not been updated. **In its response report, the MNZ stated that new lists had been printed for Vrhnika and Logatec PPs and that police officers had been warned about regularly updating printed material. The same was understood for Domžale and Litija PPs.**

Certain PPs supervise the rooms for lawyers with video surveillance which is marked with a suitable label, while other PPs use only a communication device.

Room for aliens

Only Središče ob Dravi Border Police Station has a special room for aliens. The premises were suitably clean. The NPM suggested that the room named as the interrogation room be equipped with a brochure and a MNZ poster on people's rights in several languages; to remove additional benches from the deportation room and to study the possibility of installing a suitably marked box for collecting anonymous comments and complaints. **In its response report, the MNZ assured that additional benches had been removed and the proposal on installing a collection box had been submitted for consideration to the relevant service.**

Information for detained persons on their rights

Some years ago, the police issued a Letter of Rights of a Person Deprived of Liberty in several languages, which was found at every PP. It is commendable that this brochure can still be found at most PPs in suitable places (rooms and anterooms for detention, interview rooms etc.). Information about rights is also provided with posters including a sample arrest warrant, which is commendable. Nevertheless, when visiting Slovenia in 2012, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment pointed to a "poor" or unsuitable translation of the right to medical assistance in English and German (we noticed such poster during our visit to Ptuj PP). In its response report, the Government of the Republic of Slovenia replied that it would "verify the suitability of translations of the rights of persons detained in foreign languages and prepare suitable corrections." During the recent visit to Ptuj PP, the NPM inquired about when this PP would be equipped with new posters whose translations in foreign languages are suitable. **The MNZ replied that the printing of new posters would take place after the adoption of amendments to the ZKP-M.** Due to the actual accommodation of a detainee at Domžale PP until their transportation to Ljubljana Police Detention Centre, the NPM proposed that room 26 be equipped with the MNZ poster on the rights of persons detained, since the previous poster was torn. **The response report of the NMZ revealed that the NPM recommendation about a new poster had been observed.**

Dokumentacija

Pregled dokumentacije je pokazal, da je ta večinoma skrbno urejena.

Kljub omenjenemu pa smo opazili nekatere nedoslednosti, netočnosti in nepravilnosti pri izpolnjevanju podatkov v dokumentaciji:

- DPM je na PP Trebnje pri naključno izbranih primerih opazil, da je bil obrazec »Izvajanje opravil med pridržanjem/zadržanjem – uradni zaznamek« izpolnjen le do 12.15 in da ni razvidno, kaj se je z osebo dogajalo do konca pridržanja, torej do 13.10, zato je predlagal, da je treba policiste opozoriti na dosledno izpolnjevanje vseh rubrik. Poleg tega je DPM ugotovil, da se sklep o pridržanju in FIO-evidenca v enem od primerov časovno nista ujemala, zato je uskladitev med njima predlagal tudi v svojem končnem poročilu. Iz enega od preverjenih primerov pa tudi ni bilo jasno, v katerem prostoru za pridržanje je bila oseba, zato je DPM predlagal, da policiste ponovno opozorijo na dosledno evidentiranje vseh podatkov v obrazce, ki so potrebni za izvedbo pridržanja. **MNZ je v zvezi s tem sporočilo, da je dotična PP na delovnem sestanku policiste opozorila na zgoraj navedene nedoslednosti in poudarila na dosledno evidentiranje relevantnih podatkov.**
- PP Novo mesto je bila s strani DPM opozorjena le na natančno izpolnjevanje obrazcev, ki so potrebni ob pridržanju, predvsem na vnašanje točnih ur posameznih dogodkov ali ukrepov, saj pri enem od naključno izbranih primerov ni bilo jasno, kdaj je bila pridržani osebi odločba dejansko vročena. **MNZ se je na očitke DPM odzvalo z obvestilom, da bo glede izpolnjevanja dokumentacije o odvzemu prostosti PP Novo mesto izvedla izobraževanje in policiste dodatno opozorila na pravilno izpolnjevanje obrazcev.**
- Tudi PP Ptuj je bila s strani DPM opozorjena na natančno izpolnjevanje obrazcev pridržanja, saj iz prvega naključno izbranega primera ni bilo razvidno, ali je bila pridržani osebi ponujena voda (ker je bila pridržana v prostoru, kjer tekoče vode ni), v drugem primeru pa se iz dokumentacije ni dalo razbrati podatka o zaključku pridržanja. **MNZ se je na navedeno odzvalo tako, da je DPM obvestilo, da bo PP Ptuj policiste na delovnih posvetih opozorila na natančnost pri izpolnjevanju obrazcev.**
- Pri preverjanju naključno izbranega primera na PP Gornja Radgona je DPM ugotovil pomanjkljivost v zvezi s podatkom, v katerem prostoru je bila pridržana oseba nameščena, na kar je v svojem poročilu tudi opozoril. **MNZ je odgovorilo, da je vodstvo PP Gornja Radgona policiste opozorilo na dosledno izpolnjevanje obrazcev.**
- Podobno pomanjkljivost je DPM odkril tudi ob pregledu enega od primerov na PP Trbovlje, kjer ni bilo evidentirano, ali je bila pridržani osebi ob namestitvi ponujena oziroma izročena posteljnina. Vodstvo PP Trbovlje je prek **odzivnega poročila MNZ sporočilo DPM, da je policiste na pomanjkljivost opozorilo.**
- Na PP Litija sta iz spisovne dokumentacije izhajali dve nepravilnosti, in sicer je bilo v enem od primerov navedeno napačno leto vročitve sklepa, iz drugega pa ni bilo razvidno, kaj se je z osebo dogajalo v času med 23.50 (začetek postopka) in 1.30 (oseba je bila prepeljana v CP Ljubljana). **MNZ je v odzivnem poročilu pojasnilo podrobnosti o nezapisanih dogodkih in sporočilo, da bodo policisti o natančnem izpolnjevanju obrazcev dodatno opozorjeni.**
- PP Litija je bila opozorjena tudi zaradi dejstva, da je iz dokumentacije enega od preverjenih primerov izhajalo, da je bila oseba poučena v »slovenskem – maternem jeziku«. DPM je na tem mestu priporočil, da se v evidenco zapiše le, v katerem jeziku je bila oseba poučena, čemur je **MNZ v svojem odzivnem poročilu pritrdilo, saj je vodstvo PP Litija o tem seznanilo policiste na naslednjem delovnem sestanku.**

Documentation

The review of documentation revealed that it was carefully maintained for the most part.

In spite of the above, the following discrepancies, inaccuracies and irregularities when completing data were detected:

- In randomly selected case at Trebnje PP, the NPM discovered that the form, "Implementation of tasks during detention – official note," had only been completed by 12:15 and what was happening to the person from that time and up to the end of the detention was not recorded, i.e. until 13:10. The NPM proposed that police officers be asked to consistently complete all sections. The NPM also noticed that a decision on detention and the record on the phonetic index of persons did not comply in time and thus proposed their harmonisation in its final report. It was also not clear in one case in which detention room the person was being held and the NPM thus suggested that police officers be again asked to consistently record all data on the forms necessary for the execution of detention. **Relating to this case, the MNZ reported that the relevant PP informed its police officers about the above inconsistencies at a working meeting and stressed the consistent recording of relevant data.**
- The NPM warned Novo mesto PP about the accurate completion of forms necessary for detention, particularly the entry of exact times of individual events or measures, since it was not clear in one of the randomly selected cases when the decision was actually handed over to the detainee. **The MNZ responded to this NPM comment that Novo mesto PP would organise an education course on completing of documentation on detention and further emphasise the correct entry of data.**
- The NPM also warned Ptuj PP about the detailed completion of detention forms, since it was not possible to discern from the first randomly selected case if water was offered to the detainee (because they were accommodated in a room with no running water), and in the second case, it was impossible to acquire information about the completion of detention from the documentation. **The MNZ informed the NPM that Ptuj PP would inform its police officers at working meetings about accuracy when completing forms.**
- When reviewing a randomly selected case at Gornja Radgona PP, the NPM established a deficiency relating to data specifying the room in which the detainee was being held, which it also pointed out in its report. **The MNZ replied that the management of Gornja Radgona PP had informed its police officers about consistent completion of forms.**
- A similar deficiency was also discovered when reviewing a case at Trbovlje PP, where it was not recorded whether the detainee was offered or handed over bed linen upon their accommodation. The management of Trbovlje PP **informed the NPM through the MNZ response report that the police officers had been warned about the deficiency.**
- Two irregularities were noted in file documentation at Litija PP, i.e. an incorrect year of service of the decision was provided in one case, and in the second case, it was not clear what was happening to the detainee between 23:50 (start of procedure) and 1:30 (the person was transported to Ljubljana Police Detention Centre). **In its response report, the MNZ explained the details of the events which had not been recorded and stated that police officers would be additionally warned about accurately completing forms.**
- Litija PP was also warned about the fact that the documentation on one of examined case stated that the person had been informed in "Slovenian – mother tongue". At this point, the NPM recommended that only the language in which a person is informed be entered in the record **to which the MNZ agreed in its response report, since the management of Litija PP had already informed its police officers about the relevant matter at their next working meeting.**

- DPM je v svojem poročilu za PP Nova Gorica izpostavil, da je v naključno izbranih primerih prišlo do sledečih nepravilnosti: v obrazcu »Sklep o pridržanju« je bil napačno naveden datum, poleg tega pa ni bilo jasno, kdaj je bilo posamezniku pridržanje odrejeno in v katerem prostoru se je izvajalo; v drugem primeru ime odvetnika ni bilo zapisano čitljivo, prišlo pa je tudi do notranje kolizije med podatki, saj je iz odločbe o pridržanju izhajalo, da pridržana oseba zaradi odsotnosti prvega zagovornika ni želela drugega odvetnika, a je bila v tej isti odločbi zavedena ura, ko je oseba želela drugega odvetnika. Poleg tega PP ni razpolagala z dokumentacijo za specifičnega posameznika, za katerega je bilo iz FIO-evidence sicer razvidno, da je bil obravnavan na tej PP. **MNZ je v odzivnem poročilu odgovorilo, da je PU Nova Gorica vsem enotam naročila, naj policiste opozorijo na dosledno izpolnjevanje vseh rubrik obrazcev za pridržanje, vodstvo PP Nova Gorica pa naj bi policiste še dodatno opozorilo na korektno izpolnjevanje obrazcev in spoštovanje posameznikov pravic v postopku pridržanja. V zvezi z manjkajočo dokumentacijo je MNZ sporočilo, da je postopek prevzela PPIU Nova Gorica, zaradi česar dokumentacije na PP ni bilo.**
- Na PP Nova Gorica je DPM zahteval tudi obrazložitev, kaj pomeni »neposredni nadzor policistov«, kot je izhajal iz enega od izbranih primerov. **MNZ je na zahtevo podal podroben opis postopka z osebo, ki je bila pridržana v konkretnem postopku.**
- PP Bovec je bila podobno kot PP Nova Gorica opozorjena na zagotavljanje popolnosti vnosa podatkov o posamezniku v FIO-evidenco, na kar je **MNZ prek odzivnega poročila ugotovilo, da so bili podatki vneseni pravilno (ime in priimek osebe). Do nekonsistentnosti (izpad drugega imena posameznika ob FIO-izpisu navkljub njegovemu vnosu v evidenco) je prišlo namreč zaradi tehnične opreme, o čemer je bila obveščena strokovna služba na GPU.**
- DPM je pri preverjanju naključno izbranih primerov na PP Vrhnika ugotovil razlikovanje med dejanskim začetkom postopka in zapisom njegovega začetka v evidenci ter pomanjkanje podatkov o tem, kaj se je v času od 7.40 do 11.10 oziroma od 11.10 do 17.15 dogajalo z osebo oziroma v katerem prostoru je bila ta pridržana, kdo jo je med pridržanjem nadzoroval in ali ji je bila ponujena voda ali hrana. **MNZ je v odgovoru sporočilo, da so bili podatki, ki so se razlikovali, popravljani, vodstvo PP pa je policiste opozorilo na večjo natančnost pri vnosu podatkov o pridržanju v evidenco pridržanih oseb in doslednejše evidentiranje opravil med pridržanjem v za to predpisan obrazec.**
- Na PP Logatec policisti v evidenco pridržanja niso vnesli dejstva, ali je pridržana oseba prisostvovala hišni preiskavi, iz FIO-izpisa in sklepa o pridržanju so izhajale različne ure, poleg tega pa je za to osebo iz FIO-izpisa izpadel tudi njen drugi priimek. **V zvezi s tem je MNZ sporočilo, da odpoved navzočnosti pri hišni preiskavi izhaja iz npr. zapisnika o hišni preiskavi, zato podatka ni bilo treba vpisati, ure so bile usklajene, policisti pa opozorjeni na večjo natančnost pri evidentiranju podatkov.**
- PP Domžale je DPM pri evidentiranju podatkov opozoril le na pravilno popravljanje napak, saj je bilo dejanje, ki ga je sprva želel zapisati policist, počekano in ne le pravilno prečrtano, hkrati pa je bila PP opozorjena tudi na nekonsistentnost med urami, navedenimi v sklepu o pridržanju, in urami, ki so bile razvidne iz FIO-izpisa. **MNZ je v odzivnem poročilu zagotovilo, da so bili tako policist, ki je popravljaj zapis, kot tudi drugi policisti opozorjeni, da se mora po popravku napačnega zapisa prvotni zapis videti in da mora biti vnos podatkov o uri ustrezno popravljen.**
- Nazadnje pa je DPM na PP Kamnik izpostavil, da mora iz uradnega zaznamka o opravi opravil med pridržanjem jasno izhajati, v katerem prostoru se je pridržana oseba nahajala. **MNZ je temu pritrdil, uradni zaznamek je policist, ki je pridržanje izvajal, dopolnil, vsi ostali policisti pa so bili na takšno dosledno postopanje opozorjeni.**

- In its report, the NPM stated that the following irregularities occurred in randomly selected cases at Nova Gorica PP: an incorrect date in the form "Decision on detention"; furthermore, it was not clear when the individual's detention had been ordered and in which room it was implemented; in another case, the name of the lawyer was illegible; an internal collision of data also occurred, because the decision on retention stated that the person did not want another lawyer due to the absence of the first counsel, but then the time when the person had requested another lawyer was recorded in the same decision. The PP did also not have at its disposal documentation on a specific individual who, it was evident from the record on the phonetic index of persons, had been processed at this PP. **In its response report, the MNZ replied that Nova Gorica Police Directorate had ordered all its units to inform police officers about the consistent completion of sections in detention forms. The management of Nova Gorica PP has also additionally warned about the concrete filling in of forms and the observance of individuals' rights in the detention procedure. Relating to the missing documentation, the MNZ stated that the procedure was taken over by Nova Gorica PP for Compensatory Measures, which was the reason for its absence.**
- At Nova Gorica PP, the NPM also requested an explanation of the meaning of "direct supervision of police officers", as stated in one of the selected cases. **The MNZ provided a detailed description of the procedure involving the person detained in the concrete case.**
- Similarly to Nova Gorica PP, Bovec PP was also warned about the provision of the complete entry of data on individuals in the record on the phonetic index of persons, upon which **the MNZ established in its response report that data had been entered correctly (name and surname of the person). The inconsistency (deletion of the middle name of the individual occurred during the extract from the record on phonetic index of persons in spite of its entry in the record) occurred due to technical equipment, about which the expert service at the General Police Administration was informed.**
- When reviewing randomly selected cases at Vrhnika PP, the NPM established a difference between the actual start of the procedure and the entry of its start in the record and the lack of information about what happened to the person between 7:40 and 11:10 or 11:10 to 17:15, or in which room the person was detained, who supervised the person during the detention and if water or food was offered. **The MNZ replied that inconsistent data had been corrected and the management of the police station had warned police officers to be more accurate when entering data on detention in the record of persons detained and more consistently recording tasks during the detention on the suitable form.**
- The police officers at Logatec PP did not enter in the record on detention whether the detainee had witnessed a house search. Different times were recorded in the record on the phonetic index of persons and the decision on detention, and the person's second surname was missing from the record on the phonetic index of persons. **Relating to the above, the MNZ responded that the waiver of witnessing a house search derived from e.g. the minutes on house search and so the data was not necessary; the times were harmonised and police officers were warned to improve accuracy when recording data.**
- The NPM warned Domžale PP about suitably correcting errors, because the first entry by police officer was scrawled across and not only correctly crossed out; attention was also drawn to the inconsistency between the times provided in the decision on detention and those displayed in the record on the phonetic index of persons. **The MNZ assured in its response report that the relevant police officer and other police officers had been informed that when correcting an incorrect entry the initial entry must be visible and that the entry of times must be corrected accordingly.**
- The NPM warned Kamnik PP that the official note on the implementation of tasks during detention must clearly state in which room the person was detained. **The MNZ agreed to the aforementioned; the relevant police officer supplemented the official note and the other police officers were warned about the consistency of their tasks.**

Pritožbene poti

PP imajo različno urejene pritožbene poti. Skoraj vse PP imajo knjigo pohval in pritožb, ki je pri dežurnem policistu, večina PP pa ima tudi nabiralnike, kar daje možnost pridržanim osebam, da anonimno podajo pritožbe ali pohvale, prav tako lahko to izkoristijo tudi tujci, ki pa verjetno niso povsem seznanjeni s slovenskimi predpisi o možnosti pritožb zoper delo uradnih oseb (ob predpostavki, da je nabiralnik tudi ustrezno označen v tujem jeziku).

Ob obisku PP Trebnje je DPM ugotovil, da se v hodniku sicer nahaja manjša lesena škatla z odprtino (režo), vendar njen namen ni bil jasen. Sogovornik je pojasnil, da naj bi bil to nabiralnik, ki naj bi omogočal anonimno oddajanje pritožb in pohval, vendar pa lesena škatla ni bila ustrezno označena, zato je DPM predlagal, da se namen »nabiralnika« jasno označi. Podobno je DPM ugotovil in predlagal tudi ob obisku PP Gornja Radgona, kjer se je nabiralnik sicer nahajal pri dežurnem policistu, vendar pa njegov namen prav tako ni bil razviden. PP Trbovlje in PMP Središče ob Dravi z nabiralnikom za anonimno oddajanje pohval in pritožb ne razpolagata (pri čemer je DPM PP Trbovlje namestitev le-tega že priporočil med prejšnjim obiskom), zato je DPM predlagal namestitev nabiralnika na obeh PP. Tudi na PP Logatec je bilo v zvezi s to pritožbeno potjo mogoče zaznati nedoslednost, saj je bil »nabiralnik«, ki se je nahajal pri dežurnem policistu, iz ovitka registratorja (fascikla) izdelana škatla, ki ne omogoča dejanske anonimnosti. V zvezi s tem je DPM predlagal, da PP Logatec prouči možnosti o namestitvi nabiralnika pred vhodom na PP.

Pohvaliti velja PP Vrhnika, ki je upoštevala priporočilo s prejšnjega obiska in pri vhodu na PP namestila nabiralnik za anonimno oddajanje pohval in pritožb. Posebej je treba pohvaliti PP Domžale in PP Kamnik, saj je bilo na obeh PP ugotovljeno, da je na spodnji strani lista knjige pripomb in pohval vedno pripis starešine PP, kaj se je zgodilo s posameznim zapisom (pohvalo ali pritožbo), npr. da je sledil odgovor osebi, ki je opravila vpis, ali da je bila v primeru pritožbe ta poslana v nadaljnje reševanje na policijsko upravo. DPM je takšno spremljanje vpisov v knjigo pripomb in pohval starešin PP pozdravil in predlagal, naj se ta praksa nadaljuje tudi v prihodnje. V zvezi z obiskom PP Kamnik je DPM izpostavil le to, da je treba knjigo pohval in pritožb postaviti na vidno mesto, kar je glede na odzivno poročilo MNZ PP tudi storila, in sicer s postavitvijo knjige na polico ob zastekljenem prostoru dežurnega policista.

Dostop do PP, namenjen invalidom, in parkirni prostori za stranke, tudi invalidne osebe

Vse PP imajo ustrezen in urejen dostop za invalide (dvižno pomagalo ali vsaj klicni zvonec, ki invalidnim osebam omogoči, da tako opozorijo dežurnega policista o svojem prihodu) in tudi urejene toaletne prostore, namenjene invalidom, kar omogoča, da PP lahko pridrži tudi invalide. Kljub temu pa PP Ljubljana Vič nima urejene primerne klančine, ki bi invalidnim osebam omogočala dostop do vhoda oziroma klicnega zvonca PP. Na ta očitek je MNZ v odzivnem poročilu zagotovilo, da bo treba proučiti možnost ureditve dostopa za invalidne osebe na omenjeno PP.

Parkirni prostori so bili na vseh obiskanih PP ustrezno označeni, prav tako pa so s številčnega vidika zadoščali potrebam vsake posamezne PP.

Complaint procedures

Police stations have different complaint procedures. Almost all police stations have comments and complaints books located with the duty officer. Most police stations also have collection boxes which allow detained persons to file a comment/complaint anonymously; they may also be used by aliens who are probably not familiar with Slovenian regulations on the possibility of complaining about the behaviour of public officers (assuming the collection box is appropriately labelled in a foreign language).

When visiting Trebnje PP, the NPM noticed a small wooden box with an opening (slot) on the corridor; however, its purpose was not clear. The discussion partner explained that it was a collection box for the anonymous submission of comments and complaints, but the box was not properly labelled and the NPM suggested that the purpose of the "collection box" be marked accordingly. The NPM established and proposed similar action at Gornja Radgona PP, where the collection box was located near the duty officer, but its actual purpose was not evident. Trbovlje PP and Središče ob Dravi Border Police Station did not have collection boxes for anonymous comments and complaints (the NPM suggested that Trbovlje PP install one already on the occasion of its previous visit), so the NPM proposed that both PPs install collection boxes. Relating to complaints procedures, inconsistency was also noted at Logatec PP, where the "box" located near the duty officer was a folder (binder), which prevented actual anonymity. In this regard, the NPM proposed that Logatec PP study the possibility of installing a collection box before the entrance to the PP.

Vrhnika PP must be commended, because it observed the recommendation from the previous visit and installed the collection box for anonymous submission of comments and complaints at the entrance to the PP. Domžale and Kamnik PPs also deserve special commendation, since it was established at both PPs that at the bottom of the page of the book of comments and complaints there was always a postscript by a senior officer about what had happened to the individual note (comment or complaint), e.g. a reply was forwarded to the person submitting the comment, or in the event of a complaint, the latter was submitted to the police administration for further consideration. The NPM commended such monitoring of entries in the book of comments and complaints by senior officers at the PPs and proposed that the practice be continued. Relating to the visit to Kamnik PP, the NPM highlighted only that the book of comments and complaints must be positioned in a visible place, which, according to the MNZ response report, the PP had done, i.e. the book was placed on a shelf by the window of the duty officer's room.

Access to police stations for the disabled and parking for clients, including the disabled

All PPs have suitable and arranged access for the disabled (lifting device, or at least a call bell which enables the disabled to notify the duty officer about their arrival), including arranged toilet facilities intended for the disabled, which also enables the PPs to detain disabled persons. Nevertheless, Ljubljana-Vič PP does not have a suitable ramp to enable the disabled access to the entrance or the call bell of the PP. **The MNZ ensured in its response report that the possibility of arranging access for the disabled to the relevant PP would have to be examined.**

The parking areas were suitably marked upon all visited PPs and complied with the needs of individual PPs as per their numbers.

Delovne razmere za zaposlene

DPM ugotavlja, da policisti delajo v večinoma dobrih delovnih razmerah. Izjemi sta bili:

- PP Trebnje, kjer so garderobni prostori premajhni, moški in ženski prostori pa niso ločeni, zato je DPM predlagal, da se proučijo možnosti ločenih garderobnih prostorov, **na kar je MNZ sporočilo, da bo ta možnost proučena;**
- PP Logatec, kjer ni dovolj pisarn za delo policistov, policisti nimajo na voljo opreme za video in zvočno snemanje, primanjkuje pa tudi garderobnih omaric (približno ena omarica na dva policista). Prostorsko stisko sicer poskušajo reševati tako, da večjo pisarno, ki je v pritličju in v kateri so mize in računalnik, policisti uporabljajo tako za sestanke kot za izvajanje zaslišanj in tudi za dodaten garderobni prostor, saj je v pisarni nameščen obešalnik z imeni in priimki policistov, na katerega slednji obešajo svoja službena oblačila. **V zvezi s tem je MNZ sporočilo, da bo večja pisarna v prihodnje namenjena le postopkom z osebami, ki jim je odvzeta prostost, vendar pa to prostorske stiske na tej PP ne rešuje.**

Kontrolni obisk Centra za pridržanje Ljubljana (CP)

V okviru DPM je bil izveden tudi kontrolni obisk CP Ljubljana, in sicer po predhodni napovedi 27. 5. 2014. Namen tega obiska je bil preveriti uresničitve priporočil DPM s prejšnjega obiska. Pri obisku so sodelovali tudi udeleženci srečanja v okviru mreže »South-East Europe NPM Network«.

Ob prejšnjem obisku je DPM prosil za sporočilo razlogov za zmanjšanje števila dežurnih policistov v izmeni in pojasnilo, ali takšno zmanjšanje še vedno ustreza varnostnim vidikom oziroma standardom, na kar je **MNZ odgovorilo, da se število policistov prilagaja operativnim potrebam in da se posledično število dežurnih policistov spreminja, kar pa navkljub temu ustreza varnostnim standardom.** Ob kontrolnem obisku je bilo ugotovljeno, da se organizacija dela dejansko prilagaja operativnim potrebam in da CP v zvezi z zagotavljanjem zadostnega števila policistov nima težav.

Med zadnjim obiskom tega centra je DPM predlagal, da je treba policiste policijskih postaj, ki so odredile pridržanje, opozoriti na potrebno pozornost, natančnost in nujnost izpolnjevanja vseh rubrik uradnih obrazcev, **odgovor MNZ pa se je glasil, da je PU Ljubljana policijske enote večkrat pisno opozorila na nepravilnosti, vključno s potrebno pozornostjo, natančnostjo in nujnostjo izpolnjevanja vseh rubrik uradnih obrazcev, ki jih morajo policisti izdelati v zvezi s pridržanjem in pravilnim načinom njihovega popravljanja.** Ob kontrolnem obisku je bil opravljen pregled štirih naključno izbranih primerov pridržanj, pri čemer so bile pri dveh primerih ugotovljene nepravilnosti. V prvem primeru v potrdilu o zaseženih predmetih, ki jih pridržana oseba ne sme imeti pri sebi, ni bila izpolnjena rubrika »zaključeno z zaporedno številko«, poleg tega pa je bil popravljen datum izdaje obrazca s 13. na 14. 4. 2014, pri čemer ni evidentirano (signirano), kdo je to popravilo opravil; v drugem primeru je DPM ugotovil, da se je v FIO-evidenco vnesel podatek (ura) o začetku postopka z osebo na podlagi drugega odstavka 157. člena ZKP, pri tem pa DPM natančnega pojasnila, od kdaj in na kateri podlagi se takšen način vnosa v FIO-evidenco opravlja, v času obiska ni prejel. DPM je v zvezi s tem ugotovil, da se nekatere pomanjkljivosti pri izpolnjevanju obrazcev še vedno pojavljajo in v zvezi s tem predlagal, da se policiste pogosteje opozarja na ugotovljene napake in da tudi starešine enot redno spremljajo te postopke in v primeru ugotovljenih pomanjkljivosti že sami izvedejo potrebne ukrepe, da do njih ne bi več prihajalo.

Ob obisku smo opozorili tudi na to, da na sprehajališču ni pepelnika in zato predlagali, da se preučijo možnosti glede njegove namestitve, saj pridržane osebe čas bivanja na prostem izkoristijo tudi za kajenje. Predlagali smo tudi, da se pridržanim osebam omogoči možnost uporabe prhe in zamenjave oblačil, in sicer predvsem v primerih, ko so v Center za pridržanje Ljubljana morda pripeljane umazane ali pa bi iz katerega koli drugega razloga potrebovale prhanje.

Working conditions for employees

The NPM established that police officers generally enjoyed good working conditions. The exceptions were:

- Trebnje PP, where changing rooms were too small, and men's and women's areas were not separated, which is why the NPM suggested examining the possibility of separate changing rooms **to which the MNZ replied that this possibility would be examined;**
- Logatec PP, which had an insufficient number of offices for police officers; police officers had insufficient equipment for video and audio recording, and there was also an insufficient number of lockers (approximately one locker for two police officers). They addressed the lack of space by using the larger office on the ground floor, which contained desks and a computer for meetings, interrogation and additional wardrobe space, because a hanger was installed in the office with the names and surnames of the police officers on which they hang their work clothes. **In this regard, the MNZ responded that the larger office would in future be intended only for procedures with persons deprived of their liberty; however, this fails to resolve the spatial issue.**

Control visit to Ljubljana Police Detention Centre

The NPM also conducted a control visit to Ljubljana Police Detention Centre, i.e. after a prior notification on 27 May 2014. The purpose of the visit was to verify the realisation of the NPM recommendations from the previous visit. The participants of the meeting within the "South-East Europe NPM Network" also participated at the visit.

On the occasion of the previous visit, the NPM had requested to be informed of the reasons for reducing the number of duty police officers in a shift, and an explanation of whether such a reduction still complied with the safety aspect or standards, to which **the MNZ replied that the number of police officers was being adjusted to operational needs and that as a result the number of duty officers was changing, but still complied with safety standards.** Upon the control visit, it was established that the organisation of work was actually being adjusted to operational needs and that the Police Detention Centre did not have problems assuring a sufficient number of officers.

During the last visit to the centre, the NPM suggested that officers from police stations which ordered detention be informed about due attention, accuracy and urgency of completing all sections of official forms. **The MNZ replied that Ljubljana Police Directorate had notified police units several times in writing about irregularities, including due attention, accuracy and urgency of completing all sections of official forms which police officers have to complete relating to detention and suitably correcting them.** During the control visit, a review of four randomly selected cases of detention was conducted, whereby irregularities were established in two cases. In the first case, the statement on seized items which the person detained could not keep in their possession was not complete under the item "completed with consecutive number"; furthermore, the date of issuing the form was corrected from 13 to 14 April 2014, whereby it was not recorded (signed) who implemented this correction. In the second case, the NPM established that data (time) on the start of the procedure was entered in the record on the phonetic index of persons on the basis of the second paragraph of Article 157 of the ZKP, whereby the NPM did not receive a detailed explanation about since when and on what basis this manner of entry has been implemented in the record on phonetic index of persons. In this regard, the NPM established that when completing forms, certain deficiencies still occurred and suggested that police officers be more frequently warned about the established errors and that senior officers regularly monitor these procedures, and in the case of established discrepancies take the necessary measures to ensure such deficiencies do not occur.

During the visit, we also pointed out that an ashtray was missing from the recreation area and proposed that the possibility of providing one be considered, since detainees also smoke during time spent outside. We also suggested that detainees be enabled to use a shower and change their clothes, particularly in cases when detainees are brought to Ljubljana Police Detention Centre dirty, or if they need a shower for any other reason.

1.3 Obiski psihiatričnih bolnišnic



Splošno

DPM je v letu 2014 obiskal **Psihiatrično bolnišnico Begunje (PB Begunje), Psihiatrično bolnišnico Ormož (PB Ormož) in UKC Maribor, Oddelek za psihiatrijo (Oddelek za psihiatrijo), ločeno pa tudi enoto tega oddelka za forenzično psihiatrijo (Enota za forenzično psihiatrijo)**. Pri slednji je šlo za prvi obisk, preostale ustanove pa je DPM obiskal že v preteklosti, in sicer zadnjič PB Begunje in PB Ormož leta 2011, Oddelek za psihiatrijo pa leta 2010. Vsi obiski so bili osredotočeni na oddelke pod posebnim nadzorom, opravljeni so bili brez predhodne napovedi ob sodelovanju predstavnikov nevladnih organizacij in zunanjšega izvedenca psihiatrične stroke, ki je o svojih ugotovitvah pripravil izvedensko mnenje. Tudi v tem letu smo na podlagi obiska pripravili najprej predhodno poročilo. Po odzivu PB Begunje in Oddelka za psihiatrijo smo pripravili še končno poročilo, ki je bilo (oziroma bo) posredovano tudi **Ministrstvu za zdravje RS in Republiškem strokovnemu kolegiju za psihiatrijo pri tem ministrstvu**. Ker sta bila obiska PB Ormož in Enote za forenzično psihiatrijo opravljena v drugi polovici leta, na odgovor PB Ormož na predhodno poročilo v času priprave tega poročila še čakamo, poročilo o obisku Enote za forenzično psihiatrijo pa je še v pripravi.

Namen obiska DPM je bil, da na krajih odvzema prostosti (kot so opredeljeni v 4. členu Zakona o ratifikaciji Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju – MOPPM) preveri ravnanje z osebami, ki jim je bila odvzeta prostost, da bi se okrepilo njihovo varstvo pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja. Če je treba, daje priporočila ustreznim organom, da bi izboljšali razmere in ravnanje z osebami, ki jim je bila odvzeta prostost. DPM lahko predloži tudi predloge in pripombe k veljavnim ali predlaganim zakonom. **Glavni namen obiskov psihiatričnih bolnišnic pa je bil ponovno preveriti ravnanje z osebami, nastanjenimi na oddelkih pod posebnim nadzorom, in pregled uresničitve naših predlogov v zvezi s prejšnjimi obiski DPM.**

(Ne)izpolnitev bistvenih priporočil DPM, podanih ob preteklih obiskih

V **PB Begunje** smo ob tokratnem obisku pozdravili namestitev nekaj večjih slik na ženskem oddelku pod posebnim nadzorom, a hkrati opozorili, da so hodniki in drugi skupni prostori, v največji meri pa tudi sobe, še vedno sterilno beli. Na moškem sprejemnem oddelku sta bili ob našem obisku še vedno dve zasilni postelji nameščeni na hodniku, torej brez možne zasebnosti, kar je še posebej skrb zbujajoče, če se uporabljajo tudi za primer povečanega nadzora nad posameznim pacientom. Na obeh oddelkih pod posebnim nadzorom so pacienti še vedno v pižamah, čeprav je DPM že ob prejšnjem obisku opozarjal na neprimernost takšnega načina oblačenja. Bolnišnica nam je zagotovila, da tudi na podlagi opozorila DPM ob prejšnjem obisku spoštuje zahtevo Zakona o duševnem zdravju (ZDZdr) o obveščanju zastopnika v roku štirih ur od sprejema pacienta. Na oddelkih so obešena pojasnila o tem, kakšna je vloga zastopnika in kako lahko pomaga pacientu, vključno z navedbo zastopnikov za območje bolnišnice in njihovimi kontaktnimi podatki. Tudi ob tokratnem obisku smo ugotovili, da oznake na nabiralnikih za pritožbe ostajajo enake, zato še vedno obstaja možnost, da se pacient pri oddaji zmoti.

Na Oddelku za psihiatrijo smo znova ugotovili, da razpoložljive posteljne kapacitete in tudi drugi prostori oddelkov pod posebnim nadzorom bolnišnice pacientom nudijo zadosten bivalni prostor zgolj v primeru, če v posamezni sobi ni nameščene zasilne postelje. Z njo se namreč utesnjenost v sobi poveča, prostor, ki ga ima posamezni pacient, pa močno skrči. Tudi ob tokratnem obisku smo na oddelkih pod posebnim nadzorom pri pacientih opazili različno prakso nošenja dnevni oblačil. Tako so bili vsi pacienti v gerontopsihiatrični enoti v spalnih oblačilih oziroma bolniškem perilu (pižamah); pacienti so bili delno v spalnih oblačilih tudi v moški sprejemni enoti. Tudi v tem primeru smo (znova) opozorili na neprimernost takšnega načina oblačenja. Ob zadnjem obisku smo opozorili, da bi bila za preprečevanje padcev z invalidskega vozička bolj kot uporaba improviziranih sredstev primerna namenska sredstva (npr. pettočkovni pasovi ali posebni predpasniki), vendar smo tokrat znova opazili pacientko, pri kateri je bilo varovanje izvedeno s kosom oblačila.

1.3 Visits to psychiatric hospitals

General

In 2014, the NPM visited **Begunje Psychiatric Hospital, Ormož Psychiatric Hospital, and Department of Psychiatry of Maribor University Medical Centre, and additionally also a unit of this department, i.e. Unit for Forensic Psychiatry**. The latter was visited for the first time, while the NPM had already visited other institutions in the past, i.e. Begunje and Ormož psychiatric hospitals in 2011 and the Department of Psychiatry in 2010. The visits focused on secure wards, and were unannounced and implemented in cooperation with the representatives of NGOs and an external expert of psychiatry, who prepared an expert report on their findings. In 2014, we first prepared a preliminary report on the basis of the visit. Following the response of Begunje Psychiatric Hospital and the Department of Psychiatry, we drafted a final report which was (or will be) submitted to **the Ministry of Health of the Republic of Slovenia and the Psychiatric expert council of Republic Slovenia at the above Ministry**. Because Ormož Psychiatric Hospital and the Unit for Forensic Psychiatry were visited in the second half of the year, we were still waiting for a reply from Ormož Psychiatric Hospital to our preliminary report during the preparation of this report, while the report on the visit to the Unit for Forensic Psychiatry was still in preparation.

The purpose of the NPM visits was to review the treatment of persons deprived of liberty in places of deprivation of liberty (as defined in Article 4 of the Act ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment – MOPPM) in order to enhance their protection from torture and other forms of cruel, inhuman or degrading treatment or punishment. If necessary, recommendations are submitted to suitable bodies in order to improve the conditions and treatment of persons deprived of liberty. In this regard, the NPM may also submit proposals and comments to applicable or draft acts. **The main purpose of the visits to psychiatric hospitals was to re-examine the treatment of persons accommodated in secure wards and to review the realisation of our proposals relating to previous NPM visits.**

(Non-)fulfilment of key NPM recommendations provided during previous visits

We commended the installation of more pictures in the female secure ward in **Begunje Psychiatric Hospital**, but we also noted that corridors and other common areas, including the majority of rooms, were still sterile white. Two provisional beds were still situated in the corridor of the admissions ward for men, which offered no privacy, and this is particularly worrying if they are used also in the case of increased supervision of a certain patient. The patients in both secure wards were still in their pyjamas, although the NPM had already pointed to the unsuitability of such clothes during the previous visit. The hospital assured us that, on the basis of the NPM's last warning during the previous visit, it was complying with the requirement of the Mental Health Act (ZDZdr) on notifying a representative within four hours of the admission of a patient. Clarifications were provided on wards about the role of the representative and how they could help patients, including the provision of representatives for the area of the relevant hospital and their contact data. During this visit, we also established that the labels on collection boxes for comments and complaints were the same and there was still the possibility that a patient might make a mistake when submitting their complaint.

At **the Department of Psychiatry**, we again discovered that the available accommodation capacities and other premises of secure wards provided only sufficient living space for patients when no provisional beds were installed in individual rooms. These increased the claustrophobia in the room and space available for every patient had thus shrunk. On the occasion of this visit, we also noticed that patients in secure wards wear different day-time clothes. The patients in the geronto-psychiatric unit were in pyjamas and patients in the admissions unit for men were also partly in pyjamas. In this case, we (again) highlighted the unsuitability of such clothes. During our last visit, we pointed out that special purpose devices (e.g. five-point straps or special aprons) would be more suitable for the prevention of falls from wheelchairs than the application of improvised means; however, we again noticed a female patient who was protected with a piece of clothing.

Tudi ob obisku **PB Ormož** v letu 2014 smo ugotovili, da osebje paciente na psihogeriatrničnem oddelku, ki želijo oddelek zapustiti, še vedno ustavi in napoti nazaj. Zato smo znova opozorili, da je v takšnem primeru treba postopati po določilih ZDZdr glede nameščanja pacientov na oddelku pod posebnim nadzorom. Znova smo tudi ugotovili, da bolnišnica opravlja nadzor nad oviranim pacientom skozi vrata, ki so odprta na hodnik, kar smo že v poročilih DPM ob prejšnjih obiskih izpostavili kot neprimerno. Tudi ob tokratnem obisku smo ugotovili, da (še vedno) prihaja do prekoračitev najdaljšega, z zakonom določenega časa telesnega oviranja.

Nekatere najpomembnejše ugotovitve DPM na podlagi obiskov

Prostori psihiatričnih bolnišnic, ki smo jih obiskali, so bili (tako hodniki, sobe in pomožni prostori) praviloma čisti, lepo urejeni, brez neprijetnih vonjav. Še vedno pa opažamo, da so stene oddelkov pod posebnim nadzorom pobarvane največkrat z belo barvo, zidovi delujejo pusto in so brez okrasitve, razstavljenih izdelkov delovne terapije ali slik. Bolnišnice sicer velikokrat opozarjajo na varnostni vidik in tudi higienske razloge, ki so ovira za okrasitev. **Kljub temu menimo, da bi lahko z nekaj omejitvami prostore naredili pacientom prijetnejše in prijaznejše.** Tako bi se lahko na stene namestile papirnate slike, v okviru delovne terapije bi se lahko slikalo neposredno na steno, uporabile bi se lahko fototapete, namestile slike ali drugi predmeti višje na steno, da bi bili tako težje dosegljivi. Predvsem pa bi se lahko oddelki pod posebnim nadzorom prebarvali v pastelne barve. Takšna sprememba bi imela tako estetsko kot tudi optimistično vrednost. Dekoracija prostora namreč za paciente predstavlja tudi določeno vizualno stimulacijo, ki naredi prostor bolj domač in tako pacientu prijazen.

Še vedno v nekaterih bolnišnicah ugotavljamo dokaj striktno ali celo zapovedano uporabo nočnih oblačil (pižam) tudi v dnevnem času. V bolnišnicah, kjer so na podlagi opozoril DPM ob preteklih obiskih zapoved umaknili iz hišnega reda, smo ugotavljali, da se ravnanje v praksi ni spremenilo. Razlogi, s katerimi bolnišnice opravičujejo takšno prakso, so različni, predvsem pa so higienske narave, saj naj bi se osebe na teh oddelkih večkrat umazale. Nekatere bolnišnice so izpostavljale tudi varnostni vidik, saj naj bi okoliški prebivalci v primeru pobega iz bolnišnice takšno osebo takoj opazili, in socialni vidik, saj naj bi pižame onemogočale neugoden položaj socialno šibkejših pacientov zaradi neprimernih oblačil. Vsekakor je pomembno tudi dejstvo, da so pižame najcenejši kos oblačila in so tako z ekonomskega vidika za bolnišnico najbolj sprejemljive. Vendar praksa, ki jo lahko ugotavljamo v socialnovarstvenih zavodih (tako posebnih kot domovih starejših), pa tudi v nekaterih bolnišnicah (npr. na psihiatrični kliniki v Ljubljani), kaže, da so **vsil izgovori bolnišnic, kjer pri nošenju pižam vztrajajo brez izjeme, neutemeljeni.** Izkušnje kažejo, da je večini pacientov možno ponuditi drugo vrsto oblačil (npr. športna oblačila oziroma trenirke), saj jim omogočajo vzpostavitev njihove pozitivne samopodobe in krepitev osebnega dostojanstva. Naj ob tem opozorimo, da je Evropski odbor za preprečevanje mučenja in nečloveškega ali ponižujočega ravnanja ali kaznovanja (CPT) v svojem poročilu o obisku OPM v letu 2012 kritiziral uporabo pižame/spalne srajce ali uniforme in opozoril, da to ne prispeva k oblikovanju osebne identitete in samozavesti. Hkrati je poudaril, da je individualizacija oblačenja del terapevtskega procesa.

Nedvomno so **pacientovi stiki z zunanjim svetom lahko izjemno pomembni** (odvisno vsekakor od vrste duševne bolezni oziroma motnje). V večini obiskanih bolnišnic je bila **uporaba mobilnih telefonov prepovedana ali vsaj omejena.** V bolnišnicah, kjer ima telefone pacientov shranjeno osebje, jim te ob primernem času izročijo. Včasih zgolj, da preverijo telefonsko številko, drugič tudi za to, da jih uporabijo za telefonski klic. Vendar smo opozorili **na neprimernost prakse**, kjer se zaradi strahu, da pacient s klicanjem na npr. neprimerne številke ne bi škodoval sebi, **dovoli uporaba mobilnega telefona zgolj v ambulantni, ob prisotnosti osebja. Posamezniku bi bilo namreč treba med stiki z bližnjimi zagotoviti zasebnost, kar v ambulantni ni zagotovljeno.** Ob tem običajno na oddelkih pod posebnim nadzorom opažamo tudi **pomanjkanje prostorov, kjer bi se lahko pacienti srečali s svojimi obiskovalci – torej svojci, prijatelji, znanci – in se z njimi pogovorili brez prisotnosti ali motenja osebja in drugih pacientov.** Običajno se tako obiski opravijo pri pacientih, kjer izhodi s spremstvom (še) niso dopustni, na hodniku ali v skupnem prostoru, kar ni najbolj primerno.

When visiting **Ormož Psychiatric Hospital** in 2014, we noticed that patients in the psychogeriatric unit who wanted to leave the unit were stopped and directed back. We thus warned them again that the provisions of the ZDZdr must be observed in such cases about accommodating patients in secure wards. We determined again that supervision of a disabled patient was being implemented through a door which opens onto the corridor, which was noted as unsuitable in previous NPM reports. On this occasion, we also established that the longest legally determined time for physical restraint was (still) being exceeded.

Some of the most important NPM findings on the basis of the visits

The premises of psychiatric hospitals which we visited were (corridors, rooms and auxiliary premises) as a rule clean, tidy and free of unpleasant odours. However, we noticed that the walls in secure wards were mostly painted white. The walls looked bare, without decoration, or adorned with handicraft products or pictures made at occupational therapy. The hospitals frequently highlighted safety aspect and the reasons of hygiene which hinder decoration. **We nevertheless believe that with some limitations the premises could be more patient-friendly and congenial.** Pictures on paper could be hung on the walls; direct painting on the wall could be included in occupational therapy; photo wallpaper could be installed; pictures or other items could be hung out of reach on the walls. Above all, the secure wards could be painted in pastel colours. Such changes could have an aesthetic and optimistic value. Room decoration is also a visual stimulus for patients, making the place more homely and patient-friendly.

In some hospitals, we still noticed rather strict or even required use of night clothes (pyjamas) also during the day. In hospitals which have removed this requirement from the house rules on the basis of the NPM warnings, it was discovered that such conduct had not changed in practice. The hospitals justify this in different ways, but most are of a hygienic nature, because the people in these wards would often get dirty. Some hospitals also cited the safety aspect, because the neighbouring residents would immediately notice such people if they escaped from the hospital, and a social aspect since pyjamas prevented uncomfortable situations for socially weak patients due to unsuitable clothes. The fact that pyjamas are the most cost-efficient item of clothing is also important and they are thus the most acceptable for the hospitals from the economic point of view. However, the practice established in social care institutions (special care institutions and retirement homes) and in some hospitals (e.g. Ljubljana Psychiatric Hospital) shows that **none of the excuses of the hospitals which insist on wearing pyjamas are reasonable.** Experience shows that the majority of patients could be offered other types of clothes (e.g. sports clothes or tracksuits) because they enable them to establish a positive self-image and enhance their personal dignity. At this point, we should mention that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in its report on the visit to Department of Psychiatry of Maribor University Medical Centre in 2012 criticised the use of pyjamas/nightgowns or uniforms and stressed that these did not contribute to the formation of personal identity and self-esteem. It further emphasised that individualisation of clothing was part of the therapeutic process.

The patients' contacts with the outside world may be of the utmost importance (depending on the type of mental disease or disorder). **The use of mobile phones was prohibited or at least limited** in the majority of visited hospitals. In hospitals, where the staff kept patients' phones, these were given to them at suitable times, sometimes to merely check their calls, and at other times to also use them. However, we pointed out **the unsuitability of this practice**, where **the use of a mobile phone is only permitted in the consulting room in the presence of staff** due to the fear that patients might harm themselves by calling, for example, inappropriate numbers. **When contacting their families and friends, patients should have privacy, which is not provided in the consulting room.** We also noticed **the lack of rooms on secure wards where patients could meet visitors, i.e. relatives and friends, and talk to them without the presence of, or disturbance by, staff or other patients.** Thus visits take place in the patient room for patients who are not (yet) permitted to go out without an escort or in the common area, which is not the most suitable.

Ob obiskih DPM smo velikokrat opazili **prekoračitve rokov, kot jih določa ZDZdr za obveščanje sodišča ob sprejemu pacienta, pa tudi rokov za obveščanje določenih oseb, kot je najbližja oseba, in rokov, ki jih zakon določa pri uvedbi in ukinitvi posebnih varovalnih ukrepov (PVU)**. Pri tem smo v nekaterih primerih lahko ugotovili, da bi bilo ob nekoliko večji skrbnosti bolnišnic možno roke spoštovati. V drugih primerih smo se strinjali, da so določeni roki vsaj glede na sedanje razmere neživljenjski, kar bi bilo treba upoštevati ob pripravi sprememb zakona. Tako so bolnišnice opozarjale na težave pri spoštovanju roka za obveščanje sodišča, saj mora sprejemni zdravnik najkasneje v štirih urah po sprejemu obvestiti direktorja bolnišnice ali z njegove strani pooblaščen osebo, ta pa mora sodišče nemudoma obvestiti o sprejemu pacienta na oddelek pod posebnim nadzorom brez privolitve. Vendar takšno obveščanje dostikrat ni možno, predvsem pa ne smiselno, če pride do sprejema ob koncu tedna ali pred praznikom, ko na sodiščih ni vzpostavljene dežurne službe za tovrstne primere.

Bolnišnice večkrat opozarjajo, da je rok za obveščanje sodišča prekratek, saj pacienti kasneje velikokrat podpišejo soglasje za namestitev in zdravljenje na oddelku pod posebnim nadzorom. Čeprav je nedvomno velikokrat res kasnejše soglasje posledica izboljšane zdravstvenega stanja pacienta, pa ostaja skrb, da bi prišlo do aktivnega nagovarjanja pacientov k podpisu soglasja. Soglasje, ki ga pacient poda za namestitev na oddelku pod posebnim nadzorom, mora biti izraz njegove prave volje. Torej mora temeljiti na pacientovem zavedanju, da mu bo zdravljenje na tem oddelku koristilo in mu z zadržanjem hkrati zagotavljalo ustrezno varnost. Tako nedvomno obstaja pojasnilna dolžnost sprejemnega psihiatra o tem, kakšno je pacientovo zdravstveno stanje, kakšno zdravljenje bo potrebno in zakaj je smiselno to zdravljenje izvajati na oddelku pod posebnim nadzorom. Vendar pa mora biti pojasnilo pasivno. Aktivno nagovarjanje pacienta k podpisu soglasja, prepričevanje ali celo s tem povezane grožnje lahko namreč v takšni meri posežejo v voljno sfero pacienta, da ta ne more več dati soglasja, ki bi bilo izraz njegove prave volje.

Zdravniki v obiskanih bolnišnicah so opozarjali tudi na nezadostno določenost ukinitve telesnega oviranja (vrsta PVU), saj zakon zahteva, da je treba ukrep najkasneje po štirih urah ukiniti, lahko pa ga potem zdravnik znova odredi. Nekateri bolnišnice sedaj to zakonsko omejitev izvajajo tako, da se po štirih urah fizično oviranje ne odstrani, temveč zdravnik zgolj odredi nadaljevanje ukrepa. Kot razlog navajajo (v nekaterih primerih nedvomno utemeljen) pomislek, da je lahko pacient po štirih urah oviranja še vedno nevaren sebi, pa tudi osebju, zaradi česar odstranitev fizičnega oviranja strokovno ni utemeljena. Seveda pa to na drugi strani ne pomeni, da bi telesno oviranje pacienta lahko trajalo tudi dan ali več, kot smo v preteklosti pri posameznih obiskih že ugotovili in je bilo tudi že predmet opozoril DPM. **Ob obisku Oddelka za psihiatrijo je leta 2012 CPT opozoril, da uporaba ukrepa telesnega oviranja več dni brez prekinitve, čeprav s kratkimi 15-minutnimi ali krajšimi prekinitvami po štirih urah, ne more biti utemeljena in po mnenju CPT predstavlja grdo ravnanje.**

V vseh obiskanih bolnišnicah smo ugotovili prakso, ko se praviloma **zaradi prostorskih pogojev ali prezasedenosti PVU izvajajo v sobah, v katerih imajo pogled na oviranega pacienta drugi pacienti in obiskovalci, ter celo v sobah, kjer so (redno) nameščeni drugi pacienti. Na nedopustnost takšnega izvajanja ukrepa smo seveda opozorili, posebej pa tudi izpostavili, da je na to ob svojem obisku leta 2012 na Oddelku za psihiatrijo opozoril tudi CPT. Ni namreč primerno, da je nemočen pacient na očeh drugih pacientov, razen če to, kot je opozoril CPT, zahteva sam ali če je znano, da bi bil raje v družbi. Ob tem je treba posebej opozoriti, da ZDZdr zahteva stalen nadzor osebja nad fiksiranim pacientom. **Zato praksa, kot smo jo zaznali v posameznih bolnišnicah, ko osebje zgolj občasno izvaja kontrolo nad telesno oviranim pacientom, ni ustrezna in lahko predstavlja nevarnost za zdravje ali celo pacientovo življenje.****

The NPM also frequently noticed that **the deadlines as determined by the ZDZdr for informing the court about the admission of a patient were exceeded and also deadlines for informing certain persons, i.e. family members, and deadlines determined by the act on introduction and termination of the use of special protection measures**. It was established in certain cases that with some additional diligence by hospitals the deadlines could be respected. In other cases, we agreed that certain deadlines were unrealistic, at least with regard to the current conditions, which would have to be taken into consideration when drafting amendments to the act. The hospitals complained about difficulties in complying with the deadline for informing the court, since the admitting physician must inform the hospital director or another authorised person about the admission in four hours, who must then immediately inform the court about the admission of a patient to a secure ward without their consent. Such informing is frequently impossible, and particularly not logical if a person is admitted at the weekend or before a holiday when emergency services at courts are not available for such cases.

The hospitals frequently warn that the deadline for informing the court is too short, since patients later often sign their consent to admission and treatment in a secure ward. Although, consent is later frequently the result of the patient's improved medical condition, there is a concern that active persuasion of patients to sign the consent would occur. The consent given by the patient to be admitted to a secure ward must be an expression of the patient's actual wishes. The consent must thus be based on the patient's awareness that treatment in this ward would be beneficial and provide them with sufficient safety. The duty of the admitting physician is to explain the patient's medical condition, the treatment necessary and why is it sensible to implement such treatment in a secure ward. This explanation must be provided passively. Actively convincing a patient to sign the consent, persuasion or even related threats may encroach on the willingness of the patient to such an extent that they are unable to consent in a way that reflects their wishes.

The physicians in the visited hospitals also pointed out the insufficient definition of the termination of physical restraint (type of special protection measure), since the act stipulates that a measure must be terminated no later than within four hours and the physician may then order it again. Some hospitals implement this legal restriction by removing the physical restraint after four hours, whereupon the physician merely orders the continuation of this measure. As a reason for this (and in certain cases, undoubtedly founded), they state that patients may still be a danger to themselves or staff after four hours, which is why the removal of the physical restraint is not medically founded. On the other hand, this does not mean that physically restraining a patient could last a day or more, as was established during certain visits in the past and which was the subject of NPM warnings. **When visiting the Department of Psychiatry in 2012, the CPT stressed that the use of physical restraint for several days without termination, although with short 15-minute or shorter breaks after four hours could not be justified and constituted ill-treatment according to the CPT.**

In all the hospitals visited, we discovered that **special protection measures were implemented in rooms where other patients and visitors may see the restrained patient, and even in rooms where other patients were (regularly) accommodated due to spatial conditions and overcrowding**. We warned about the inadmissibility of these measures and particularly pointed out that the CPT had highlighted the same issue in 2012 when visiting the Department of Psychiatry. It was not suitable for a helpless patient to be visible to other patients unless, as stressed by the CPT, the patient concurs or if it is known that they would rather have company. It must also be emphasised that the ZDZdr requires permanent supervision by staff of restrained patients. **As noted in individual hospitals, the practice whereby staff only occasionally monitor physically restrained patients was not suitable and may pose a threat to the patients' health or even life.**

Ob pregledu evidenc in medicinske dokumentacije smo pri uvedbi posameznega PVU v vseh obiskanih bolnišnicah pogrešali **opis tega, kateri milejši ukrepi so bili izvedeni pred uvedbo PVU**. Na to je posebej opozoril tudi izvedenec, ki je sodeloval ob teh obiskih, pa tudi CPT ob svojem obisku Oddelka za psihiatrijo leta 2012. CPT je poudaril, da je pomembno, da pred uporabo takega ukrepa poskuša uporabiti vse druge ustrezne ukrepe, kakor to določa zakon. **Obiskanim bolnišnicam smo predlagali, da zdravnike, ki odrejajo PVU, posebej opozori, da je PVU skrajni ukrep in da mora biti iz medicinske dokumentacije vedno razvidno, če so bili pred uvedbo PVU izvedeni milejši ukrepi in kateri točno**. Ob tem smo predlagali, da se zdravnike znova opozori tudi na roke, ki jih tako glede trajanja ukrepa kot tudi glede obveščanja posameznih oseb določa ZDZdr. Predlagali smo tudi, da bolnišnice prilagodijo obrazce o izvajanju PVU z rubriko o izvedenih ukrepih pred uvedbo PVU (npr. pogovor, tehnike deeskalacije, dodatna medikamentozna terapija itd.).

V primeru ene bolnišnice (PB Ormož) smo ugotovili, da Oddelek za psihogeriatrijo (še vedno) pojmujejo za odprtega, ker se ne zaklepajo vhodna oziroma izhodna vrata. Pojasnili pa so nam, da tamkajšnje paciente ustavijo in napotijo nazaj vanj, ko ga želijo zapustiti. Varuh oziroma DPM ugotavlja, da so **v praksi očitno različni načini, ki jih bolnišnice uporabijo z namenom preprečitve izhoda z oddelka, s čimer se posamezniku omeji svoboda gibanja oziroma prostost**. Ko osebe z demenco zaradi svojega bolezenskega stanja ne morejo razumeti in s tem premagati določene ovire, je to lahko ravno tako učinkovit način varovanja kot samo zaklepanje vrat. Ni namreč nujno, da bi nekomu zgolj tehnična sredstva morda preprečevala odhod iz zavoda (klasična ali elektronska ključavnica, različne oblike odpiral, ki dementnim osebam onemogočajo ali močno otežijo izhod z oddelka). Tudi ko zaposleni stanovalca, ki ga po prehodu zanke prestrežejo, praviloma vedno vrnejo na oddelek, lahko po stališču Varuha oziroma DPM govorimo o omejevanju svobode gibanja, ki je ne glede na opredelitev ali siceršnji značaj oddelka, na katerem je pacient nameščen, v enakem položaju kot če bi bil zadržan na oddelku pod posebnim nadzorom. V teh primerih gre očitno za **»de facto«** odvzem prostosti.

Najpomembnejše ugotovitve in predlogi DPM

Prekoračitev kapacitet oddelka pod povečanim nadzorom zmanjšuje kakovost bivanja za vse paciente in pomeni povečano obremenitev osebja. Zato predlagamo, da bolnišnice v primeru, ko bi bilo treba zaradi novih namestitvev namestiti začasno posteljo, rešitev iščejo predvsem v namestitvi pacienta na drug oddelek ali v drugo (čim bližjo) bolnišnico. V začasne postelje naj pacienta namestijo torej zgolj takrat, ko je oddelek povsem poln in so druge možnosti namestitve oziroma premestitve pacienta izčrpane.

Ob tem z zadovoljstvom ugotavljamo, da je odprtje novega dela Enote za forenzično psihiatrijo, do katerega je prišlo kmalu po obisku DPM, vsaj začasno odpravilo hudo prostorsko stisko, ki je zaradi specifike te enote ni možno reševati s premeščanjem.

PB Begunje je glede izpostavljenе problematike v odzivu na predhodno poročilo med drugim navedla, da tudi sama obžaluje občasno prekoračitev kapacitet, toda včasih zaradi omejenih kapacitet PB Begunje, do katerih pride zaradi velikega števila akutno poslabšanih pacientov, takšnih pacientov, ki potrebujejo nadzor, ni možno namestiti na odprtih oddelkih. V takšnem primeru se v skupnem dnevnem prostoru namestita do dve zasilni postelji, sama postelja pa ustreza postelji v sobi. Bolnišnica tudi poudarja, da mora na oddelku pod posebnim nadzorom vendarle obstajati nadzor nad zagotavljanjem varnosti. Čim večja je stopnja nadzora nad varnostjo pacientov, tem manjša je stopnja zasebnosti.

When reviewing records and medical documentation on the use of individual special protection measures in all visited hospitals, we could not find **the description of which more lenient measures had been implemented before the use of individual special protection measures**. This was particularly pointed out by the expert participating in the visit and also the CPT during its visit to the Department of Psychiatry in 2012. The CPT emphasised that it was important that other suitable measures as determined by the Act be implemented before the use of special protection measures. **We proposed to the hospitals that physicians ordering special protection measures be informed that these measures were the last measures to be used and that medical documentation must always show that other more lenient measures had been implemented before the introduction of special protection measures and precisely which measures had been taken**. We further suggested that physicians be warned about the deadlines stipulated by the ZDZdr relating to the duration of the measure and relating to informing individual persons. We also proposed that hospitals add an additional section to the form on the implementation of measures executed before the use of special protection measures (e.g. discussion, de-escalation techniques, additional medicament therapy etc.).

In the case of one hospital (Ormož), it was established that the Department of Psychogeriatrics was (still) considered open because the entry or exit doors were not locked. Nevertheless, they explained that patients are stopped and directed back to the department if they want to leave. The Ombudsman or the NPM established that in practice **different methods were used by hospitals in order to prevent patients exiting the ward, whereby individuals' movement or liberty was limited**. When persons with dementia cannot understand and thus overcome a certain barrier due to their medical condition, this may be an equally efficient manner of security as locking the door. Mere technical equipment may not be the only means of preventing someone from leaving the institution (classic or electronic lock, different forms of door openers which prevent or aggravate the exit from the ward for the persons with dementia). When staff intercept patients and direct them back to the ward, this may, according to the Ombudsman or the NPM, be considered a restriction of freedom of movement which, as per the present character of the ward where the patient is accommodated, is the same as if the patient were on the secure ward. These cases are obvious **»de facto«** deprivations of liberty.

The most important findings and proposals of the NPM

Exceeding the capacities of a secure ward reduces the quality of life of all patients and increases the burden on the staff. We thus propose that hospitals, when a new provisional bed is needed due to additional accommodation, seek the solution in accommodating the patient in another ward or another (nearby) hospital. Provisional beds should only be provided when a ward is completely full and other possibilities for accommodating or relocating patients have been exhausted.

We are pleased that the new Unit for Forensic Psychiatry was opened soon after the NPM visit, thus eliminating severe overcrowding at least temporarily, which due to the specifics of the unit cannot be resolved by relocation.

Regarding this issue, Begunje Psychiatric Hospital stated in its reply to the preliminary report that it regretted the occasional exceeding of capacities, but due to the limited capacities of the hospital, which is overburdened with a large number of patients with acutely deteriorating conditions, patients who require supervision could not be placed in open wards. In such cases, two provisional beds are installed in the common living area which are the same as the beds in rooms. The hospital also highlighted that safety must be ensured on secure wards. The greater the level of supervision of the safety of patients, the lower the level of privacy.

To pojasnilo PB Begunje nas je presenetilo. Do prekoračitve kapacitete posameznega oddelka seveda lahko pride zaradi velikega števila pacientov, ki jih je treba urgentno namestiti na oddelek pod posebnim nadzorom. Ker pa bolnišnica nameščanje na postelje v skupnem prostoru opravičuje (tudi) z razlogom varnosti pacientov, smo poudarili, da samo dejstvo o novih namestitvah še ne more biti zadostno opravičilo za namestitev paciente v prostor, kjer so stalno na očeh drugih pacientov in tudi osebja. V nekaterih primerih pa naj bi namestitev na te postelje zahteval razlog varnosti. Tako je bil tudi ob obisku DPM en pacient nameščen na tej začasni postelji, čeprav so bile še vedno proste kapacitete v sobah. Prvič smo se v slovenskih psihiatričnih bolnišnicah srečali s takšnim načinom zagotavljanja »varnosti«. Čeprav bo na vprašanje o ustreznosti takšne namestitve vsekakor morala odgovoriti stroka, pa se nam postavlja vprašanje, ali je primer, ko se (ne)varni pacient izpostavi stalnemu pogledu in morebitno drugim dražljajem s strani drugih pacientov, brez možnosti, da se ta umakne v »svojo« sobo, hkrati pa se tudi ne izvaja stalen nadzor s strani osebja, res najbolj primeren.

Oddelek za psihiatrijo pa je pojasnil, da so doslej problem prezasedenosti že reševali, in sicer z nameščanjem v drugo ustanovo, če je bilo to mogoče. V primeru prezasedenosti tudi v drugih podobnih ustanovah pa bodo še naprej nameščali začasne postelje.

Predlagamo, da bolnišnice dajo večji poudarek opremi sob pacientov, vsekakor pa predvsem tudi okrasitvi hodnikov in drugih skupnih prostorov z izdelki pacientov, ki imajo estetsko (pa tudi optimistično) vrednost. Ob tem pozdravljamo prizadevanja, da bi se stene oddelkov prebarvale v tople, pastelne barve.

PB Begunje je pojasnila, da bi bila namestitev slik ali določenih drugih predmetov za posamezne paciente lahko nevarna, nameščanje okrasnih tapet ali stenskih poslikav pa ni mogoče zaradi higienskih norm, ki jih morajo kot bolnišnica izpolnjevati, pa tudi zaradi požarne varnosti. Slednje so ob akreditaciji izpostavili tudi mednarodni presojevalci.

Strinjali smo se s pojasnilom PB Begunje, da je vsekakor treba ob izbiri okrasnih predmetov, s katerimi bi se polepšali skupni prostori in tudi sobe pacientov, v prvi vrsti upoštevati vidik varnosti. Vendar že namestitev slik na ženskem oddelku pod posebnim nadzorom kaže, da je ustrezna okrasitev z nekaj truda in razmisleka možna. Zato prizadevanja za pacientom čim bolj prijazno bivalno okolje podpiramo.

Oddelek za psihiatrijo pa je pojasnil, da so hodnike in deloma sobe v enoti D dodatno opremili z izdelki pacientov in namestili znake na vrata sob pacientov; v sprejemnih enotah (enoti A1 in A2) pa še iščejo rešitev za namestitev opreme, ki mora biti tudi varna – nesnemljiva, brez steklenih delov.

Predlagamo, da bolnišnice pacientom tudi na oddelkih pod povečanim nadzorom omogočijo nošenje dnevni oblačil (bodisi lastnih bodisi takšnih, ki jih zagotavlja bolnišnica) in jih v čim večji meri seznanjajo z možnostjo nošenja takšnih oblačil ter jih pri tem spodbujajo, razen tedaj, ko to otežujejo ali celo onemogočajo posebnosti zdravstvenega stanja posameznega pacienta.

PB Begunje je pojasnila, da se nočna oblačila (pižame) uporabljajo na oddelkih pod posebnim nadzorom predvsem zaradi higienskih razlogov v skladu s priporočili Komisije za obvladovanje bolnišničnih okužb. Bolnišnica je pojasnila, da so začeli s projektom za uvedbo oziroma nabavo ustreznih materialov za paciente, ki jih bodo nosili prek dneva tudi na intenzivnih oddelkih. Odločitev o nošenju teh oblačil bo prepuščena pacientom, kar pomeni, da se bodo svobodno odločili, kaj bodo želeli imeti oblečeno v času hospitalizacije. Že sedaj pa se pacientom, če jim je omogočen kratek izhod za osebni opravke, glede na vremenske pogoje, zagotavljajo ustrezna obutev in lastna oblačila.

Bolnišnica je poudarila, da je ob nošenju pižame pri pacientih bistveno lažje vzdrževati higieno pacientov, predvsem pa naj bi bil poudarek na varnosti, saj naj bi bil v primeru nošenja pižame vnos nevarnih predmetov na oddelek otežen.

We were surprised by this clarification from Begunje Psychiatric Hospital. The large number of patients who require urgent accommodation on the secure ward may exceed the capacities of individual wards. Because the hospital justified the installation of beds in a common living area (also) with the safety of patients, we stressed that new accommodation could not be a sufficient justification for accommodating patients in an area where they were constantly being watched by other patients and staff. In some cases, safety could be a reason for accommodating patients in this area. Thus, one patient was accommodated in a provisional bed at the time of the NPM visit, although, there were free capacities in rooms. This was the first time we had encountered this manner of ensuring "safety" in Slovenian psychiatric hospitals. Experts will nevertheless need to address the suitability of such accommodation; but we wonder about the suitability of exposing a (dangerous) patient to continuous observation or any other stimuli from other patients without the possibility of retreating to their own room, whereby continuous supervision by the staff is also not being implemented.

It was explained by the Department of Psychiatry that they had resolved the issue of overcrowding by transferring patients to another institution if possible. In the case of overcrowding in other similar institutions, they would still accommodate patients in provisional beds.

We propose that hospitals pay more attention to decorating patient rooms and particularly corridors and other common areas with patients' handicrafts because this has an aesthetic (and also positive) value. We also commend the efforts to paint walls in warm pastel colours.

Begunje Psychiatric Hospital clarified that the installation of pictures or other objects could be dangerous to certain patients, while the installation of decorative wallpaper or painting was not possible due to hygienic norms which the hospital had to meet, and also due to fire safety. The latter was also highlighted by the international evaluators.

We agreed with the clarification of Begunje Psychiatric Hospital that the safety aspect must be observed first in the selection of decorative objects which would enliven common areas and patient rooms. However, the arrangement of pictures in the female section of the secure ward proved that decoration was possible with a little effort and careful consideration. We thus support the efforts to create as patient-friendly a living environment as possible.

The Department of Psychiatry explained that corridors and some rooms in Unit D were additionally decorated with patients' work, and labels were installed on room doors; they were still exploring solutions for installing equipment in admissions units (units A1 and A2) which must also be safe, non-removable and without glass parts.

We suggest that hospitals also enable patients in secure wards to wear day-time clothes (their own or provided by the hospital) and inform them of the possibility of wearing such clothes and encourage them to wear such clothes, except when the patient's medical conditions aggravate or even prevent this.

Begunje Psychiatric Hospital explained that night clothes (pyjamas) were used in secure wards for reasons of hygiene in compliance with the recommendation of the Commission for the control of hospital infections. The hospital explained that a project to implement or purchase suitable materials for patients to be worn during the day also in intensive care departments had already begun. Patients would be free to decide what clothes they want to wear during hospitalisation. Suitable footwear and their own clothes were already being provided to patients who go on personal errands, depending on weather conditions.

The hospital emphasised that by wearing their pyjamas the patients maintain hygiene much more easily and safety is also better, since they cannot bring hazardous objects to the ward so easily if they are wearing pyjamas.

Vsekakor pozdravljamo prizadevanja PB Begunje, da bi se izdelala nova (dnevna) oblačila, za katere bi se pacienti lahko odločili. Menimo namreč, da razlogi, s katerimi PB Begunje opravičuje nošenje nočnih oblačil (pižam) tudi v dnevnem času, niso utemeljeni. Higijenski razlogi so sicer nedvomno pomembni, vendar pa kažejo predvsem na zmanjšano obremenjenost ali celo komoditeto osebja kot na utemeljen razlog. DPM namreč ob obiskih drugih psihiatričnih bolnišnic, predvsem pa posebnih socialnovarstvenih zavodov in domov starejših, ugotavlja, da so pri zagotavljanju ustrezne higijene pacienti in oskrbovanci brez večjih težav v dnevnem času v svojih oblačilih ali oblačilih, ki jih zagotavlja sam zavod. Tudi razlog varnosti verjetno ne more biti odločilni element ob pojasnilu bolnišnice, da se pacientu, ki mu je omogočen (samostojen) izhod, zagotovi obutev in dnevno oblačilo in da torej prehaja z oddelka in se nanj vrača v takšnem oblačilu in ne pižami.

Oddelek za psihiatrijo pa je pojasnil, da so upoštevali predlog DPM glede nošenja dnevnih oblačil – paciente namreč še dodatno spodbujajo pri nošenju dnevnih oblačil.

Predlagamo, da bolnišnice zdravnike, ki PVU odreja, posebej opozorijo, da je PVU skrajni ukrep in da mora biti iz medicinske dokumentacije vedno razvidno, če in kateri milejši ukrepi so bili izvedeni pred uvedbo PVU. Predlagamo tudi, da bolnišnice temu primerno prilagodijo tudi obrazce, ki se izpolnjujejo ob uvedbi PVU. Obrazec bi bilo smiselno dopolniti z rubriko o izvedenih ukrepih pred uvedbo PVU (npr. pogovor, tehnike deeskalacije, dodatna medikamentozna terapija ...). Smiselno bi bilo dodati seznam tehnik na obrazec in ob izpolnjevanju obrazca le označiti, katere tehnike so bile uporabljene pred uvedbo PVU. Predvsem pa predlagamo, da bolnišnice zagotovijo, da ne prihaja do primerov, ko bi zdravnik dajal vnaprejšnjo odreditev uvedbe PVU – torej »po potrebi«.

PB Begunje kljub našim predlogom ne vidi razloga za spremembo obrazca. Meni namreč, da dokumentiranje v pretiranem obsegu pomeni zmanjševanje časa, ki ga zdravnik in drugo osebje posvečajo neposredno pacientu. Vse, kar predlaga DPM, pa je, kot navajajo, zavedeno v poročilu zdravstvene nege na listu posebnega varovalnega ukrepa in na terapevtskem listu.

Oddelek za psihiatrijo je pojasnil, da so intenzivirali sicer že utečeno izobraževanje osebja o uporabi PVU kot zadnjemu ukrepu obvladovanja agresivnega vedenja. V istem času so začeli z dodatno edukacijo deeskalacijskih tehnik, sprva za specializante in specialiste, za ostalo osebje ZN pa bodo edukacijo teh tehnik nadaljevali jeseni, ko bodo educirali tudi novospregjeti kader za potrebe Enote za forenzično psihiatrijo. Ko bodo opravili izobraževanje celotnega osebja z navedenim, bodo na obrazec za PVU (po ZDZdr) dodali tudi beleženje uporabe teh tehnik pred uporabo PVU.

Predlagamo, da bolnišnice zdravnike neprestano opozarjajo na roke, ki jih tako glede trajanja PVU kot tudi glede obveščanja posameznih oseb določa ZDZdr. Pomisleki glede smiselnosti določenih rokov ali njihove dolžine so lahko razlog za aktivno vključitev ob pripravi sprememb ZDZdr, ne pa za izogibanje svojim dolžnostim ali celo ravnanje v nasprotju z zakonom.

PB Begunje je pojasnila, da je v zakonu urejen postopek obveščanja sodišča še eden od primerov nerealnosti zakona. Obveščanje je v času, ko sodišče ne dela praktično nemogoče v zakonskih rokih. Meni, da bo to vprašanje prvenstveno moral rešiti zakonodajalec.

Oddelek za psihiatrijo pa je pojasnil, da v zadnje pol leta ne opažajo zamud pri pošiljanju oziroma obveščanju oseb po ZDZdr.

We commend the efforts of Begunje Psychiatric Hospital to supply new (day-time) clothes which the patients could choose to wear. We believe that the reason for wearing night-time clothes (pyjamas) also during daytime was not founded. Reasons of hygiene are important, but they suggest reduced burdening or even convenience of the staff. When visiting other psychiatric hospitals and particularly special social care institutions and retirement homes, the NPM established that patients and residents wear their clothes or clothes provided by the institution during daytime without any major difficulties and while being provided sufficient hygiene. The safety reason can certainly not be the deciding factor in the hospital's clarification that a patient who is allowed (independent) exit is provided with footwear and daytime clothes and that they are thus leaving and returning to the ward in such clothes and not in their pyjamas.

The Department of Psychiatry clarified that they had observed the NPM recommendation on daytime clothes and now additionally encourage their patients to wear daytime clothes.

We propose that hospitals inform physicians who order special protection measures that these are a last resort, and that it must always be evident from the medical documentation if, and which, more lenient measures have been implemented before ordering special protection measures. We also propose that hospitals accordingly adjust the forms which are completed when implementing special protection measures. A section about measures implemented before the application of special protection measures should be added (e.g. discussion, de-escalation techniques, additional medicament therapy etc.). It would be advisable to add a list of techniques used before the application of special protection measures which could only be marked when completing the form. In particular, we propose that hospitals ensure that cases in which a physician orders the implementation of special protection measures in advance, i.e. "when needed" no longer occur.

Despite our proposals, Begunje Psychiatric Hospital noted no need to change the form. It believed that excessive documentation reduced the time the physician and staff dedicate directly to patients. In their opinion, everything proposed by the NPM was already included in the medical care report of the list of special protection measures and on the therapeutic list.

The Department of Psychiatry explained that they had intensified the regular training of their staff on the use of special protection measures as the last way of restraining aggressive behaviour. They also started additional training in de-escalation techniques, firstly for registrars and specialists. The training of these techniques would continue in autumn for other staff when newly employed staff for the needs of the Unit for Forensic Psychiatry will also be trained. Following the training, the form for special protection measures (as per the ZDZdr) would be adjusted to enable noting the application of these techniques before the use of special protection measures.

We further suggest that physicians be constantly warned about the deadlines stipulated by the ZDZdr relating to the duration of special protection measures and informing individual persons. Concern about certain deadlines or their duration may be a reason for active participation in the preparation of amendments to the ZDZdr and not for the avoidance of duties or even practices contrary to the Act.

Begunje Psychiatric Hospital explained that the procedure of informing the court regulated by the Act was yet another example of the unrealistic nature of the Act. Informing within determined deadlines was practically impossible at times when the court was not working. The hospital believed that this question would have to be resolved by the legislator.

The Department of Psychiatry noted that no delays had been observed in the previous six months when informing persons as per the ZDZdr.

Predlagamo, da bolnišnice tam, kjer se izvaja stalni nadzor nad telesno oviranim pacientom, najdejo ustrezen način, ki bi preostalim pacientom v popolnosti onemogočal pogled skozi okno na vratih, morebiti z zamenjavo stekla ali vsaj z namestitvijo ustreznih žaluzij, ki bi jih moralo osebje ob izvajanju PVU v sobi obvezno zagrniti in s tem zagotoviti ustrezno zasebnost pacientov, nad katerimi se ukrep izvaja. Predvsem pa predlagamo, da se prepreči izvajanje PVU v sobah, kjer so nastanjeni drugi pacienti.

PB Begunje je pojasnila, da bo sprejela vse potrebne ukrepe, ki bodo pacientom med izvajanjem PVU zagotovili ustrezno zasebnost. Steklo, ki gleda na hodnik, bodo zatemnili. V primerih, kjer so v sobi, kjer se izvaja PVU še drugi pacienti, bodo zasebnost zagotovili z ustrezno špansko steno.

Sogovorniki na Oddelku za psihiatrijo so že ob samem obisku pojasnili, da glede na dane prostorske pogoje edino rešitev vidijo v ustreznih paravanih, s katerimi bi lahko pacienta, pri katerem se ukrep izvaja, ločili od drugih pacientov. Poudarili pa so, da vsak paravan ni dober, morali bi biti namreč takšni, da se pacienti z njimi ne bi mogli poškodovati. S prošnjo po nabavi so se že obrnili na vodstvo UKC, vendar so prejeli pojasnilo, da ni možno zagotoviti finančnih sredstev za nakup paravanov. DPM meni, da bi UKC Maribor moral storiti vse, da bi se paravani čim prej kupili. Dokler paravanov Oddelek za psihiatrijo ne bo prejel, pa smo predlagali, da se ena od sob v enotah nameni zgolj izvajanju ukrepa in se torej vanjo ne namešča pacientov.

Predlagamo, da se bolnišnice s pristojnim sodiščem dogovorijo o načinu takojšnjega obveščanja o zadržanju osebe na oddelku pod posebnim nadzorom brez soglasja, potem pa se naknadno lahko obvestilo pošlje (še) po pošti. Torej, da se dogovorijo za takšen način obveščanja sodišča o zadržanju, da ne bo prihajalo do prekoračitev rokov, ki jih določa ZDZdr.

Glede težav pri obveščanju sodišča s strani PB Begunje smo se obrnili na Okrajno sodišče v Radovljici. Sodišče nam je pojasnilo, da je bolnišnica sodišču obvestila v preteklosti pošiljala (tudi) s pomočjo telefaksa, vendar pa je informacijska pooblaščenka sodišče opozorila, da tak način obveščanja ni primeren z vidika varovanja osebnih podatkov, saj imajo dostop do telefaksa vsi uslužbenci sodišča. Navedeni način obveščanja je bil po mnenju sodišča neprimeren tudi zaradi spoštovanja zakonskih rokov. Sodišče namreč v postopkih pridržanja nima uvedenih dežurstev, zato predvsem v primeru, ko je sodišče obvestilo prejelo pred koncem tedna, še posebej, če je temu sledil dan ali dva praznika, ni bilo mogoče zagotoviti, da bi bili potrebni sklepi (o začetku postopka, postavitvi odvetnika zadržani osebi in izvedenca) izdani v roku enega dneva in da bi bil pacient obiskan v nadaljnjem dnevu s strani sodišča.

Po drugi strani pa je sodišče pojasnilo (kar je nasprotno prvemu delu pojasnila, op. a.), da se pri upoštevanju zakonskih rokov, skladno s sodno prakso upoštevajo le delovni dnevi, ne pa tudi nedelje in prazniki. Sodišče ob tem dodaja, da nikoli ni nasprotovalo možnosti pošiljanja obvestil s pomočjo kurirske službe ali po elektronski pošti, vendar pa s strani psihiatrične bolnišnice nikoli niso prejeli takšnih predlogov niti predloga, da se o drugih možnostih vročanja, poleg vročanja po pošti, dogovorijo naknadno.

Sodišče sicer meni, da je možno, da se bo v primeru obveščanja s pomočjo elektronske pošte zgodilo enako kot pri pošiljanju po telefaksu, ko bo sodišče obvestilo prejelo v petek v večernih urah ali soboto, nedeljo, na praznik, ko sodišče ne dela in se bo z obvestilom seznanilo šele prvi delovni dan. Zato meni, da bi bilo vročanje s pomočjo kurirske službe primernejše.

Razumemo zadržke sodišča, vendar smo opozorili, da tudi bolnišnico vežejo roki, kot jih določa ZDZdr. Tako mora direktor bolnišnice sodišče o zadržanju proti volji obvestiti v roku štirih ur po zadržanju pacienta ali preklicu že danega soglasja. Po drugi strani pa, kot lahko razumemo pojasnilo sodišča, roki, kot jih določa ZDZdr, začnejo upoštevajoč sodno prakso teči šele prvi delovni dan – ne glede na to, kdaj sodišče prejme obvestilo s strani PBB.

We propose that hospitals find a suitable method of implementing continuous supervision of a restrained person and fully prevent other patients from looking through the window on the door by replacing glass or installing blinds which the staff would have to close when implementing special protection measures and thus ensure suitable privacy for patients subjected to the measure. Above all, we propose that special protection measures should not be implemented in rooms where other patients are accommodated.

Begunje Psychiatric Hospital replied that it would take all necessary measures to ensure suitable privacy during the implementation of special protection measures. The window overlooking the corridor would be darkened. In cases when other patients are in the room where special protection measures are being implemented, privacy will be ensured with a suitable screen.

Our discussion partners at the Department of Psychiatry explained during our visit that the only solution relating to the given spatial conditions was a screen to separate the patient undergoing a measure from other patients in the room. They stressed that not all screens were suitable; only screen with which patients could not be harmed would be suitable. They had already submitted a request to the management of the University Medical Centre and received the explanation that insufficient funds were available for the purchase of screens. The NPM believes that Maribor University Medical Centre should do everything to provide the screens as soon as possible. Until the Department of Psychiatry receives the screens, we proposed that one room in each ward is used only for implementing measures and that other patients should not be accommodated in them.

We propose that hospitals agree with the courts on the manner of promptly informing the court on the placement of patients in secure wards without their consent; the notification may then additionally also be submitted by mail. That is, to agree on the manner of informing the court about the detention so that the time limits are not exceeded, as stipulated by the ZDZdr.

We contacted Radovljica Local Court about the difficulties experienced by Begunje Psychiatric Hospital when submitting information. The court explained that the hospital had submitted its notifications in the past (also) by telefax, but the Information Commissioner warned the court that this method was not suitable from the viewpoint of personal data protection, since all the staff of the court have access to the telefax. The court believed that this manner of informing was also unsuitable due to the compliance of legally determined deadlines. The court did not have an on-call duty for detention cases, which is why it was difficult to ensure that suitable decisions (on the initiation of the procedure, appointment of an expert or a lawyer to the person detained) are issued within a day in cases when the court received the notification before the weekend, especially if this was followed by a holiday, or if the patient was to be visited the next day by the court.

On the other hand, the court explained (which contradicts the first part of the clarification; author's note) that in compliance with case law, only business days are taken into consideration relating to the legally determined time limits and not Sundays and holidays. The court further added that it never objected to the possibility of receiving notifications through a courier service or e-mail, but they never received such suggestions from the psychiatric hospital or a proposal to additionally determine other possibilities of delivery besides delivery by post.

The court believed that in the case of informing by e-mail, the same might happen as when informing by telefax if the court received the notification on Friday evening, Saturday, Sunday or a holiday when the court is not working and the notification would be processed only on the next business day. The court thus believed that delivery by courier would be the most suitable.

We understand the concerns of the court, but we pointed out that the hospital is obliged to comply with the deadlines stipulated by the ZDZdr. The director of the hospital is thus obliged to inform the court about detention without consent within four hours after the detention of the patient or the revocation of an already given consent. On the other hand, as we understand the explanation of the court, the deadlines determined by the ZDZdr commence only on the first business day as per the case law, irrespective of when the court received the notification from Begunje Psychiatric Hospital.

Predlagamo, da bolnišnice zdravstveno osebje na oddelkih pod posebnim nadzorom opozorijo na skrbnost pri presoji, ali je pacient sposoben izraziti svojo pravo voljo, in na nedopustnost aktivnega nagovarjanja pacienta ali celo siljenja k podpisu soglasja z različnimi oblikami groženj. Ob tem naj bolnišnice (kolikor tega še nimajo), poskrbijo, da se primerno dopolnijo obrazci o podaji soglasja za zdravljenje na oddelku pod posebnim nadzorom z rubriko o možnosti preklica soglasja (vključno s pojasnilom o pomenu preklica).

PB Begunje je v odzivu na predhodno poročilo pojasnila, da pacientu zdravnik pojasni, za kakšen čas velja podano soglasje in da ga lahko kadar koli prekliče, možnost preklica pa bodo izrecno zavedli na obrazec, kar vsekakor pozdravljamo.

Predlagamo, da bolnišnice, kjer (še) ni vzpostavljen sistem klicnih zvoncev, proučijo možnost, da se namesti oziroma obnovi sistem klicnih zvoncev, s katerimi bodo pacienti lahko v stiski na varen način poklicali osebje, in da bolnišnica posveča posebno pozornost nadziranju, da klicni zvonci ne bi bili odstranjeni pacientom, ki jih pogosto (po oceni osebja morebiti celo neupravičeno) uporabljajo.

PB Begunje je v odgovoru pojasnila, da bi bili klicni zvonci potrebni predvsem v primeru, ko bi šlo za nepokretne paciente in za velike interne oddelke z več kot 30 posteljami, kar pa niso oddelki pod posebnim nadzorom te bolnišnice. Osebje je na oddelku stalno prisotno in tako na voljo pacientom, ki bi potrebovali pomoč. Zato sicer ne vidijo potrebe po namestitvi klicnih zvoncev, bodo pa predlog DPM proučili, kar vsekakor pozdravljamo.

Predlagamo, da bolnišnice pacientu ob telefonskem klicu zagotovijo zasebnost.

Zavedamo se, da je tudi v primeru telefonskih klicev treba upoštevati vidik varnosti, a bi se ta tudi pri pacientih, kjer bi res obstajal varnostni zadržek, lahko opravljal tako, da bi osebje pacienta sicer videlo, ne pa tudi slišalo (npr. na način, da se pacient nahaja v sobi za izvedbo PVU, osebje pa v sestrski sobi). Tudi potrebo po tovrstnem nadzoru pa je treba jemati restriktivno, torej zgolj v primeru, ko je to res nujno zaradi pacientove varnosti in ko varnosti tudi sicer ni možno zagotoviti na drug način.

PB Begunje je pojasnila, da je težava lahko v primeru, ko bi pacient (med telefonskim klicem) lahko ogrožal sebe ali drugega. Razgovor v ambulanti torej ne poteka zaradi nadzora nad vsebino pogovora, temveč zato, da se zagotovi oziroma ve, kdo je klic opravil – torej pacient, ki je zaprosil za klic.

Predlagamo, da bolnišnice posebno skrb zagotovijo stalnemu nadzoru nad korektnim odnosom osebja in skrbjo za pacientovo dostojanstvo in da preprečijo zlasti kakršno koli maščevalno ravnanje osebja proti posameznemu pacientu in poskrbijo za ustrezno prejemanje terapije, ki jo pacient sicer odklanja. Predvsem pa predlagamo, da bolnišnice pritožbe pacientov glede fizičnega nasilja s strani osebja obravnavajo resno, dokazuje, da je do njih prišlo, pa s pomočjo ustreznega zdravnika specialista zabeležijo in v primeru dokazanega nestrokovnega ravnanja ustrezno ukrepajo.

Predlagamo, da v primeru predpisovanja odmerkov zdravil, ki so višji od maksimalnih dovoljenih odmerkov, bolnišnice ravnajo skladno z določili ZDZdr.

PB Begunje je pojasnila, da je v Pravilniku o upravljanju z zdravili določeno, kako se predpisujejo zdravila na terapevtski listi, vključno z zdravili po potrebi. Upoštevali bodo tudi predlog DPM.

We propose that hospitals inform their staff on secure wards about diligence when assessing whether patients are able to express their true wishes and the inadmissibility of actively exhorting patients or even forcing them to sign a consent with different forms of threat. Hospitals should further suitably amend their forms on the provision of consent for treatment on secure wards (if they have not amended this already) with a section on the possibility of revoking the consent (including a clarification of the meaning of revocation).

In its response to the preliminary report, Begunje Psychiatric Hospital specified that a physician explains to patients for what period of time the consent is given and that it may be revoked at any time. However, they will explicitly equip the form with a section for revocation, which we commend.

We propose that hospitals where a system of call bells has not been installed study the possibility of installing or renovating a call bell system to enable patients in distress to safely call staff, and that the hospitals ensure that call bells are not removed from patients who use them frequently (perhaps even without good reason, according to the staff).

Begunje Psychiatric Hospital explained in its reply that call bells are particularly necessary in the case of bedridden patients and for large internal medicine units with more than 30 beds, which do not include the secure wards of this hospital. Staff are continuously present on the ward and thus available to patients who need help. They do not recognise a need for installing call bells, but they will nevertheless consider the NPM proposal, which we commend.

We propose that hospitals ensure patients' privacy when they are making calls.

We are aware that, also in the case of phone calls, the safety aspect must be observed; however, this could be provided also for patients with safety concerns in a way that the staff could see the patient but not hear them (e.g. the patient is in room where special protection measures are implemented and the staff are in an adjoining room). The need for such supervision must also be understood as restrictive, i.e. only when this is necessary for patient safety and when safety cannot be provided in any other way.

Begunje Psychiatric Hospital clarified that the problem arises only when patients (during the phone call) could pose a threat to themselves or others. The call does not take place in the consulting room in order to supervise the content of the conversation, but to establish who made the call, i.e. the patient who asked to make a call.

We suggest that hospitals provide permanent supervision of the correct attitude of the staff; care for patients' dignity; prevent any vengeful behaviour against individual patients, and ensure suitable taking of medication which patients decline. We particularly propose that hospitals discuss patients' complaints about physical abuse from staff seriously and record evidence that such events actually happen with the help of a suitable physician, and take suitable action in the case of proven unprofessional conduct.

We propose that hospitals comply with the provisions of the ZDZdr in the case of prescribing dosages higher than the maximum permitted.

Begunje Psychiatric Hospital explained that the Rules on the management of medicinal products determine the prescription of medications on the therapeutic list, including other necessary medicinal products. They will also observe the NPM proposal.

1.4 Obiski v domovih za starejše



V letu 2014 je DPM obiskal pet domov za starejše: Center starejših Pristan v Vipavi, Center starejših Notranje Gorice, Center starejših Zimzelen v Topolšici, Dom starejših Kranjska Gora in Dom starejših Idila, d. o. o. Pri vseh obiskih so sodelovali predstavniki Varuha, izbranih nevladnih organizacij in zunanji izvedenec – specialist psihiater.

Vsem obiskanim domovom smo v začetku leta 2014 poslali vprašalnik, s katerim smo pridobili osnovne podatke glede organizacije varovanega oddelka, postopka sprejema stanovanca v oddelek, uporabe posebnih varovalnih ukrepov, kadrovske zasedbe, zdravstvene in druge oskrbe stanovalcev ipd. Odgovore na vprašanja smo prejeli še pred samim obiskom, ki je bil nato opravljen nenapovedano.

Ob vseh obiskih smo s pristojnimi osebami v domu opravili uvodni in končni razgovor – najpogosteje z direktorjem oziroma direktorico, vodjo zdravstvene nege in oskrbe in/ali socialno delavko. Izvedenec DPM se je pogovoril tudi z zdravnikom splošne medicine, ki ima v domu ambulanto, in/ali z domskim psihiatrom.

Ob obiskih smo si ogledali varovane oddelke, se pogovorili z nekaterimi naključno izbranimi stanovalci in zaposlenimi na oddelku. Ogledali smo si skupne prostore izven varovanega oddelka, ki jih lahko uporabljajo stanovalci varovanih oddelkov (npr. večnamensko dvorano, prostore fizioterapije, prostor za verske obrede), in prostore, v katerih se izvaja zdravstvena dejavnost.

Po opravljenem obisku smo pripravili predhodno poročilo, ki smo ga poslali obiskanemu domu s predlogom, da se z njim seznanijo, ga obravnava in nas obvesti o svojih stališčih glede naših ugotovitev in predlogov. Odziv doma smo vključili v končno poročilo o obisku, s katerim smo seznanili Socialno inšpekcijo in Ministrstvo za delo, družino, socialne zadeve in enake možnosti – slednjega s predlogom, da nam posreduje svoja stališča o ugotovitvah in predlogih, podanih v poročilu, ter morebitne ukrepe, ki bi jih na podlagi poročila sprejelo.

Bivalni pogoji v varovanih oddelkih

Vsi obiskani domovi za starejše so zasebni zavodi, ki imajo koncesijo za izvajanje storitve institucionalnega varstva starejših. Odprti so bili v zadnjih letih, od 2008 dalje, zato so bivalni pogoji na varovanih oddelkih teh domov zelo dobri. Domovi so manjših kapacitet (od 104 do 205 postelj). Varovani oddelki (VO) obiskanih domov imajo po 12 postelj, v Centru starejših Pristan varovani oddelek sestavljata dve varovani enoti, vsaka z 12 posteljami in skupnim večnamenskim prostorom, v Domu starejših Idila pa sta prav tako dva oddelka oseb z demenco, ki sprejmeta od 18 do 23 stanovalcev.

Dom starejših Kranjska Gora je nekoliko drugačen, saj nima klasičnih oddelkov, temveč t. i. gospodinjske skupnosti. Dve od njih sta bili v času našega obiska še t. i. skupini s povečano pozornostjo za osebe z demenco. Skladno z Dopolnitvami k Usmeritvam za delo z osebami z demenco na področju institucionalnega varstva starejših (Usmeritve), ki jih je MDDSZ konec marca 2014 poslalo vsem domovom, se oddelki s povečano pozornostjo dokončno ukinjajo.

Tudi omenjeni zavod se je odločil, da obe gospodinjski skupnosti za osebe z demenco opredeli kot integrirano obliko oskrbe, in ne kot varovane oddelke. Ker se je to zgodilo šele po našem obisku, bomo v tem poročilu kot varovana oddelka v tem domu razumeli omenjeni dve gospodinjski skupnosti.

Dom starejših Kranjska Gora lahko sprejme 27 oseb z demenco (v eni enoti 14 oseb, v drugi 13).

Dom starejših Idila verifikacije oddelkov nima, Center starejših Zimzelen je pridobil verifikacijo za VO aprila 2013, v Centru starejših Pristan in Centru starejših Notranje Gorice pa sta bila postopka pridobivanja verifikacije na dan, ko smo opravili obisk, še v teku.

1.4 Visits to retirement homes

We visited five retirement homes in 2014: Pristan Retirement Home in Vipava, Notranje Gorice Residential Centre for the Elderly, Zimzelen Retirement Home in Topolšica, Viharnik Retirement Home in Kranjska Gora and Retirement Home Idila d. o. o. The representatives of the Ombudsman, selected NGOs and an external expert, specialist/psychiatrist participated in all visits.

At the beginning of 2014, we sent a questionnaire to all visited institutions, from which we obtained basic information about the organisation of secure wards, the procedure for admitting a new resident to the ward, the application of special protection measures, staffing, health and other care for the residents and similar. Replies to our questions were received before the visits, which were unannounced.

An introductory and concluding discussions were held with the relevant persons in the institutions; these were most frequently directors, heads of health care and/or social workers. The NPM expert also held a discussion with the general practitioner at the institution and/or the resident psychiatrist.

We reviewed secure wards and spoke to some randomly selected residents and staff at the ward. We reviewed common areas outside secure wards, which can also be used by residents of secure wards (e.g. multi-purpose hall, physiotherapy facilities, area for religious service), and premises where medical activities are implemented.

A preliminary report was prepared after each visit and sent to the visited institution; we suggested they consider it and notify us on their views on our findings and proposals. The response of the institution was included in the final report on the visit which we submitted to the Social Affairs Inspection Service and the Ministry of Labour, Family, Social Affairs and Equal Opportunities, which we asked to submit positions on the findings and proposals provided in the report and possible measures which they would adopt on the basis of the report.

Living conditions in secure wards

All visited retirement homes are private institutions with concessions to implement services of institutional care for the elderly. They have opened in recent years, from 2008 onwards, and have very good living conditions in secure wards. The homes have small capacities (between 104 and 205 beds). Secure wards have 12 beds; two secure wards at Pristan Retirement Home have 12 beds each and a common multi-purpose room; Retirement Home Idila has two units for persons with dementia, which can accommodate between 18 and 23 residents.

The retirement home in Kranjska Gora is somewhat different, because it does not have classic units, but so-called household communities. Two of these communities at the time of our visit were so-called groups dedicated to residents affected by dementia. As per the Amendments to the Guidelines on working with persons with dementia in the field of institutional care for the elderly (Guidelines), which the Ministry of Labour, Family, Social Affairs and Equal Opportunities submitted to all retirement homes at the end of March 2014, high-level supervision wards are being terminated.

The aforementioned institution also decided to define the two household communities for persons with dementia as an integrated form of care and not as secure wards. Since this happened after our visit, the secure wards of this retirement home mentioned in this report will be understood as the aforementioned household communities.

The retirement home in Kranjska Gora can accommodate 27 persons with dementia (14 persons in one unit and 13 in the other).

Retirement Home Idila does not have certification; Zimzelen Retirement Home obtained certification for secure wards in April 2013, and on the day of the visits, Pristan Retirement Home in Vipava and Notranje Gorice Residential Centre for the Elderly were still in the process of obtaining certification.

Trije od obiskanih varovanih oddelkov so tehnično varovani z elektronsko ključavnico, vrata se odpirajo bodisi z magnetno kartico bodisi na kodo oziroma s ključem.

Dom starejših Kranjska Gora je imel sprva prilagojeno kljuko, ki pa jo je kasneje, na podlagi odločitve za integrirano obliko oskrbe in našega priporočila, nadomestil z navadno, kot so zapisali v odzivnem poročilu.

Sobe so eno- ali dvoposteljne, prostorne in svetle, ponekod nadstandardne, vse z lastno kopalnico. Prostorni in svetli so tudi večnamenski prostori s čajnimi kuhinjami. Negovalne kopalnice so funkcionalno opremljene. Ustrezni so tudi prostori za zdravstveno dejavnost.

Sobe v nekaterih domovih sicer delujejo nekoliko brezosebno in hladno, zato smo predlagali, da se stanovanjci spodbujajo k njihovem opremljanju, predvsem z osebnimi predmeti, ki jih še prepoznajo. Predlagali smo tudi, da se hodniki opremijo tako, da bo stanovalcem olajšana orientacija v prostoru.

Na naš predlog so se domovi odzvali s pojasnilom, da stanovalcem ponudijo možnost in jih spodbujajo, da si sobe opremijo s slikami in osebnimi predmeti, da pa se le redki odzovejo.

V enem od obiskanih domov (Center starejših Pristan) smo ugotovili, da nekateri stanovanjci čez dan nimajo vedno zagotovljenega nemotenega dostopa do svojih sob. Takrat, ko so v večnamenskem prostoru, se namreč občasno zapirajo vrata na hodnik, ki vodi do njihovih sob. S tem se poskuša preprečiti, da bi se nenadzorovano sprehajali po tem hodniku in hodili v sobe (saj nekateri od njih urinirajo po tleh), predvsem pa se poskuša preprečiti, da bi odtavali z oddelka takrat, ko so na koncu tega hodnika odprta vrata, ki vodijo z oddelka. Na varovanem oddelku ima namreč svoje prostore tudi pedikerka, zato z odprtimi vrati oddelka tudi drugim stanovalcem doma želijo omogočiti prost dostop do njenih prostorov. Menili smo, da je dodatno omejevanje gibanja stanovalcem v VO nedopustno, pa tudi v nasprotju z Zakonom o duševnem zdravju (ZDZdr), pa naj gre za izjemo ali stalnost, še posebej, ker se s to omejitvijo stanovalcem onemogoča dostop do njihovih sob. Predlagali smo, da dom najde drugačno rešitev, ki ne bo omejujoča za stanovalce VO.

Dom na naša priporočila ni imel pripomb in je sporočil, da se bo trudil, da bo priporočila in predloge DPM za izboljšanje stanja čim prej uvedel v delo na varovanem oddelku.

Ob naših obiskih so bili VO primerno ogrevani in čisti, neprijetnih vonjav praviloma ni bilo zaznati. V nasprotnem primeru smo predlagali, da se pogostost prezračevanja prostorov prilagodi razmeram na oddelku oziroma da se ustrezneje ravna z rabljenimi inkontinenčnimi pripomočki.

Na naše priporočilo se je dom odzval s pojasnilom, da je prezračevanje redno organizirano s strani osebja in da se oddelek, kjer stanovalka urinira po kotih in po tleh, pogosteje čisti, vendar se je urin že zažrl v talno PVC-oblogo, zato se vonja ne da več odstraniti. Tako razmišlja, da bi poleg prezračevanja na oddelke vnesel tudi osvežilce oziroma nevtralizatorje vonja. Glede ravnanja z odpadnimi inkontinenčnimi pripomočki pa je pojasnil, da so za njihovo odnašanje trikrat dnevno zadolžene strežnice. Če se večje število tovrstnih odpadkov pojavi tudi po kopanju, imajo zaposleni možnost in navodilo, da odpadke iz prostorov oddelka redno odstranjujejo. V času, ko je dom pošiljal svoj odziv na predhodno poročilo DPM, je potekal tudi poostren nadzor in kontrola zaposlenih nad ravnanjem z odpadki.

K varovanim oddelkom sodi tudi ograjena zunanja površina, ki je namenjena varnemu zadrževanju stanovalcev na svežem zraku. Stanovanjci so pri zapuščanju oddelka oziroma doma omejeni, saj ga praviloma lahko zapuščajo le v spremstvu, zato ocenjujemo, da je zanje toliko bolj pomembna funkcionalna ureditev varovane zunanje površine. Ocenili smo, da bi lahko bile tako v centru v Notranjih Goricah, Centru starejših Pristan in Domu starejših Kranjska Gora te površine bolj izkoriščene. Pogrešali smo npr. več zelenja, živo mejo, ki bi zakrila varovalno (žičnato) ograjo, krožne poti in dovolj primerno zasenčenih prostorov za posedanje.

V vseh treh domovih smo v zvezi s tem prejeli pojasnilo, da na videz vrta vpliva letni čas in da se zunanja površina še ureja ter da bo prava podoba vidna čez nekaj let. Nekateri domovi so poudarjali, da je ureditev povezana tudi z (omejenimi) finančnimi zmožnostmi.

Three of the visited secure wards were technically secured with electronic locks with doors which are opened with a magnetic card, a code or a key.

The retirement home in Kranjska Gora had an adjusted door handle which was later replaced with a regular one on the basis of the decision on an integrated form of care and our recommendation as was stated in the response report.

Rooms have one or two beds; they are spacious and bright; some are above-standard and all have their own bathroom. Multi-purpose halls are also spacious and bright and have kitchenettes. Bathrooms include functional equipment. Premises for medical activities are also suitable.

The rooms in some homes were somewhat impersonal and cold, and we suggested that the residents should be encouraged to decorate them, particularly with objects they still recognise. We also proposed that corridors be equipped in order to facilitate the residents' orientation in space.

The retirement homes responded that their residents were given the opportunity and were encouraged to decorate rooms with pictures and personal objects, but only a few responded.

We established that in one retirement home (Pristan Retirement Home), some residents did not always have uninterrupted access to their rooms throughout the day. When they were in the multi-purpose room, the door in the corridor leading to their rooms was occasionally locked in order to prevent people from unsupervised walking along this corridor and entering rooms (some people urinate on the floor), and to particularly prevent them from wandering off the ward when the doors at the end of the corridor, which lead from the ward, are open. The pedicurist also had her premises in the secure ward, and by keeping the door open, other residents also had free access to her premises. We believe that additional restriction of movement of residents in the secure ward was inadmissible and also contrary to the Mental Health Act (ZDZdr), whether an exception or regular practice, particularly because such restriction denies residents to access their rooms. We proposed that a different solution be found which would not restrict residents of the secure ward.

The retirement home did not comment, and informed us that they would make every effort to implement the NPM recommendations and proposals in the secure ward as soon as possible.

During our visits, secure wards were suitably heated and clean; no unpleasant odours were detected. We suggested that the frequency of airing rooms be adjusted to conditions in the ward, or that used incontinence products be handled accordingly.

The retirement home responded to our recommendation that the staff regularly air the rooms and that the ward, where a resident was urinating in corners and the floor, was cleaned more frequently, but the urine had already eaten into the PVC flooring and the odour could no longer be removed. They thus considered that in addition to airing, air-fresheners or odour neutralisers would also be used in the wards. Relating to the used incontinence products, the retirement home explained that attendants were responsible for their disposal three times a day. In the case of larger quantities of such waste during bathing, staff were ordered to regularly remove waste from the premises. At the time the retirement home was replying to the NPM preliminary report, tighter supervision and control of the staff's treatment of waste were being implemented.

Secure wards also include enclosed outdoor surfaces intended for the safe movement of residents in the fresh air. The movement of residents in the ward or the home is limited, since they may only leave the home when escorted. We thus assess that a functional arrangement of a secure outdoor surface is even more important. We evaluated that these surfaces in Notranje Gorice Residential Centre for the Elderly, Pristan Retirement Home and the retirement home in Kranjska Gora could be utilised more. There was insufficient greenery and no hedgerow to cover the safety (wire) fence, circular paths and an insufficient number of suitably shaded areas for sitting.

In this regard, all three retirement homes explained that seasons affect the appearance of the garden and that outdoor surfaces were still being arranged and would acquire the proper appearance in a few years. Some retirement homes emphasised that the arrangement was also connected to their (limited) financial means.

Opozorili smo še (tudi Center starejših Zimzelen) na neprimerne zunanje pohodne površine (neravno tlakovane poti ali drseče tlakovce), ki predstavljajo nevarnost za zdrse in padce.

V odzivnem poročilu je Center starejših Zimzelen znova zatrdil, da se zaveda nevarnosti padcev zaradi spolzkih tlakovcev, vendar sprememba tlaka v atriju predstavlja zelo velik strošek, zato ni izvedljiva v krajšem časovnem obdobju. V skrbi za varen sprehod pa poskrbi na ta način, da v času, ko so tlakovci mokri, sprehod zagotavlja pred hišo v parku centra.

Dom starejših Kranjska Gora pa je v odzivnem poročilu pojasnil, da je v mesecu aprilu, ko je potekal obisk, kraj zaradi nizkih temperatur turoben in pust. Z mesecem majem pa za stanovalce postaja privlačnejši. Navedli so še, da osrednji domski vrt dopolnjujejo z novimi nasaditvami, klopmi, v načrtu je tudi postavitev vrtno ute. Zagotovili so, da se preko celega leta trudijo doseči optimalno privlačnost osrednjega vrta.

Osebe na VO

V vseh obiskanih domovih so nam pristojni zatrdili, da je osebje na VO zaposleno skladno z normativi na socialnem in zdravstvenem področju. Enotne kadrovske strukture zaposlenih na VO ni mogoče podati, saj so med domovi razlike tako v profilu kot v številu kadra, stalno prisotnega na oddelku. Je pa osebje, ki je na VO, v vseh obiskanih domovih stalno, kar pomeni, da zaposleni stanovalce in njihove potrebe dobro poznajo. Najpogostejši profili stalno prisotnih zaposlenih so: zdravstveni tehnik, bolničar negovalec, gospodinja, varuška, strežnica. V Centru starejših Notranje Gorice je v dopoldanskem času stalno prisoten (tudi) delovni inštruktor, v času našega obiska v Domu starejših Kranjska Gora pa so preizkušali prakso stalne prisotnosti delovne terapevtke za oba oddelka v dopoldanskem času. V delo na VO se vključujejo še fizioterapevt, animatorka, socialna delavka idr.

Nadzor, posebna zaščita in varstvo na obiskanih VO se večinoma zagotavljajo s tehničnim varovanjem (elektronsko ključavnico), zlasti pa z osebjem, zato je toliko bolj pomembna stalna prisotnost zaposlenih. DPM meni, da bi morala biti zagotovljena tudi stalna nočna prisotnost vsaj enega zaposlenega na VO, vendar veljavni kadrovske normativi tega, kot so nam pojasnili domovi, žal ne omogočajo. Praviloma so zato na VO le redni nočni obhodi zaposlenih (Center starejših Pristan, Center starejših Notranje Gorice, Dom starejših Kranjska Gora, Dom starejših Idila), v Centru starejših Zimzelen pa je en zaposlen za oba VO. Domovom smo predlagali, da v primeru, da stalne prisotnosti zaposlenega ne morejo zagotoviti, prostor za nočno službo pa ni v bližini VO, preučijo možnost vzpostavitve videonadzora skupnih prostorov VO v nočnem času.

Sprejem v VO

ZDZdr določa, da je lahko oseba sprejeta v varovani oddelek s privolitvijo oziroma, če oseba v sprejem ne privoli, na podlagi sklepa sodišča.

Ob našem obisku je bilo v Centru starejših Pristan 21 stanovalcev, na VO nameščenih s sodno odločbo, trije so bili sprejeti s privolitvijo. V Centru starejših Notranje Gorice so bili vsi stanovalci VO, razen enega, na oddelku nameščeni s sodno odločbo, V Centru starejših Zimzelen jih je bilo od 23 stanovalcev 11 nameščenih s sodno odločbo, drugi s privolitvijo. Center starejših Idila o vsakem sprejemu stanovalca na VO obvesti sodišče. V letu 2013 so bili izdani sklepi o pridržanju le za tri osebe, v letu 2014 za eno osebo, vsi preostali stanovalci so bili nameščeni s privolitvijo.

Vsi stanovalci Doma starejših Kranjska Gora so ob sprejemu podpisali soglasje za namestitev na gospodinjski skupnosti s povečano pozornostjo, zato dom o sprejemu ne obvešča sodišč. Sprejem, ki ga vodi socialna delavka, je izpeljan v skladu s t. i. standardom sprejema stanovalca, ki ob sprejemu poudarja pomen osredotočenosti na stanovalca, in ne na administrativni del. Sprejem obsega pozdrav, predstavitev, namestitev v gospodinjsko enoto, zdravstveni in administrativni sprejem. DPM je ocenil, da je sprejem stanovalca v omenjeni dom v skladu s sprejetim standardom primer dobre prakse, ki ga velja pohvaliti.

We also pointed to unsuitable outdoor walking surfaces (Zimzelen Retirement Home) which present a hazard of slipping and falling (unevenly paved paths or slippery paving stones).

In their response report, Zimzelen Retirement Home again assured us they are aware of the hazard of falling due to slippery paving stones; however, replacing the pavement in the atrium would be costly and so could not be done in a short time. When the pavement was wet, the retirement home enabled safe walking outside the building in the centre's park.

The retirement home in Kranjska Gora explained in their response report that the outdoor surfaces looked dreary and desolate due to low temperatures in April when the visit took place. In May, the surfaces became more attractive for residents. They also stated that the central garden was being further arranged with new plantations and benches, and they also planned to construct a pavilion. They assured us that they were striving to keep the central garden as attractive as possible throughout the year.

Staff in secure wards

The management in all retirement homes assured us that their staff in secure wards were employed in accordance with the standards in social and health care. A uniform staffing structure in secure wards cannot be provided because of the differences between the profiles of homes and the number of staff permanently present at wards. However, the staff in secure wards are permanent in the homes, which means that the employees know the residents and their needs well. The most common profiles of permanent staff are nurses, nursing assistants, housekeepers, minders and attendants. An occupational therapist is (also) always present in the morning in Notranje Gorice Residential Centre for the Elderly. At the time of our visit, the permanent presence of an occupational therapist was also being tested at the retirement home in Kranjska Gora at both units in the morning. A physiotherapist, a mediator, a social worker and others are also involved in the work at secure wards.

Supervision, special safety and care at visited secure wards were mostly provided with technical means (electronic locks), and particularly by staff, which is why the permanent presence of staff at wards is very important. The NPM believe that a permanent presence should also be provided at night, with at least one employee per secure unit; however, it was explained that the applicable staffing standards did not permit this option. As a rule, only regular night rounds of staff (Pristan Retirement Home, Notranje Gorice Residential Centre for the Elderly, Viharnik Retirement Home in Kranjska Gora and Retirement Home Idila) were implemented, while one employee was working on both secure wards in Zimzelen Retirement Home. We proposed that if they were unable to ensure the permanent presence of staff and the area for the night shift was not near secure wards, they should examine the possibility of introducing video surveillance of common areas in secure wards at night.

Admission to secure wards

The ZDZdr determines that a person may be admitted to a secure ward by consent or by court order if the person fails to consent.

During our visit, 21 residents in Pristan Retirement Home had been admitted to the secure ward on the basis of a court order and three by consent. All residents with one exception had been admitted to Notranje Gorice Residential Centre for the Elderly by court order. In Zimzelen Retirement Home, 11 residents out of a total of 23 had been admitted on the basis of a court order, and the others by consent. Retirement Home Idila informs the court of every admission to the secure ward. In 2013, confinement orders were issued for three persons, and one in 2014, other residents were admitted on the basis of their consent.

All residents of Viharnik Retirement Home in Kranjska Gora signed a consent form for their accommodation in a household community with high-level supervision, which is why the home did not inform the court about the admission. The admission procedure conducted by a social worker is implemented in accordance with the so-called standard for admitting a resident, which highlights the importance of focusing on the resident and not administrative aspects. The admission includes a welcome, introduction, accommodation in the household community, and medical and administrative admission. The NPM assessed that the admission of a resident in the aforementioned home in accordance with the adopted standard was a case of good practice which deserved commendation.

V obiskanih domovih smo vpogledali v dokumentacijo nekaj naključno izbranih primerov oziroma postopkov sprejema in ugotovili več nepravilnosti ali pomanjkljivosti. Najpogostejša praksa domov je, da najprej izpeljejo sprejem s privolitvijo, pri čemer privolitev ponudijo v podpis stanovalcu, čeprav je očitno, da ta ni sposoben razumeti svojega položaja in izraziti svobodne volje (npr. Dom starejših Idila, Center starejših Notranje Gorice). V nekaterih domovih privolitev podpiše kar skrbnik za poseben primer, kar je prav tako v nasprotju z določbami ZDZdr. V sprejem na VO namreč lahko privoli le oseba, ki bo vanj sprejeta (pri čemer mora biti privolitev izraz svobodne volje, ki temelji na razumevanju položaja in je izoblikovana na podlagi primernega pojasnila o naravi in namenu obravnave) oziroma v primeru, da je osebi odvzeta poslovna sposobnost, da privolitev njen zakoniti zastopnik.

Domovi nato, ko je oseba že sprejeta, (praviloma) podajo na sodišče predlog za sprejem osebe na VO na podlagi sklepa sodišča.

Tako postopanje domov ni v skladu z ZDZdr, ki določa, da je – če oseba, pri kateri so izpolnjeni pogoji za sprejem na VO, ki jih določa zakon, v sprejem ne privoli – sprejem na VO dopusten na podlagi sklepa sodišča. Menimo, da bi bilo sicer smiselno, da bi ZDZdr urejal tudi (nujne) sprejeme na VO, torej še pred izdajo sklepa sodišča. Na to problematiko je Varuh že opozoril pristojno ministrstvo, vendar pa je vsakršno drugačno postopanje doma, kot ga določa ZDZdr do njegove morebitne spremembe, napačno.

Pogosto ugotovljena nepravilnost je tudi zamujanje pri podajanju predloga za podaljšanje zadržanja stanovalca na VO. ZDZdr določa, da mora biti tak predlog podan najmanj 14 dni pred potekom roka iz sklepa sodišča.

V Centru starejših Notranje Gorice smo npr. ugotovili, da je bil v enem primeru predlog podan le štiri dni pred potekom roka, v drugem pa 14 dni po preteku roka. V Centru starejših Zimzelen je bila situacija glede tega še bolj skrb zbujajoča. V enem primeru nepravilnosti sicer nismo ugotovili, v preostalih dveh izbranih primerih pa je dom stanovalki sprejel na VO leta 2010 oziroma 2011 in jima pri tem dal v podpis privolitev za sprejem na VO. Po petih oziroma devetih mesecih je podal na sodišče predlog za njun sprejem na VO. Iz spisovne dokumentacije ni razvidno, zakaj se je za to odločil. Sodišče je v obeh primerih dovolilo zadržanje za eno leto. Dom po preteku enega leta, čeprav sta osebi ostali na VO, ni predlagal podaljšanja njunega zadržanja v roku, ki ga določa zakon, temveč je to storil šele po šestih mesecih, oziroma v drugem primeru več kot leto dni kasneje. Sodišče je v obeh primerih znova dovolilo zadržanje na VO za eno leto, po preteku enega leta (julija 2014) pa je dom obema stanovalkama ponudil v podpis znova kar Izjavo o privolitvi za namestitev na varovani oddelek, ki sta jo tudi podpisali, in sodišču zato ni podal novega predloga za podaljšanje zadržanja.

Socialna delavka doma nam je glede tako različne prakse obravnave iste osebe pojasnila, da so poskušali ravnati v skladu z veljavnimi predpisi, upoštevaje tudi Usmeritve za delo z osebami z demenco na področju institucionalnega varstva, ki jih je izdalo Ministrstvo za delo, družino, socialne zadeve in enake možnosti. Slednje pa so se spreminjale, tudi v delu, v katerih primerih mora o sprejemu odločati sodišče. Že v vprašalniku, ki smo ga poslali domu pred samim obiskom, je dom pojasnil, da je za stanovalce sam sodni postopek (narok) stresen dogodek. Glede na to, da so na VO nameščene osebe v poznejših stadijih demence, ko ni pričakovati izboljšanja, je bil mnenja, da ni smiselno, da se mora sklep »obnavljati«. Tudi zato, če smo prav razumeli pojasnila socialne delavke, se je center odločil, da je osebami, katerih zadržanje na VO je vsaj enkrat že dovolilo sodišče, po preteku sklepa sodišča v podpis ponudil Izjavo o privolitvi za namestitev na varovani oddelek, ki so jo vse tudi podpisale.

Dom starejših Idila je za podaljšanje sklepa o pridržanju zaprosil sodišče v ustreznem roku.

When visiting retirement homes, we reviewed the documentation of several randomly selected cases or admission procedures and established several irregularities or deficiencies. The most frequent practice at retirement homes was that admission by consent was implemented first, whereby the resident signed the consent, although it was obvious that they were unable to understand their situation and express their free will (e.g. Retirement Home Idila and Notranje Gorice Residential Centre for the Elderly). In certain homes, the consent was signed by a guardian in a special case, which was also contrary to the provisions of the ZDZdr. The consent to the admission to a secure ward may only be given by the person who is to be admitted (whereby the consent must be an expression of free will based on the understanding of the situation and formed on the basis of a suitable explanation of the nature and purpose of the treatment) or their legal representative if the person's legal capacity has been revoked.

Once the person has been admitted, the retirement homes then (as a rule) file a request to admit a person to a secure ward on the basis of a court order.

Such conduct is not compliant with the ZDZdr, which stipulates that – if the person who meets the conditions for being admitted to the secure ward as provided by the act fails to provide their consent – the admission to a secure ward is permitted only on the basis of a court order. We believe that it would be sensible for the ZDZdr to also determine (urgent) admissions to secure wards, i.e. before a court order is issued. The Ombudsman had already notified the relevant ministry of this. Nevertheless, any conduct by the retirement homes other than stipulated by the ZDZdr before it is amended is unlawful.

Another frequently established irregularity was delays in submitting requests to extend residents' detention in secure wards. The ZDZdr stipulates that requests must be submitted at least 14 days before the expiry of the court order.

It was established in Notranje Gorice Residential Centre for the Elderly that in one case a request was submitted only four days before the expiry and in another case 14 days after the expiry. The situation was even more alarming in Zimzelen Retirement Home. In one case, no irregularities were established. In another two random cases, the retirement home had admitted the residents in the secure ward in 2010 and 2011. Prior to admission, they had both signed their consent forms for admission to the secure ward. The retirement home submitted the requests for their admission to the secure ward by court order after five and nine months, respectively. It was not clear from the file documentation why the home had decided to do this. In both cases, the court extended the detention for one year. Although both persons remained in the secure ward, the retirement home did not request an extension of their detention within the deadline as stipulated by the act, but only submitted these requests after six months in one case and more than a year later in the other case. In both cases, the court extended the detention in the secure ward for another year, after which (in July 2014) the home submitted the statement on consent to accommodation in the secure ward, which both residents signed, so the home did not submit new requests to extend their detention to the court.

With regard to such different treatment of the same person, the social worker at the retirement home explained that they tried to act according to the applicable regulations while also observing the Guidelines on working with persons with dementia in the field of institutional care for the elderly issued by the Ministry of Labour, Family, Social Affairs and Equal Opportunities. The latter, however, were being amended also in the section determining cases subject to court orders. In the questionnaire submitted to the retirement home before the visit, the retirement home explained that court proceedings (hearing) are a stressful situation for residents. Regarding the fact that persons accommodated in secure wards were in the latter stages of dementia, in which improvement could no longer be expected, they thought that it was not sensible to "renew" the order. And that was also one of the reasons, if we correctly understood the clarifications of the social worker, the home decided that persons whose detention in secure wards had at least once already been ordered by the court were offered the opportunity to sign the statement on consent to accommodation in the secure ward after the expiry of the court order, which they all signed.

Retirement Home Idila asked for an extension of a court order in due time.

DPM meni, da so določbe ZDZdr glede sprejema osebe na VO jasne. Kar zadeva Izjavo o privolitvi za namestitev na varovani oddelek, ki sta jo podpisali stanovalki, pa je bila ta pravzaprav formulirana kot izjava vnaprejšnje volje, ki je – kot je bilo navedeno že v sami izjavi – dana po svobodni volji osebe, njeni izbiri in odločitvi in temelji na razumevanju vsebine izjave in odločitve. Ne more se je torej, kakor je storil dom, ponuditi v podpis osebam, ki so že na VO (ali bodo vanj sprejete) in niso več sposobne razumeti svojega položaja in izraziti svobodne volje (ne nazadnje je o zadržanju obeh stanovalk na VO že dvakrat odločalo sodišče). Izvedenec DPM se je pogovoril z eno od zgoraj navedenih stanovalk in glede na ugotovljeno psihično stanje in podatke v medicinski dokumentaciji zaključil, da je mogoče podvomiti o sposobnosti stanovalke, da poda soglasje za bivanje na VO. DPM je zato dom opozoril, da mora v takih primerih (če osebi ni odvzeta poslovna sposobnost oziroma za osebo z odvzeto poslovno sposobnostjo, če v sprejem ne privoli njen zakoniti zastopnik) podati sodišču predlog za sprejem osebe na VO, pri čemer je v skladu z veljavno zakonodajo sprejem dopusten šele na podlagi sklepa sodišča. Z namenom boljše informiranosti stanovalcev smo temu domu predlagali tudi, da se obrazci Izjave o privolitvi za sprejem na varovani oddelek dopolni z informacijo, da lahko stanovalec privolitev kadar koli prekliče. V enem od domov smo posebej opozorili še na to, da je preklic soglasja lahko tudi usten in ne le pisen. Dopolnitev obrazca: »Soglasje za bivanje na oddelku za osebe z demenco – varovani oddelek« smo predlagali tudi Domu starejših Idila, in sicer z dodatno rubriko o preklicu privolitve z navedbo datuma preklica privolitve. Ocenili smo tudi, da bi bilo smiselno poenostaviti postopek za preklic soglasja, saj stanovalec z okrnjenimi spoznavnimi sposobnostmi ne more biti sposoben podati pisni preklic soglasja za bivanje na varovanem oddelku (npr. ko je bil varovanec sposoben podati soglasje in je upad spoznavnih sposobnosti med bivanjem na VO napredoval in bi želel kasneje preklicati soglasje).

V primeru ugotovljenih nepravilnosti smo domovom predlagali, da pri sprejemu oseb na VO in pri podaljšanju zadržanj na VO dosledno ravnajo v skladu z določbami ZDZdr. **Kljub določenim pomislekom, ki so jih glede sprejema na VO po ZDZdr sicer imeli določeni domovi, se na to naše priporočilo nobeden od obiskanih domov ni odzval odklonilno.**

Predlagali smo tudi, da pri vseh tistih stanovalcih, ki zaradi napredovanja upada spoznavnih sposobnosti (ocena psihiatra) niso sposobni razumeti podaje soglasja za bivanje na VO, sprožijo postopke o morebitni potrebi po delnem ali popolnem odvzemu opravilne sposobnosti (obvestilo zdravnika psihiatra domu in obvestilo doma pristojnemu CSD-ju).

Uporaba posebnih varovalnih ukrepov (PVU)

V vseh obiskanih domovih, razen v Domu starejših Idila, so pojasnili, da PVU ne uporabljajo. V Centru starejših Pristan v primeru nemirnega stanovalca zaradi potrebe po bolnišničnem zdravljenju pokličejo dežurnega zdravnika. Podobno v Centru starejših Notranje Gorice vsakemu stanovalcu poskušajo ambulantno urediti medikamentozno terapijo tako, da bi bila obdobja nemira čim bolj nadzorovana. Če ne uspejo, ga začasno premestijo na psihiatrični oddelek.

Dom starejših Idila za izvajanje PVU uporablja trebušni pas. Povedali so nam, da PVU uporabljajo predvsem zvečer za doseganje umiritve in z namenom preprečevanja poškodb. Izvedenec je domu ugotovil zmanjšanje uporabe PVU, vendar pa je bila uporaba PVU pri nekaterih stanovalcih v letu 2013 zelo pogosta.

Glede na pridobljena pojasnila o namenu pogoste uporabe PVU za umirjanje smo Domu starejših Idila sporočili, da je po naši oceni bolj smiselno odpravljati vzrok psihomotornega nemira in v primeru neučinkovitosti nefarmakoloških metod uporabiti dopustne odmerke psihofarmakoterapije, npr. za odpravljanje nespečnosti, saj je PVU skrajni ukrep in ne more biti namenjen pogostemu, praktično vsakodnevnemu umirjanju oseb z demenco.

The NPM believes that the provisions of the ZDZdr are clear on admission of a person to a secure ward. Relating to the statement on consent to accommodation in the secure ward signed by the residents, the statement was actually formulated as a statement of a prior will which, as stated in the statement, was given freely by the person, was their choice and decision and was based on understanding of the content and decision. The statement could not be submitted for signing, as this was done by the retirement home, to persons who were already in the secure ward (or would be admitted) and were no longer capable of understanding their position or expressing their free will (after all, the detention of both residents had already been decided twice by the court). The NPM's expert spoke to one of the aforementioned residents and concluded on the basis of the established mental condition and data in the medical documentation that it was possible to doubt the resident's ability to consent to staying in the secure ward. The NPM thus warned the retirement home that in such cases (if a person's legal capacity was revoked or if a legal representative fails to give consent to admitting such a person), a request for admission to the secure ward must be submitted to the court, whereby the admission is only permissible on the basis of a court order issued in compliance with the applicable legislation. In order to improve communication with the residents in this retirement home, we proposed that forms for the statement on consent to accommodation in the secure ward be amended with the information that residents may revoke their consent at any time. In one retirement home, we particularly stressed that the revocation of consent may also be oral, not only written. To amend the form, "Consent to accommodation in the ward for persons with dementia – secure ward", we also suggested to Retirement Home Idila to add a section on the revocation of consent with the provision of the date of revocation. We also evaluated that it would be sensible to simplify the procedure for revoking the consent, since residents with limited cognitive abilities would not be able to give a written revocation to their consent for accommodation in secure wards (e.g. when a resident was able to give consent and the worsening of their cognitive abilities during their stay in the secure ward has progressed and they would like to revoke their consent later).

In the case of established irregularities, we suggested that the retirement homes consistently comply with the provisions of the ZDZdr when admitting persons to secure wards and when extending detention in secure wards. **Despite certain concerns expressed by certain retirement homes about admissions to secure wards as per the ZDZdr, none of the visited homes responded adversely to our recommendation.**

We also suggested that procedures for the partial or complete revocation of legal capacity be instigated for residents who, due to the progressive worsening of their cognitive abilities (assessment of a psychiatrist) were no longer able to understand the notion of consenting to admission to secure wards (notification of the psychiatrist to the retirement home and the notification of the retirement home to the competent social work centre).

Application of special protection measures

All visited retirement homes except Retirement Home Idila explained that they did not use special protection measures. If a restless resident in Pristan Retirement Home is in need of hospital treatment, an on-duty physician is called. Similarly, Notranje Gorice Residential Centre for the Elderly is also trying to provide medications in order to control restless periods. If this is not possible, a resident is relocated to the psychiatric ward.

Retirement Home Idila uses an abdominal belt for the implementation of special protection measures. They stated that special protection measures were used particularly in the evening to calm residents and prevent injuries. The expert noted a reduction in the use of special protection measures in the home; however, the application of special protection measures was very frequent in 2013.

Relating to clarifications obtained about the frequency of using special protection measures for calming purposes, we informed Retirement Home Idila that the elimination of reasons for psychomotor restlessness was more sensible, and if non-pharmacological methods are ineffective, permissible doses of psychopharmacotherapy should be applied, e.g. for the treatment of insomnia, because special protection measures are the last resort and should not be used for frequent or daily calming of persons with dementia.

Tudi domovi, ki PVU ne izvajajo, imajo sprejete interne pravilnike, ki urejajo izvajanje PVU in pripravljene obrazce za evidentiranje izvajanja, nekateri od njih pa razpolagajo s pasovi za telesno oviranje (pasovi Segufix). Pri nekaterih pravilnikih in obrazcih smo ugotovili določene pomanjkljivosti (vezane npr. na opredelitev PVU, obvezne rubrike obrazca), za katere smo predlagali, da se odpravijo. Uporaba PVU je možen, ne pa tudi obvezen način umirjanja stanovalcev na VO, zato smo mnenja, da bi bilo smiselno, da imajo obrazci za evidentiranje uporabe PVU-rubriko o izvedenih ukrepih pred uvedbo PVU (npr. pogovor, tehnike deeskalacije, dodatna medikamentozna terapija ...).

Dom starejših Kranjska Gora nam je v odzivnem poročilu sporočil, da so naš predlog upoštevali in obrazec dopolnili ter ga priložili odgovoru. Podobno so tudi ostali domovi sprejeli naše predloge in ustrezno dopolnili dokumentacijo (obrazce, pravilnike, izjave ipd.).

DPM se strinja z izvedenčevim mnenjem, da je uporaba soglasja s PVU nesmiselna, saj je PVU skrajni ukrep in ga ne gre enačiti z drugimi varovalnimi ukrepi, pri katerih je podaja soglasja možna.

V Domu starejših Idila smo ugotovili, da je bil pri nekaterih pacientih na VO izveden PVU in so ti pacienti podali soglasje za zdravljenje na oddelku pod posebnim nadzorom, vendar pa iz zdravstvene dokumentacije ne izhaja, da bi bil pacient sposoben podati soglasje za bivanje na VO, poleg tega v dokumentaciji ni sklepa sodišča za bivanje osebe na VO.

DPM je ocenil, da ni ustrezno, da je pri osebi, ki ni mogla podati soglasja, uveden PVU brez sklepa sodišča o bivanju osebe na VO.

Kot smo že navedli, smo Domu starejših Idila predlagali, da sproži postopke pred pristojnim sodiščem, ko oseba ni sposobna podati soglasja za bivanje na VO zaradi psihične motnje. Ugotovili smo namreč, da je bila uporaba PVU neustrezna v primerih, ko je pacient podal soglasje za zdravljenje na oddelku pod posebnim nadzorom, saj bi bilo treba v takih primerih sprožiti ustrezen postopek pred sodiščem. Mogoče je sklepati, da se pacient z omejitvijo gibanja, povezano s PVU, ni mogel vnaprej strinjati, razen ko bi pacient z uvedbo PVU soglašal (treba bi bilo dopolniti obrazec o uvedbi PVU »PVU si stanovalec želi sam« s prostorom za podpis stanovalca ob podaji tovrstnega soglasja). **Odzivnega poročila Doma starejših Idila do priprave tega letnega poročila še nismo prejeli, saj je bil obisk opravljen konec leta 2014.**

Glede na predvidljive situacije je na VO mogoče pričakovati potrebo po PVU, npr. pri pacientih z demenco, ki je napredovala, s hudim upadom spoznavnih sposobnosti, pri tistih, pri katerih se pojavijo težave s požiranjem in je potrebno hranjenje prek nazogastrične sonde ipd. V primeru psihomotorne nemira je mogoče pričakovati, da si bo stanovalec sondo poskušal odstraniti in v takih primerih se lahko pokaže potreba po uporabi PVU. Za uporabo sredstev za oviranje je treba zagotoviti primerno opremo (npr. pasovi Segufix), predvsem pa osebje, ki bo ta PVU predpisalo (zdravnik) in nadzorovalo (zdravstvena nega). Domovi praviloma nimajo stalno dostopnega zdravnika, ki bi uporabo PVU predpisal v skladu z ZDZdr, pa tudi ne osebja, ki bi ukrep lahko nadzorovalo (24 ur oziroma ves čas trajanja izvajanja PVU).

DPM ob izvajanju svojih zakonsko določenih nalog v praksi ugotavlja razhajanje med trenutno veljavno zakonodajo, ki ureja PVU, in dejansko prakso. Ena od najpogostejših kritik, ki jo DPM sliši ob obiskih socialnovarstvenih zavodov, je pomanjkanje kadra in finančnih sredstev ob izvajanju PVU.

DPM na je podlagi dosedanjih izkušenj in mnenj izvedenca DPM predlagal MDDSZ pripravo strokovnih smernic ob zagotovitvi ustreznih finančnih sredstev za implementacijo takšnih strokovnih smernic z zadostnim številom dodatnega osebja ob izvajanju PVU (zagotavljanje stalnega nadzora ob izvajanju PVU, zlasti v nočnem času).

The retirement homes which did not use special protection measures had adopted internal rules regulating the implementation of special protection measures and forms for recording the implementation; some of them have immobilisation belts (Segufix belts). In the rules and forms, we detected certain deficiencies (relating to e.g. definition of special protection measures and mandatory sections in the form), and we requested their elimination. The use of special protection measures is a possible, but not mandatory method of calming residents in secure wards, and we thus believe that it would be suitable that a section on the application of measures implemented before the introduction of special protection measures be included in the forms for recording the use of special protection measures (e.g. discussion, de-escalation techniques, additional medicament therapy etc.).

In their response, the retirement home in Kranjska Gora stated that they had considered our proposal and amended the form, which they also attached to their report. The other retirement homes also accepted our proposals and suitably supplemented their documentation (forms, rules, statements and similar).

The NPM agreed with the expert's opinion that the application of consent for special protection measures was not suitable, because a special protection measure is the final resort and should not be equated with other protection measures for which consent is possible.

In Retirement Home Idila, it was established that special protection measures were implemented with certain residents in the secure ward and that these patients gave their consent for the treatment under special supervision; however, it was not evident from the medical documentation whether such patients were capable of giving consent for accommodation in the secure ward. Furthermore, the court order on the persons' accommodation in the secure ward was not included in the documentation.

The NPM assessed that it was not suitable for special protection measures to be implemented with a person who is unable to give their consent without a court order on the person's accommodation in the secure ward.

As stated above, we proposed to Retirement Home Idila that they instigate proceedings before the relevant court when a person is not capable of giving their consent to accommodation in a secure ward due to a mental disorder. We established that the application of special protection measures was unsuitable in cases when a patient gave their consent for the treatment under special supervision, because suitable proceedings before the court would have to be instigated in such cases. It is possible to conclude that a patient whose liberty was limited due to special protection measures could not have agreed in advance, unless the patient agreed with the application of special protection measures (the form on the application of special protection measures should be supplemented in the section "the resident requested special protection measures" with a section enabling the signature of the resident giving such consent). **At the time of drafting this annual report, we had not received the response report from Retirement Home Idila, because the visit took place at the end of 2014.**

Regarding unpredictable situations, the need for special protection measures can be expected in secure wards, e.g. for patients with progressive dementia, with severe deterioration of cognitive abilities and with those who experience problems swallowing and have to be fed through a nasogastric tube, and similar. In the case of psychomotor agitation, it is possible that a resident will try to remove the tube and the need for the application of special protection measures arises in such cases. Suitable equipment (e.g. Segufix belts) must be provided for the implementation of restraining measures, and staff who order (physician) and supervise (health care) such special protection measures. As a rule, the retirement homes do not have a permanent access to a physician who could order the application of special protection measures in accordance with the ZDZdr, or staff who could supervise the measure (24 hours or for the entire duration of the implementation of the special protection measure).

When implementing its legally determined duties, the NPM determined a discrepancy in practice between the applicable legislation regulating special protection measures and actual practice. One of the most frequent criticisms heard by the NPM during its visits to social care institutions is the lack of staff and financial means for the application of special protection measures.

On the basis of current experience and the opinions of its expert, the NPM proposed to the Ministry of Labour, Family, Social Affairs and Equal Opportunities that it prepare expert guidelines and ensure suitable financing for the implementation of such expert guidelines with sufficient additional staff for the application of special protection measures (provision of permanent supervision when implementing special protection measures, particularly at night).

Zdravstvena in druga oskrba

Zdravstvena oskrba v obiskanih domovih je dobra, prav tako tudi dostopnost do zdravnika splošne medicine in specialista psihiatra. V večino obiskanih domov prihaja zdravnik splošne medicine vsak delovni dan, psihiater 2- ali 3-krat mesečno, možni so tudi posveti po telefonu. Stanovalci VO so v rednih razdobjih, po potrebi pa tudi pogosteje, pregledani pri psihiatru.

Ugotovili smo, da pri delitvi zdravil obstaja potencialna nevarnost napačnega odmerjanja zdravil. V Centru starejših Pristan in Domu starejših Kranjska Gora smo v poročilih o neželenih dogodkih opazili zabeleženih nekaj zapisov napačne medikamentozne terapije. Osebe, ki terapijo deli, se zmoti in da terapijo, ki je predpisana enemu stanovalcu, pomotoma drugemu stanovalcu, zamenjana je jutranja in večerna terapija ipd. Nevarnost napačnega odmerjanja zdravil je po mnenju DPM mogoče zmanjšati tako, da je vedno ista oseba odgovorna za pripravo dnevnih odmerkov zdravil in da zdravila daje oseba, ki stanovalce pozna, da se po potrebi z vprašanjem preverja identiteta stanovalca pred odmerjanjem zdravila ter da stanovalec zdravilo zaužije ob prisotnosti osebja. Popolnoma ni mogoče preprečiti pomote pri odmerjanju zdravil, je pa pomemben ustrezen postopek, da se tovrsten dogodek zabeleži in vedno obvesti zdravnika, ki po potrebi kontaktira dežurnega toksikologa.

Dom starejših Kranjska Gora je v odzivnem poročilu navedel, da je v izogib napačnemu odmerjanju zdravil uredil poseben prostor, kjer poteka priprava zdravil. Locirana je izven domske ambulante, in sicer z namenom izogitve motečim dejavnikom, kot so telefonski klici, vstopi zaposlenih idr. Prav tako je za odmerjanje zdravil zadolžena vedno ista oseba.

Stanovalci imajo zdravila, ki so namenjena umirjanju, predpisana v rednem režimu (torej stalno) ali v režimu občasne uporabe (po potrebi). Glede zdravil, ki so predpisana »po potrebi«, smo predlagali, da se v medicinski dokumentaciji stanovalca navede indikacija, kdaj zdravilo odmeriti po potrebi ter kolikokrat največ lahko oseba prejme zdravilo po potrebi v enem dnevu (preprečevanje previsokega odmerjanja). Menili smo, da bi bilo treba pri predpisovanju psihofarmakoterapije pri stanovalcih, ki ne morejo podati soglasja k zdravljenju na VO oziroma k tovrstni terapiji, v nenujnih primerih pridobiti soglasje svojcev in sprožiti ustrezen postopek. Opozorili smo, da je ob predpisovanju terapije nad maksimalnimi priporočenimi dnevnimi odmerki treba postopati v skladu z ZDZdr oziroma uporabiti nižje odmerke.

Med neželenimi dogodki v zdravstveni negi in oskrbi se beležijo tudi padci. V enem od obiskanih domov smo v obdobju enega meseca zasledili relativno visoko število zabeleženih tovrstnih dogodkov. Pričakovane števila padcev ni mogoče predvideti, je pa bilo mogoče v tem domu iskati vzroke za pogoste opise padcev v vestnem spremljanju in beleženju vseh neželenih dogodkov in opredelitvi padcev tudi pri tistih dogodkih, ko je stanovalec najden na tleh brez poškodb in morebitnega padca ni nihče videl, stanovalec pa se ga ne spominja. Tovrstnih dogodkov ni mogoče enoznačno opredeliti za padce, zato smo predlagali, da se ob vrsti dogodka padec doda tudi zdrs. Smiselno bi bilo ločeno spremljanje tistih incidentov, ki so pomenili večje ogrožanje zdravja stanovalca in je bila potrebna pozornost zdravstvenega osebja z napotitvijo v drugo ustanovo, in ločeno tistih incidentov, ki so povzročili manjše tveganje za stanovalčevo zdravje in napotitev na zdravljenje v drugo ustanovo ni bila potrebna. Naslednji možen vzrok (predvsem padcev z ugotovljeno poškodbo, kjer gre nedvoumno za padec) je mogoče iskati v spodbujanju stanovalcev h gibanju, kar je sicer za kakovost življenja stanovalcev dobro, poveča pa verjetnost padcev. V tem domu na oddelku ne uporabljajo PVU, počivalnikov, s katerih stanovalci samostojno ne bi mogli vstati, ali pasov, s katerimi bi onemogočali vstajanje s počivalnikov. Izvedenec DPM na oddelku ni ugotovil, da bi tehnične pomanjkljivosti povzročale večjo nevarnost padcev. Tudi iz zdravstvene dokumentacije ni bilo mogoče ugotoviti, da bi stanovalci prejeli psihofarmakoterapijo v odmerkih, ki bi povečala verjetnost padcev (višji odmerki zlasti benzodiazepinov), stanovalci so bili ob obisku ustrezno obuti, tehnična oprema oddelka je pohvalna.

V enem od domov smo glede na število stanovalcev ugotovili relativno visoko število razjed zaradi pritiska. Vendar pa bi bila za natančnejšo oceno potrebna podrobnejša analiza o številu gibalno oviranih stanovalcev in ne le splošen izračun. Domu smo predlagali, da ugotovi, ali obstajajo dodatne možnosti, da bi se število teh zmanjšalo.

Medical and other care

Medical care in the visited homes was good, including the availability of a general practitioner and a psychiatrist. General practitioners are present in the majority of retirement homes every working day, and psychiatrists are available 2- to 3-times a month; consultations by phone are also possible. Psychiatrists examine the residents of secure wards at regular intervals and more frequently if necessary.

We established a potential risk of incorrect dosage during the distribution of medication. In the reports on adverse events at Pristan Retirement Home and the retirement home in Kranjska Gora, we noticed several recordings of incorrect medication therapy. The staff distributing medications made a mistake and gave medication intended for a certain resident to another resident, morning and evening dosages were mixed up and similar. According to the NPM, the risk of incorrect distribution could be reduced if the same person were always responsible for the preparation of daily dosages and if medications were given by someone who knows the residents and verifies their identity if necessary before the distribution of medication, and if residents took their medication in the presence of staff. Errors in distributing medications cannot be avoided completely, but a suitable procedure is important so that such events are recorded and that the physician is always notified, who then contacts the on-duty toxicologist if necessary.

In its response report, the retirement home in Kranjska Gora stated that a special room was arranged where medications would be prepared for distribution in order to avoid incorrect dosages. The room was not part of the home's infirmary in order to avoid disturbances such as phone calls, entering of staff etc. Only one person was responsible for the distribution of medication.

The residents have medications intended for calming which are part of their regular (permanent) or occasional (when needed) treatment. Regarding medications prescribed "when needed", we proposed that it be recorded in the medical documentation of a resident when such medications are to be prescribed and how many times the person may take such medications per day (preventing excessive dosage). We believe that when prescribing psychopharmacotherapy for residents who are unable to give their consent to accommodation in secure wards or to such treatment, the consent of relatives should be obtained in non-urgent cases and suitable procedures should be instigated. We pointed out that when prescribing medications with recommended maximum daily doses, the provisions of the ZDZdr must be observed or lower dosages must be used.

Adverse events in health care include falls. In one of the visited homes, we noted a relatively high number of falls recorded in a period of one month. The number of falls cannot be predicted; however, it was possible to find reasons for frequent falls in regular monitoring and recording of all adverse events and determining falls also when a resident is found on the floor without injuries, when no one sees the fall and when the resident does not remember it. Such events could not clearly be defined as falls, which is why we suggested that slipping also be added to the falls. It would be sensible to monitor separately those events which posed a greater risk to the resident's health, and greater attention of the medical staff has to be paid, including a relocation to another institution, and events which posed a lesser risk to the resident's health and for which treatment in another institution was not necessary. Another possible cause (particularly of falls with established injuries when the fall occurred beyond reasonable doubt) lies in encouraging residents to move, which is good for the quality of life of the residents, but also increases the likelihood of falling. In this retirement home, no special protection measures are used or rest chairs from which the residents would not be able to stand up independently or belts which would prevent them getting up from the rest chairs. The NPM expert did not establish at the unit that technical deficiencies would pose an even greater risk of falling. It was also not possible to determine from the medical documentation that residents received psychopharmacotherapy in doses which would increase the likelihood of falling (higher doses of benzodiazepines in particular). During our visit, the residents were wearing suitable footwear, and the technical equipment of the unit was flawless.

A relatively high number of pressure ulcers as per the number of residents were established in one retirement home. A more detailed analysis of the number of movement-impaired residents would have to be implemented for a more detailed assessment, not only a general calculation. We suggested that the retirement home explore the possibilities of reducing this number.

V primeru bolnišničnih okužb pri stanovalcih smo menili, da bi bila smiselna namestitev takega stanovalca v enoposteljno sobo, da se zmanjša možnost prenosa tovrstne okužbe. Ob okrnjenih spoznavnih sposobnostih je namreč možnost dogovora s stanovalcem, ki ima okužbo, omejena. Predlagali smo tudi, da se v takih primerih na vrata sobe da pisno navodilo obiskovalcem, da se pred vstopom posvetujejo z osebjem na oddelku. Naprave za razkuževanje rok naj se namestijo na hodnike tako, da so vidne in dostopne brez prehoda vrat (izogibanje dotikov dodatne kljuke) ob izstopu iz sobe stanovalca z bolnišnično okužbo. Smiselna bi bila uporaba samodozirnih naprav, ki so nameščene na steno, s čimer je preprečeno zaužitje vsaj večjih količin razkužila.

Aktivnosti stanovalcev z demenco

V obiskanih zavodih smo ugotovili, da si vsak od njih sicer z različnimi aktivnostmi prizadeva, da se kar najbolj prilagajajo stanovalcem, trudijo se ustvarjati domače vzdušje in razpoloženje, ki omogoča občutek varnosti, sprejetosti in zadovoljstva stanovalca.

Stanovalci VO so v vseh domovih ustrezno integrirani v življenje doma in druženje z ostalimi stanovalci, ki nimajo demence. Skupaj z ostalimi stanovalci se udeležujejo domskih prireditev, izletov, aktivnosti, verskih obredov itd., nemalokrat pa domovi izvajajo določene projekte, ki so namenjeni izključno stanovalcem VO in njihovim svojcem.

V Domu starejših Kranjska Gora, ki ima za stanovalce z demenco integrirano obliko oskrbe, stanovalci na oddelku s pomočjo gospodinje pripravljajo celo nekatere obroke (zajtrke in malico redno, občasno tudi večerjo), spečejo si pecivo, poleg priprave obrokov pa veliko pozornosti namenjajo tudi pripravi pogrinjkov in serviranju hrane.

Na podlagi večletnega obiskovanja domov za starejše ocenjujemo, da so programi aktivnosti na VO iz leta v leto bolj poglobljeni, pri njih sodelujejo različni strokovni delavci, ki skrbijo tudi za njihovo izvajanje in evalvacijo.

Sodelovanje s svojci, prostovoljstvo, stik z zunanjim svetom

V obiskanih domovih ugotavljamo, da se je oblikovala praksa sodelovanja s svojci oseb z demenco v obliki t. i. klubov za svojce, strokovnih predavanj na temo demence in druženj ob obisku različnih prireditev. Opažamo, da si domovi želijo še več sodelovanja s svojci oseb z demenco.

Vsi obiskani domovi, razen Centra starejših Notranje Gorice, imajo razvito sodelovanje z različnimi društvi in ustanovami iz svoje okolice (šole, vrtci), večje razlike pa so glede vključevanja prostovoljcev v življenje in delo z osebami z demenco. Center starejših Notranje Gorice je nekoliko slabše vpet v lokalno okolje, saj interesa za tovrstno prostovoljstvo v kraju ni. Tudi domovi, ki imajo več prostovoljcev, ki redno prihajajo v dom, zelo redko prihajajo na VO. V Domu starejših Kranjska Gora imajo v načrtu širitev prostovoljstva tudi za osebe z demenco, Dom starejših Idila pa ima zaradi krajevne oddaljenosti in slabih prometnih povezav s prostovoljstvom kljub željam večje težave. Zelo dobro je razvito in organizirano prostovoljstvo v Centru starejših Zimzelen.

DPM ocenjuje, da imajo prostovoljci na VO pomembno vlogo pri vzdrževanju socialnih stikov stanovalcev, saj so ena redkih vezi z zunanjim svetom, zato podpira njihovo vključevanje.

In the case of hospital-acquired infections, we suggested that such residents be accommodated in one-bed rooms to limit the possibility of such infection spreading. In the case of limited cognitive abilities, the possibility of an agreement with the infected resident is limited. We also proposed that a written instruction for visitors be installed on the room door to consult with the staff of the unit before entering. Devices for disinfecting hands should be installed in corridors so that they are visible and accessible without the need to pass through door (to prevent additional contact with the door handle) and at the exits from the rooms of residents with an infection. The application of self-dosing devices installed on the wall would be practical and would prevent the consumption of larger quantities of disinfectant.

Activities of residents with dementia

In the visited institutions, we established that they all implemented different activities with which they tried to adjust to their residents and create a homely atmosphere, providing a sense of safety, acceptance and satisfaction.

The residents in secure wards of all retirement homes were suitably integrated into the life of the home and were socialising with other residents who were not suffering from dementia. They were attending events, trips, activities, religious ceremonies etc. together with other residents. The homes frequently prepared different projects which were aimed exclusively at the residents of secure wards and their relatives.

In the retirement home in Kranjska Gora, which has an integrated form of care for residents with dementia, the residents even prepare certain meals (breakfast and snack on a regular basis and occasionally dinner) and bake pastry with the help of the housekeeper. In addition to preparing meals, a lot of attention is also paid to setting the table and serving food.

On the basis of several years of visiting retirement homes, we evaluate that activities in secure wards have been improving on a yearly basis and the different expert workers participate in them who supervise their implementation and evaluation.

Cooperation with relatives, volunteers and contacts with the outside world

We noticed in the visited retirement homes that the practice of cooperation with relatives of persons with dementia was formed with so-called clubs for the relatives, expert lectures on the topic of dementia and gatherings when visiting different events. We noticed that the homes strive for more cooperation with relatives of persons with dementia.

All the visited homes, except Notranje Gorice Residential Centre for the Elderly, had developed cooperation with different associations and institutions in their area (schools, kindergartens). Greater differences occur regarding the participation of volunteers in the life of, and work with, persons with dementia. The local environment is somewhat less involved in Notranje Gorice Residential Centre for the Elderly, because there is no interest in such voluntary work in the town. Volunteers who do regularly visit them rarely visit persons in secure wards. The retirement home in Kranjska Gora plans to expand volunteering also to assist persons with dementia. Due to its remoteness and poor transport connections, Retirement Home Idila has difficulties with volunteers despite the home's interest. Voluntary work is well developed and organised in Zimzelen Retirement Home.

The NPM believes that volunteers who visit secure wards have a significant role in maintaining the social contacts of residents and serve as one of their few connections with the outside world, and the NPM thus supports their participation.

Pritožbene poti: podobnosti in razlike med domovi

Ob obiskih domov v letu 2014 smo ugotovili, da so pritožbene poti dobro urejene. Način podajanja pritožb je utečen v vseh obiskanih domovih. Stanovalci in svojci oseb z demenco imajo tako na voljo skrinjice/nabiralnike za pritožbe tako na oddelkih kot na recepciji doma ali v bližini le-te, prav tako imajo tam navadno knjige vtisov, ustne ali pisne pritožbe pa lahko podajo tudi neposredno zaposlenim. Če smo v katerem od domov opazili, da na VO ni skrinjice za pritožbe, smo predlagali, da jo namestijo (Center starejših Pristan, Center starejših Zimzelen, Dom starejših Kranjska Gora). Ne glede na morebiten dvom, da bi bile osebe na VO sposobne podati pisno pritožbo, je prav, da se jim ta način, ki lahko zagotavlja anonimnost, omogoči. Pritožbene poti so opisane v domskih zloženkah, v dogovoru, ki ga prejmejo ob sprejemu, pogosto pa so opisane tudi v posebnih pravilnikih, ki jih izobesijo na oglasnih deskah, skupaj s hišnim redom. V vseh domovih na VO preverjamo, ali so pritožbene poti na vidnem mestu in dom opozorimo, če temu ni tako.

Dom starejših Kranjska Gora nam je tako npr. v odzivnem poročilu navedel, da so v času od našega obiska že namestili skrinjice za pritožbe na obeh gospodinjskih skupinah. Prav tako so na informativne table na vsaki skupini izobesili obvestila o zastopnikih in seznam pravic oseb na VO.

Domovi se najpogosteje razlikujejo v tem, kdo obravnava pritožbe in kako se vodi evidenca o prejetih in rešenih pritožbah.

Ugotavljamo, da domovi beležijo razmeroma malo pritožb, še posebno pa so maloštevilne pisne pritožbe. Teh je na leto manj kot deset in jih navadno vodstvo doma in socialna služba shranjujeta ločeno. Glede na naravo pritožbe obravnavajo na strokovnih timih ali komisiji za reševanje pritožb. Domovi nam največkrat pojasnijo, da so pritožbe/mnenja/želje stanovalcev in svojcev ustni in da se rešujejo sproti. Navadno se beležijo v raportnih knjigah ali osebnih spisih in se ne vodijo enotno. Potek reševanja pritožb zabeležijo le, če gre za obsežnejšo pritožbo.

Domovom, ki tega še nimajo, smo predlagali, naj vodijo enotno evidenco pisnih pritožb (tudi če jih prejmejo po elektronski pošti), saj je tako transparentnost obravnavanja pisnih pritožb veliko boljša. Poleg tega menimo, da je pomembno, da se skupaj s prejetimi pritožbami vodi dokumentacija, ki dokazuje postopek reševanja posamezne pritožbe in končni odgovor osebi, ki se je pritožila.

Dom starejših Kranjska Gora nam je v odzivnem poročilu tako sporočil, da na podlagi našega predloga vodijo enotno evidenco pritožb.

Razgovori s stanovalci, verska oskrba

Ob obiskih domov DPM opravi tudi razgovore z naključno izbranimi stanovalci z demenco ali njihovimi svojci, če pokažejo interes za pogovor. V teh pogovorih največkrat izpostavijo pozitivne vtise (zadovoljstvo glede zaposlenih, hrane, svojega doživljanja bivanja na VO), le redko izražajo pritožbe.

Ob obisku Doma starejših Kranjska Gora pa je v pogovoru z izvedencem ena od stanovalk izrazila obtožbe o vdoru druge stanovalke v njeno sobo. Izvedenec je zadevo raziskal in ugotovil, da je glede na omejeno giblivos obtožene stanovalke malo verjetno, da bi le-ta dejansko vstopala v sobo stanovalke, ki je problem izpostavila, še manj pa je verjetno, da bi obtožena stanovalka te vdore organizirala. Ocenil je, da je navedene pripombe mogoče pripisati psihičnemu stanju stanovalke, ki je problem izpostavila ali pa v njeno sobo dejansko vstopajo drugi stanovalci – tisti, ki zaradi upada spoznavnih sposobnosti ne najdejo svoje sobe in bi zato lahko po pomoti vstopali v sobo stanovalke, ki je problem izpostavila.

Izvedenec DPM je ob obisku domov ugotovil, da iz razgovora s stanovalci, razpoložljive zdravstvene dokumentacije in razgovora z osebjem ni mogoče potrditi, da bi bili stanovalci izpostavljeni neprimernemu in poniževalnemu ravnanju.

Complaint procedures: similarities and differences between retirement homes

During our visits in 2014, we established that complaint procedures were arranged accordingly. A method of submitting complaints was established in all visited homes. The residents and relatives of persons with dementia may submit complaints in collection boxes situated on wards and at the home's reception desk or nearby, where they may also find books of impressions. Oral or written complaints may also be forwarded directly to the staff. If we noticed that the collection box was not in a secure ward, we suggested its installation (Pristan Retirement Home, Zimzelen Retirement Home and Viharnik Retirement Home in Kranjska Gora). Irrespective of the possible doubt that residents in secure wards would be able to submit a written complaint, this method which provides anonymity should be available to them. Complaint procedures are described in brochures which the residents receive upon admission and are also frequently described in the special rules displayed on notice boards together with the house rules. We verified in secure wards of all homes whether complaint procedures were visible and informed the homes if they were not.

The retirement home in Kranjska Gora replied in its response report that collection boxes for complaints had already been installed at both household units after our visit. Notifications about representatives and a list of rights of persons in secure wards were also put on notice boards in both units.

Who discusses the complaints and how the record on the received and resolved complaints is kept are issues which are addressed differently in each retirement home.

We established that the homes record a relatively low number of complaints, particularly written complaints. There are fewer than ten per year, and the management of the home and the social service store them separately. Relating to the nature of the complaint, the complaints are discussed by expert teams or committees for resolving complaints. The retirement homes explained that the complaints/opinions/wishes of the residents and relatives were usually oral and resolved promptly. They are kept in report books or personal files and are not kept uniformly. The resolution procedure is recorded only when discussing more extensive complaints.

We proposed to the homes, which had not implemented this method already, that they keep a uniform record of written complaints (even if received by e-mail) since this improves the transparency of reviewing written complaints. We further believe that it is important to keep a record of all documentation together with the complaints received, which proves the process of resolving individual complaints and final reply to the complainant.

In its response report, the retirement home in Kranjska Gora stated that they had started to keep a uniform record of complaints on the basis of our proposal.

Interviews with residents and religious care

When visiting retirement homes, the NPM also conducts interviews with randomly selected residents with dementia or their relatives if they are interested in being interviewed. In the interviews, residents highlight their positive impressions (satisfaction relating to the staff, food, their experience of living in secure wards) and only seldom complain.

During her interview with the expert, one of the residents of the retirement home in Kranjska Gora mentioned that another resident had broken into her room. The expert looked into the matter and established that, given the limited mobility of the accused resident, it was not very likely that this person had entered the room of the resident, and it was even less likely that the accused resident had organised these entries. The expert assessed that these complaints could be attributed to the resident's mental condition, or her room really was being entered by other residents who due to their poor cognitive abilities were unable to find their rooms and thus entered the room of the resident, who raised the issue, by mistake.

From the interviews held with residents, the available medical documentation and interviews with the staff of the visited retirement homes, the NPM expert did not establish that the residents had been subjected to inappropriate or degrading treatment.

Stanovalci vseh obiskanih domov imajo možnost verske oskrbe. Za versko oskrbo vernikov rimskokatoliške cerkve je v domovih na voljo poseben prostor oziroma kapela, kjer redno potekajo verski obredi, verski predstavniki pa na željo stanovalce obiščejo tudi v sobah.

V nobenem od domov niso imeli primera, da bi stanovalec izrazil željo po verskih obredih drugih veroizpovedi. Vodstvo domov nam je zagotovilo, da bi takšno prošnjo, če bi jo prejeli, poskušali uresničiti.

The residents in all retirement homes have access to religious care. A special room or a chapel is available to all members of the Roman Catholic Church, where religious ceremonies are held regularly and representatives of the Church also visit residents in their rooms at their request.

There were no cases of residents wanting to attend religious ceremonies of another religion. The management in the homes assured us that if they received such requests, they would try to comply with them.



1.5 Obiski posebnih socialnovarstvenih zavodov

V okviru izvajanja nalog in pooblastil državnega preventivnega mehanizma (DPM), ki ga določa Opcijski protokol h konvenciji Združenih narodov proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju, smo v letu 2014 obiskali dva posebna socialnovarstvena zavoda, in sicer zavod Dom Lukavci (23. 4. 2014) in zavod Prizma Ponikve (19. 12. 2014).

Obiska sta bila nenapovedana. Ob prihodu se je skupina DPM, ki so jo sestavljali predstavniki Varuha in ene ali več pogodbenih nevladnih organizacij, najprej pogovorila z vodstvom zavoda, sledili so ogled varovanih oddelkov (VO) oziroma drugih oddelkov, vpogled v dokumentacijo, ki se nanaša na sprejem stanovalcev na VO in uporabo posebnih varovanih ukrepov (PVU), ter pogovori z naključno izbranimi stanovalci. Pri obisku zavoda Dom Lukavci je v delu nadzora, ki se nanaša na zdravstveno varstvo in zdravniško oskrbo, sodeloval tudi zunanji izvedenec (izvedenec).

Po končanem obisku Doma Lukavci je skupina DPM pripravila predhodno poročilo o svojih ugotovitvah in priporočilih, ki smo jih posredovali obiskanemu zavodu s predlogom, da ga obravnava in nas obvesti o svojih stališčih. Končno poročilo (z odzivi obiskanega zavoda) o opravljenem obisku pa je bilo nato posredovano Ministrstvu za družino, socialne zadeve in enake možnosti.

Glavni namen obiska DPM je bilo preveriti:

- ravnanje z osebami, nastanjenimi na VO v zavodu Dom Lukavci;
- ter ugotoviti, ali je zavod Prizma Ponikve od zadnjega obiska morda vzpostavil VO oziroma ali posameznim osebam morda na drug način omejuje svobodo gibanja (npr. z uporabo posebnih varovanih ukrepov).

Vloga – poslanstvo zavodov in mnenje DPM

Posebna socialnovarstvena zavoda nudita oskrbo, varstvo in strokovno obravnavo oseb, ki zaradi slabših psihofizičnih sposobnosti niso zmožni integracije v samostojno izveninstitucionalno življenje. Prav zato je poslanstvo obeh zavodov usmerjeno v razvoj programov, namenjenih stanovalcem in zaposlenim, izboljšanju bivalnih razmer, uskladitvi predpisanih normativov in standardov ter nudenje oskrbe, varstva in vzgoje stanovalcem. **DPM je oba zavoda spodbudil, da tudi v prihodnje stanovalcem zagotovita čim večjo kakovost bivanja in nudita strokovno podporo, ki bo ustrezala merilom človeškega dostojanstva.**

Kot že navedeno, je DPM zavod Prizma Ponikve obiskal z namenom, da ugotovi, ali je zavod od zadnjih obiskov v letih 2007 in 2011 morda vzpostavil VO. Tudi tokrat je DPM ugotovil, da zavod nima VO, saj ob pregledu posameznih oddelkov zavoda in iz pogovorov z osebjem in stanovalci nismo mogli ugotoviti, da bi bil kateremu stanovalcu onemogočen prost izhod iz zavoda ali posamezne bivalne enote. Tudi vrata na posamezne oddelke so bila ob obisku odprta oziroma odklenjena. **DPM tako ni mogel ugotoviti, ali obstajajo prostori ali aktivnosti, s katerimi bi bila posameznim stanovalcem omejena svoboda gibanja, zato nadzora v vlogi DPM nismo nadaljevali.** V nadaljevanju se poročilo vsebinsko navezuje na Dom Lukavci.

1.5 Visits to special social care institutions

Within the implementation of duties and powers of the National Preventive Mechanism (NPM) determined by the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, we visited two special social care institutions in 2014, i.e. Dom Lukavci Special Social Care Institution (23 April 2014) and Dom Prizma Ponikve Special Social Care Institution (19 December 2014).

Both visits were unannounced. Upon arrival, the NPM group consisting of the Ombudsman's representatives and one or more contractual NGOs first spoke to the management of the institution, which was followed by a review of secure wards or other units, a review of documentation relating to the admission of residents to secure wards and the application of special protection measures, and interviews with randomly selected residents. The external expert participated in the review of the medical and health care at Dom Lukavci Special Social Care Institution.

After the visit to Dom Lukavci Special Social Care Institution, the NPM group drafted a preliminary report on its findings and recommendations, which were submitted to the visited institution with a request to discuss it and submit its positions to us. The final report (with the response of the relevant institution) on the conducted visit was then submitted to the Ministry of Labour, Family, Social Affairs and Equal Opportunities.

The main purpose of the NPM visit was to verify

- the treatment of persons accommodated in secure wards in Dom Lukavci Special Social Care Institution
- and establish whether Dom Prizma Ponikve Special Social Care had established a secure ward since the last visit, or was the liberty of individuals being restricted in another way (e.g. the application of special restrictive measures).

Role – mission of the institutions and the NPM's opinion

The two special social care institutions provide care, protection and professional treatment for persons who, due to poor psycho-physical abilities, are unable to integrate into independent life outside the institution. The mission of both institutions is directed towards the development of programmes intended for the residents and the staff, the improvement of living conditions, harmonisation of legislative norms and standards and the provision of care, protection and education to the residents. **The NPM encouraged both institutions to provide for the utmost quality of living for their residents and offer expert support which would meet the criteria of human dignity.**

As already stated, the NPM visited Dom Prizma Ponikve Special Social Care Institution in order to verify whether the institution had established a secure ward since its previous visits in 2007 and 2011. The NPM discovered that the institution still had no secure wards, since upon the review of individual units and interviews with the staff and residents, we were unable to establish that residents were prevented from exiting the institution of an individual residential unit. The doors to individual units were open or unlocked upon the visit. **The NPM was unable to establish whether there were rooms or activities aimed at restricting the residents' freedom of movement, and therefore did not continue its supervision in the capacity of the NPM.** In the continuation, the report refers substantively to Dom Lukavci Special Social Care Institution.

Varovani oddelki in priporočila DPM

Zavod Dom Lukavci ima dva VO, in sicer oddelek za osebe z motnjo v duševnem razvoju in oddelek za osebe z demenco. Oddelka (še) nista verificirana skladno s Pravilnikom o kadrovskih, tehničnih in prostorskih pogojih za izvajanje nalog na področju duševnega zdravja za izvajalce institucionalnega varstva ter centre za socialno delo ter o postopku njihove verifikacije. Zavod namreč prostorsko nima možnosti, da bi izpolnil vse zahteve omenjenega pravilnika, zato se boji, da bo s potekom roka za verifikacijo moral (vsaj) enega od oddelkov odpreti. Zavod pa je v fazi investicije v nov (tretji) VO, ki bo izpolnjeval pogoje za verifikacijo. Novi oddelek bo tudi omogočil sprejemanje oseb z duševno boleznijo na podlagi odločbe sodišča. Zaradi tovrstnih namestitev pa ima vrsto težav. Prihajalo je tudi do preseganja kapacitete dosedanjih VO. **Na podlagi priporočil DPM s preteklih obiskov smo tako ponovno ugotavljali, da se še vedno ponavljajo težave ob nameščanju stanovalcev na VO s sklepom sodišča, na kar smo opozarjali tudi v letnih poročilih Varuha za leta 2011, 2012 in 2013 (na to problematiko opozarjamo tudi v poročilu Varuha za leto 2014).** Osebe, ki so sprejete v socialnovarstvene zavode, namreč ostanejo v njih praviloma več let, zato lahko vodijo tovrstni sprejemi, ki ne upoštevajo prostorskih zmogljivosti zavoda, tudi v dolgotrajno poslabšanje bivalnih razmer in oskrbe vseh stanovalcev VO. Ob tem je še posebej nesprejemljivo, da je lahko upravičenec do enake storitve sprejet v zavod mimo liste čakajočih za sprejem, čeprav za to morda ni (zakonsko) utemeljenega razloga. **Žal ob tem DPM ugotavlja, da se po večletnih opozorilih, ki so bila posredovana tudi na pristojna ministrstva, obiskani zavod še vedno srečuje s podobnimi težavami in stisko. Do sprememb ZDZdr (še) ni prišlo, zato (neustrezna) veljavna ureditev sprejemov na varovane oddelke, brez privolitve na podlagi sklepa sodišča, ostaja enaka.**

Skrb zbujaajoče so bile tudi navedbe zavoda, da glede sprejemov na podlagi odločitve sodišča ne le, da ni prišlo do večjih sprememb, temveč, da glede na podatke, s katerimi zavod razpolaga, Dom Lukavci še vedno ostaja zavod, kjer prihaja do največ namestitev oseb z odločitvijo sodišča. To kaže, da prizadevanja MDDSZ, da se vzpostavi mreža varovanih oddelkov v posebnih socialnovarstvenih zavodih, ki bo enakomerno pokrila celotno območje Republike Slovenije in hkrati zagotovila zadostno število kapacitet za namestitev oseb s težavami v duševnem zdravju brez privolitve na podlagi sklepa sodišča, še niso (bila) uspešna. **DPM meni, da bo MDDSZ s svojimi prizadevanji vsekakor moralo nadaljevati, dokler ne bo zagotovljeno, da bo posameznika možno namestiti v poseben socialnovarstveni zavod, kjer mu bo zagotovljena vsa potrebna oskrba glede na njegovo zdravstveno stanje in ob tem tudi ne bo prihajalo do prekoračitve najvišje kapacitete zavoda oziroma posameznega oddelka.**

Ob tokratnem obisku smo ugotovili, da zavod ni upošteval priporočila, ki smo ga podali že ob zadnjem obisku leta 2011, in sicer **da naj prouči možnost, da se ob postelje na varovanih oddelkih stanovalcev namestijo novi klicni zvonci (sedanja stikala so poškodovana in nefunkcionalna), s katerimi bodo stanovalci lahko v stiski na varen način poklicali osebje. Zato je DPM ponovno predlagal, da se zagotovi sistem, s katerim bodo varovanci na varen način lahko poklicali osebje.** Izvedenec je pri tem podal mnenje, da je možna rešitev namestitev novih stikal na steno ob varovančevi postelji, in sicer stikal, ki bi bila manj nevarna v primeru, da bi se pri varovancu pojavilo avtoagresivno vedenje, in ki bi bila manj dostopna poškodovanju ob neustrezni uporabi.

Nezaželeni dogodki (incidenti) na varovanih oddelkih in priporočila DPM

DPM je ob obisku ugotovil, da je bilo v letu 2013 zabeleženih 92 incidentov. Od navedenih je bilo 21 takih, pri katerih so bile opazene vidne poškodbe. Če pride do neželenih dogodkov, jih osebje opiše na posebnem obrazcu. Po mnenju izvedenca je obrazec dobro zasnovan in omogoča polstrukturirano zbiranje podatkov o neželenem dogodku. Ob posameznih kategorijah so podane črte, ki omogočajo vpis. Le pri posameznih kategorijah tako ni povsem jasno, ali se jih le izbere ali pa dopiše tudi opažanja. Če je treba le izbrati kategorijo, bi bilo zato bolje namesto črte uporabiti kvadratek. **Pri tem je DPM ob podanem mnenju izvedenca zavodu predlagal ločeno spremljanje tistih incidentov, ki pomenijo večje ogrožanje varovančevega zdravja in bi bila potrebna pozornost zdravstvenega osebja z napotitvijo v drugo ustanovo, in ločeno spremljanje tistih incidentov, ki so povzročili manjše tveganje za varovančevo zdravje in prav tako ni bila potrebna napotitev na zdravljenje v drugo ustanovo.**

Secure wards and the NPM recommendations

Dom Lukavci Special Social Care Institution has two secure wards, i.e. a ward for persons with mental disorders, and a ward for persons with dementia. The wards had not been verified in accordance with the Rules on staff, technical and premises requirements for institutional care providers and Social Work Centres providing mental health services, and on the verification procedure thereof. The institution has no spatial capacities to meet all the requirements of the above rules, and it is feared that with the expiry of the deadline for verification (at least) one ward would have to become open. The institution was in the phase of investing in a new (third) secure ward which would meet all the verification conditions. The new ward will also accept persons with mental disorders on the basis of a court order. The institution was experiencing many problems with such accommodation. The capacities of the current secure wards have also been exceeded. **On the basis of NPM recommendations from previous visits, we thus again established that problems in accommodating residents in secure wards as per court orders were still occurring, which was pointed out also in the Ombudsman's annual reports in 2011, 2012 and 2013 (we also highlight these issues in the 2014 Ombudsman's annual report).** Persons admitted to social care institutions remain there for several years, which is why admissions which fail to comply with the spatial capacities of the institution lead to the long-term worsening of living conditions of, and care for, all residents in secure wards. It is particularly unacceptable that a beneficiary of the same service may be admitted to the institution irrespective of the waiting list for admission when no (legally) founded reason exists for this. **Unfortunately, the NPM further established that despite several years' warnings, which were also submitted to the competent ministries, the visited institution was still encountering similar issues. The amendments to the ZDZdr have not been implemented (yet), and the (unsuitable) applicable arrangement of admission to secure wards without consent and on the basis of a court order remains in force.**

It is worrying that no major changes occurred relating to admissions on the basis of court orders, and what is even more, on the basis of data available to the institution, Dom Lukavci Special Social Care Institution still remains the institution with the majority of accommodations based on court orders. This clearly shows that the efforts of the Ministry of Labour, Family, Social Affairs and Equal Opportunities to establish a network of secure wards in special social care institutions which would equally cover the entire Republic of Slovenia, and also provide sufficient capacities for accommodation of persons with mental disorders without consent and on the basis of a court order, have not been successful (yet). **The NPM believes that Ministry of Labour, Family, Social Affairs and Equal Opportunities should continue its efforts until it is ensured that each individual can be accommodated in a special social care institution where they will receive all necessary care relating to their medical condition, and the maximum capacities of institutions or individual units will not be exceeded.**

On the occasion of this visit, we established that the institution had not observed the recommendation made during the last visit in 2011, i.e. **to examine the possibility of installing new call bells next to beds in secure wards (the current switches were damaged and non-functional), by means of which residents would be able to safely call staff when in distress. The NPM again proposed to provide a system enabling residents to safely call staff.** The expert suggested the installation of new switches on the wall by the resident's bed, i.e. switches which would be less dangerous in the case of auto-aggressive behaviour, and which would be more damage-resistant if used incorrectly.

Adverse events (incidents) in secure wards and the NPM recommendations

Upon the visit, the NPM established that 92 incidents had been recorded in 2013. From these, 21 resulted in visible injury. Adverse events were recorded by the staff on a special form. According to the expert, the form was well designed and enabled semi-structured collection of data on the event. In certain sections, lines were provided enabling description. In some sections, it was not fully clear whether they were to be selected or if descriptions should be written down. If sections are to be selected, it would be better to use squares instead of lines. **In addition to the expert's opinion, the NPM suggested separate monitoring of incidents which pose a greater risk to residents' health and require the attention of medical staff or referral to another institution, and incidents which pose a minor risk for residents' health and for which referral to another institution is not necessary.**

Odmerjanja zdravil po potrebi in priporočila DPM

V zavodu delujejo štiri psihiatri, splošni zdravnik in zobozdravnik, ki skrbijo za medicinsko oskrbo nastanjenih stanovalcev. Zavod vodi redno evidenco naročanja stanovalcev pri psihiatru in splošnem zdravniku. Pri pregledu medicinske dokumentacije je DPM zaznal težavo, ko zdravnik za čas svoje odsotnosti navede, da lahko zavodsko osebje stanovalcu po potrebi da predpisana zdravila. Pri tem je izvedenec ugotovil, da imajo nekateri varovanci predpisano vsakodnevno maksimalne dovoljene odmerke posameznega zdravila in še zdravilo »po potrebi«, kar bi pomenilo, da bi lahko stanovalec na dan prejel zdravila, pri katerih bi bil odmerek višji od maksimalnega priporočenega. DPM je v zvezi s tem predlagal, **naj splošni zdravnik in psihiater ponovno pregledata vse primere, kjer je predpisano posamezno zdravilo »po potrebi«.** Ob tem naj upoštevata izvedenčeva priporočila, predvsem pa zagotovita, da se spoštujejo maksimalni priporočeni odmerki posameznega zdravila in tako prepreči možnost, da bi prišlo v konkretnem primeru do presežanja (najvišje) meje. Splošna ocena zdravstvene oskrbe stanovalcev zavoda, zlasti na področju psihiatrične oskrbe, je glede na izvedenčevu oceno dobra. V zavodu nimajo čakalnih dob, prav tako dostop do psihiatra traja maksimalno nekaj dni. Tehnična opremljenost je zelo dobra.

Posebni varovani ukrepi (PVU) in priporočila DPM

Osebe v primeru PVU obvesti zdravnika, če je le-ta v zavodu prisoten, da odloči o njegovi uvedbi. Če zdravnik v zavodu ni prisoten, lahko uporabo PVU odredi strokovni delavec, ki takoj obvesti zdravnika in o tem naredi zaznamek. V zaznamku se navede, kateri zdravnik je bil obvešččen in tudi, ali je ukrep odobril. DPM je v enem od pregledanih primerov uporabe PVU ugotovil, da je bil ukrep odobren s strani strokovne vodje, čeprav je bil takrat v zavodu prisoten zdravnik. Pri tem je DPM zavodu **predlagal, da se pred uvedbo PVU skrbno preveri, ali ni zdravnik morda prisoten, ukrep s strani strokovnega delavca pa se uvede šele ob njegovi odsotnosti.**

V nadaljevanju je DPM v obiskanem zavodu ponovno ugotovil in ponovil priporočilo iz leta 2011, da **predlagamo, da se v evidenco PVU (»Kontrolni list neprekinjenega varovanja bolnika«) vstavi tudi rubrika, kjer bo zabeleženo, kateri zdravnik, katerega dne in ob kateri uri je odobril uporabo PVU, ki ga je uvedel strokovni delavec oziroma delavka. Ob tem je DPM opozoril na izvedenčevu mnenje, da zavod tako zaposlene kot tudi zdravnike, ki PVU odredijo, posebej opozori, da je PVU skrajni ukrep. Iz dokumentacije pa mora biti vedno razvidno, ali so bili pred uvedbo PVU izvedeni ukrepi in kateri.**

Prav tako je izvedenec v svojem poročilu predlagal zavodu, da bi bilo treba prilagoditi obrazce, ki se izpolnjujejo ob uvedbi PVU in da se o posameznih PVU ne vodi skupna evidenca v enem dokumentu za več varovancev hkrati.

Soba za umiritev in priporočila DPM

DPM je ob ogledu nadzorne sobe ugotovil, da se evidence glede opažanj o dogajanju v sobi za umirjanje vodi zelo natančno. Posamezni zapisi o opažanjih si sledijo v nekajminutnih razmakih, kar tudi kaže na stalno navzočnost osebe in neprekinjen nadzor. Kameri v sobi za umirjanje sta delovali brez težav, deloval je tudi prenos zvoka. Le nekaj težav se je pojavilo pri prižiganju enega od monitorjev, saj je bil ta izklopljen iz električne napeljave, daljinskega upravljalnika pa ni bilo ob njem. **DPM je pri tem ponovno predlagal priporočilo iz leta 2011, naj zavod redno preverja delovanje vseh potrebnih sklopov za nadzor stanovalca v sobi za umirjanje, torej tudi, če se soba dalj časa ne uporablja.**

Dosage of medications when needed and the NPM recommendations

Four psychiatrists, a general practitioner and a dentist provide medical care for the residents of the institution. The institution keeps a prompt record of residents' appointments at the psychiatrist and general practitioner. When reviewing the medical documentation, the NPM noted a problem, i.e. during their absence, the physician permits the medical staff to give residents prescribed medications when this is needed. The expert further established that some residents were prescribed maximum daily permitted doses of certain medications and the additional medication "when needed", which meant that a resident could in one day take medications whose maximum daily permitted dose would exceed the recommended intake. In this regard, the NPM proposed that **the general practitioner and the psychiatrist re-examine all cases in which individual medications were prescribed "when needed", whereby they should observe the expert's recommendations, and particularly assure that the recommended maximum doses of individual medications be observed, thus preventing the possibility of exceeding (maximum) limits in individual concrete cases.** According to the expert, the general evaluation of medical care of the institution's residents, particularly in the field of psychiatric care, is good. There were no waiting periods in the institution; likewise, the visit to the psychiatrist can be arranged within a few days. Technical equipment is very good.

Special protection measures and NPM recommendations

The staff inform the physician about special protection measures if the latter is present to order their implementation. If the physician is not present in the institution, the expert worker may order the implementation, and then immediately informs the physician thereof and makes a note. The note also includes the name of the physician informed and whether the measure was approved. In one of the reviewed cases, the NPM discovered that the measure was approved by the expert worker, although a physician was present in the institution at the time. The NPM advised the institution **to carefully verify the presence of a physician before the application of special protection measures, and only after the established absence should the measure be approved by the expert worker.**

The NPM again established and repeated its recommendation from 2011 **to include a section in the record of special protection measures (Control list of ongoing protection of a patient) which would state which physician approved the application of special protection measures which were then implemented by an expert worker, and on what day and at what time.** On that note, the NPM pointed to the expert's opinion that the institution should inform the staff, including physicians who order special protection measures, that the special protection measures were the ultimate measure. Furthermore, it had to be evident from the documentation whether other measures had been implemented before the application of special protection measures and what these measures were.

In its report, the expert also proposed that the institution amend its forms which were completed upon the implementation of special protection measures and not to keep one joint record on individual special protection measures in one document for several residents.

Confinement room and NPM recommendations

When reviewing the supervision room, the NPM established that very detailed records were kept about observations of happenings in the confinement room. Individual records of observations were recorded at intervals of several minutes, which pointed to the continuous presence of the staff and uninterrupted supervision. The two cameras in the confinement room worked perfectly and the audio transmission was also functioning. The only problems were with switching on one of the monitors, because it was unplugged and that the remote control was not within reach. **The NPM again repeated its recommendation from 2011 that the institution regularly check the functioning of all necessary surveillance systems for monitoring residents in the confinement room, also if the room is not used for long periods.**

Uporaba pasov Segufix in priporočila DPM

Ob obisku smo ugotovili, da bi bila potrebna proučitev, ali se v primeru uporabe pasov Segufix postelja namesti v eno od prostih sob (npr. v sobo za umirjanje ali sobo za relaksacijo) ali pa, da se med fizično oviranega stanovalca in druge stanovalce namesti ustrezen paravan. Pri tem je DPM zavodu **predlagal, naj ta, dokler ne bodo zagotovljene ustrežnejše rešitve, zagotovi, da se ena od sob nameni zgolj izvajanju PVU-vezanja s pasovi in se torej vanjo ne nameščajo drugi stanovalci ali pa se ukrep ne izvaja.**

Povzetek priporočil DPM in zaključni odzivi zavoda in MDDSZ

Priporočila DPM:	Odziv zavoda:	Odziv MDDSZ:
Težave ob nameščanju stanovalcev na VO s sklepom sodišča		VO bodo vzpostavljeni in verificirani v vseh posebnih socialnovarstvenih zavodih.
Posamezniku zagotoviti možno namestitev v poseben socialnovarstveni zavod, kjer mu bo zagotovljena vsa potrebna oskrba glede na njegovo zdravstveno stanje in ob tem tudi ne bo prihajalo do prekoračitve najvišje kapacitete zavoda oziroma posameznega oddelka.		Ministrstvo bo kombinirane socialnovarstvene zavode pozvalo k vključitvi njihovih kapacitet v že obstoječo mrežo VO, o čemer bodo obveščena tudi sodišča. Ministrstvo bo spodbudilo učinkovitejše povezovanje socialnovarstvenih zavodov s CSD s ciljem vzpostavljanja skupnostne obravnave, s čimer bomo zmanjšali pritisk na sodišča in na socialnovarstvene zavode.
Namestitev klicnih zvoncev	bo urejena z verifikacijo VO.	
Ločeno spremljanje incidentov, ki pomenijo večje ogrožanje zdravja varovanca, in ločeno spremljanje tistih incidentov, ki so povzročili manjše tveganje za varovančevo zdravje in ni bila potrebna napotitev na zdravljenje v drugo ustanovo.	Priporočilo smo upoštevali.	
Spoštovanje maksimalno priporočenih odmerkov posameznega zdravila	S priporočilom smo seznanili zdravnike.	
Pred uvedbo PVU je treba skrbno preveriti, ali ni zdravnik mogoče prisoten in se ukrep uvede s strani strokovnega delavca šele ob njegovi odsotnosti.	Priporočilo smo upoštevali.	

Use of Segufix belts and NPM recommendations

Upon the visit, we proposed that a bed should be transferred into one of the free rooms if Segufix belts are used (e.g. the confinement room or the relaxation room), or a suitable screen should be placed between the physically restrained resident and other residents. **The NPM proposed that the institution use one room only for the application of special protection measures, i.e. the application of belts, and no other resident should be accommodated in that room, or this measure should not be used until more suitable solutions are ensured.**

Summary of the NPM recommendations and final responses of the institution and the Ministry of Labour, Family, Social Affairs and Equal Opportunities

The NPM recommendations:	The institution's responses:	The Ministry's responses:
Problems when admitting residents to secure wards with a court order		Secure wards will be implemented and verified in all special social care institutions.
Each individual must be enabled accommodation in a special social care institution where they will receive all necessary care for their medical condition and the maximum capacities of institutions or individual units will not be exceeded.		The Ministry will invite combined social care institutions to include their capacities in the existing network of secure wards, of which the courts will also be informed. The Ministry will promote more efficient integration of social care institutions with social work centres in order to enable joint treatment, which will alleviate pressure on the courts and social care institutions.
Installation or call bells	Will be arranged when secure wards are verified.	
Separate monitoring of incidents which pose a greater risk to residents' health, and of incidents which pose a minor risk to residents' health and for which referral to another institution is not necessary.	The recommendation was observed.	
The observance of the recommended maximum doses of individual medications.	Physicians were informed about the recommendation.	
Prior to the application of special protection measures, it must be carefully verified whether the physician is present or not, and the implementation of the measure must be ordered by the expert worker only after the physician's absence is established.	The recommendation was observed.	

Dopolnitev evidence PVU, kjer bo zabeleženo, kateri zdravnik, katerega dne in ob kateri uri je odobril uporabo PVU, ki ga je uvedel strokovni delavec oziroma delavka.	Priporočilo smo upoštevali.
Iz dokumentacije mora biti razvidno, ali so bili pred uvedbo PVU izvedeni kakšni ukrepi in kateri.	Priporočilo smo upoštevali.
Prilagoditi obrazce, ki se izpolnjujejo ob uvedbi PVU	Priporočilo smo upoštevali.
O posameznih PVU naj se za več varovancev hkrati ne vodi skupna evidenca v enem dokumentu.	Priporočilo smo upoštevali.
Preverjati delovanje vseh potrebnih sklopov za nadzor stanovalca v sobi za umirjanje	Osebe na VO ob vsakem nastopu dela preveri delovanje vseh potrebnih sklopov
Zagotoviti je treba, da se ena od sob nameni zgolj izvajanju PVU-vezanja s pasovi in se torej vanjo ne nameščajo drugi stanovalci ali pa se ukrep ne izvaja.	Zaradi prezasedenosti VO ni bilo možno nameniti ene sobe za izvajanje ukrepa fizičnega oviranja s pasovi Segufix na posteljo. Dokler sobe za ta namen nimamo, ukrepa ne bomo izvajali.

The amendment to the record of special protection measures which will state which physician approved the application of special protection measures which was then implemented by an expert worker, and on what day and at what time.	The recommendation was observed.
It must be evident from the documentation whether other measures were implemented before the application of special protection measures and what these measures were.	The recommendation was observed.
The modification of forms to be completed when applying special protection measures.	The recommendation was observed.
A joint record in one document must not be kept for several residents about individual special protection measures.	The recommendation was observed.
Verification of functioning of all necessary surveillance systems for monitoring residents in the confinement room.	The staff in secure wards verify the functioning of all necessary system every day.
Only one room should be used for the application of special protection measures, i.e. the application of belts, and no other residents should be accommodated in that room; otherwise, the measure should not be implemented.	Due to overcrowding on secure wards, it was impossible to use one room for the implementation of physical restraint with Segufix belts on the bed. Until a room for this purpose is available, we will not implement this measure.

1.6 Obiski zavodov za vzgojo in izobraževanje otrok in mladostnikov s čustvenimi in vedenjskimi motnjami



Stanje

Število zavodov za vzgojo in izobraževanje otrok in mladostnikov s čustvenimi in vedenjskimi motnjami (zavodi) je v primerjavi z letom 2013 ostalo enako. Teh zavodov ostaja 11.

Še vedno je za 10 zavodov pristojno Ministrstvo za izobraževanje, znanost in šport (MIZŠ), za en zavod pa Ministrstvo za delo, družino, socialne zadeve in enake možnosti (MDDSZ).

V zavode se vključujejo mladostniki na podlagi **odločb centrov za socialno delo** (v primeru ogroženosti v družini) in tudi **z odločbami o usmeritvi v vzgojni program**. Ti zavodi so: Mladinski dom Maribor, Mladinski dom Jarše, Vzgojni zavod Kranj, Mladinski dom Malči Beličeve in Vzgojno-izobraževalni zavod Frana Milčinskega Smednik. Poleg tega tudi Vzgojni zavod Slivnica pri Mariboru, Vzgojno-izobraževalni zavod Višnja Gora, Vzgojni zavod Planina, Zavod za vzgojo in izobraževanje Logatec in Osnovna šola Veržej – enota Dom. Teh šest zavodov sprejema mladoletnike tudi na podlagi **odločb (kazenskih) sodišč (kot vzgojni ukrep)**. Mladostnike z zmerno, težjo in težko motnjo v duševnem razvoju, ki jim je bil z odločbo sodišča izrečen vzgojni ukrep oddaje v zavod, pa sprejema Center za usposabljanje, delo in varstvo Črna na Koroškem (CUDV Črna). Omenjeni zavod izvaja posebni program vzgoje in izobraževanja, za vključitev vanj pa mladostnik potrebuje tudi odločbo o usmeritvi.

Število obiskov

V letu 2014 smo obiskali naslednjih pet zavodov:

- Vzgojni zavod Frana Milčinskega Smednik (VZ Smednik),
- Vzgojno-izobraževalni zavod Višnja Gora (VIZ Višnja Gora),
- Zavod za vzgojo in izobraževanje Logatec (ZVI Logatec),
- Center za usposabljanje, delo in varstvo Črna na Koroškem (CUDV Črna) in
- Mladinski dom Jarše (MD Jarše).

V vseh zavodih je bil to ponovni (nenapovedan) obisk.

Organiziranost zavodov

Organiziranost zavodov, ki smo jih ponovno obiskali, se v primerjavi z obiskom pred dvema letoma ni spremenila. En zavod (CUDV Črna) je organiziran kot klasični vzgojni zavod, saj so mladostniki razporejeni v vzgojne skupine, trije zavodi (VZ Smednik, VIZ Višnja Gora in ZVI Logatec) imajo poleg klasičnih vzgojnih skupin še vsak po eno ali več stanovanjskih skupin na drugih lokacijah, v MD Jarše pa so mladostniki vključeni izključno v stanovanjske skupine na različnih lokacijah). Vsi obiskani zavodi imajo sicer tudi svoje interno organizirane osnovne oziroma srednje šole (izvajajo prilagojen osnovnošolski program in prilagojene srednješolske programe, CUDV Črna pa izvaja le posebni program vzgoje in izobraževanja).

V vseh zavodih upoštevajo predpisane normative tako glede števila mladostnikov v skupinah kot tudi glede števila ter vrste in stopnje izobrazbe zaposlenih. Osnovnošolci iz stanovanjskih skupin obiskujejo večinoma zunanje osnovne šole, srednješolci pa redne srednje šole.

1.6 Visits to institutions for care and education of children and adolescents with emotional and behavioural disorders

Situation

The number of institutions for the care and education of children and adolescents with emotional and behavioural disorders (institutions) remained the same in comparison to 2013. There are eleven such institutions.

The Ministry of Education, Science and Sport is responsible for ten institutions and the Ministry of Labour, Family, Social Affairs and Equal Opportunities for one.

Adolescents are admitted to these institutions based on **decisions of social work centres** (in the case of endangerment within the family) and on **placement decisions to an educational programme**. These institutions are: Maribor Youth Home, Jarše Youth Home, Kranj Residential Treatment Institution, Malči Belič Youth Care Centre and Fran Milčinski Smednik Educational Institution. There are also Slivnica pri Mariboru Residential Treatment Institution, Višnja Gora Educational Institution, Planina Residential Treatment Institution, Logatec Education and Training Institution, and Veržej Primary School – Dom Unit. The latter six admit adolescents also on the basis of **decisions of (criminal) courts (as an educational measure)**. Adolescents with moderate, serious and severe mental disorders for whom the courts issue an educational measure for admission to an institution are accommodated in Črna na Koroškem Special Education, Work and Care Centre. This institution implements a special education and training programme, and adolescents require a decision on placement.

Number of visits

In 2014, we visited the following five institutions:

- Fran Milčinski Smednik Educational Institution,
- Višnja Gora Educational Institution,
- Logatec Education and Training Institution,
- Črna na Koroškem Special Education, Work and Care Centre, and
- Jarše Youth Home.

These were repeated (unannounced) visits.

Organisation of institutions

The organisation of institutions which we visited again did not change in comparison to the visits implemented two years ago. One institution (Črna na Koroškem Special Education, Work and Care Centre) is organised as a classic educational institution where adolescents are organised in educational groups; in addition to classic educational groups, three institutions (Smednik Educational Institution, Višnja Gora Educational Institution and Logatec Education and Training Institution) have one or more residential groups at other locations. The adolescents in Jarše Youth Home are accommodated exclusively in residential groups at various locations. All visited institutions have internally organised primary or secondary schools (they implement adjusted primary school programme and adjusted secondary school programmes; Črna na Koroškem Special Education, Work and Care Centre implements only a special education and training programme).

All institutions comply with legislative standards on the number of adolescents in groups and the number, type and level of education of staff. Most primary school pupils from residential groups attend external primary schools, and secondary school students attend regular secondary schools.

Ugotovitve DPM na podlagi obiskov

Upoštevajoč standarde in normative za delo z mladostniki s čustvenimi in vedenjskimi motnjami, je po oceni DPM število strokovnega osebja primerno, prav tako tudi njihova vrsta in stopnja izobrazbe, ki je v skladu z zakonom.

DPM se zdi vprašljivo, da so v skupinah skupaj mladostniki s kriminalno preteklostjo in mladostniki, ki so vključeni v zavode na podlagi odločb centrov za socialno delo zaradi težav v družini, vzgojne in vedenjske zanemarjenosti, slabe učne uspešnosti in drugih razlogov.

Prostorske razmere so v obiskanih zavodih primerne. V ponovno obiskanih zavodih so pogoji dela ostali nespremenjeni, opazne pa postajajo posledice zmanjševanja finančnih sredstev ministrstev za investicijsko vzdrževanje in obnavljanje opreme. Še posebej to velja za zavode, ki sprejemajo mladostnike na podlagi odločb sodišč (ZVI Logatec, CUDV Črna, VIZ Višnja Gora), saj so v vzgojnem in vedenjskem smislu še težavnejši.

Obiskani zavodi imajo izdelane publikacije s temeljnimi informacijami o svojem delu. Informativno gradivo je objavljeno tudi na spletnih straneh posameznega zavoda. Vzgojno delo poteka na podlagi veljavnega vzgojnega programa izpred desetih let, ki je potreben prenove in posodobitve.

DPM meni, da vzgojni zavodi primerno izpolnjujejo svoje poslanstvo. Pritožb zoper ravnanje zaposlenih v zavodih in zatrevanja kršitev človekovih pravic je bilo na podlagi pogovorov z mladostniki le malo, pa še te niso bile tako konkretne, da bi predstavniki DPM pritožbe zoper ravnanje osebja lahko preiskali. Največ pohval in zadovoljstva z odnosom med mladostniki in vzgojnim osebjem so izrazili mladostniki v MD Jarše in VZ Smlednik.

DPM ugotavlja, da so zavodi, razen enega (VIZ Višnja Gora), upoštevali priporočila DPM iz leta 2013: skrbijo za posodabljanje spletnih strani, imajo objavljena pravila bivanja, hišni red, vzgojni načrt z načini vzgojnega ukrepanja in vrstami ukrepov, skrbijo za to, da individualiziran program podpiše tudi mladostnik.

DPM dvomi, da se v primerih, ko je mladostnik napoten v zavod s sklepom sodišča in vključen z izvršbo (na silo), to izkaže kot uspešno. Z mladostnikom, ki se s sprejemom v zavod ne strinja in je do življenja in dela v zavodu odklonilen, je zelo težko vzpostaviti sodelovalen odnos.

Priporočila DPM

DPM še vedno meni, da je delo z mladostniki s čustvenimi in vedenjskimi motnjami v stanovanjskih skupinah primernejša organizacijska oblika od klasičnega modela. Zato priporoča, da je v manjšem obsegu smiselno ohraniti klasični model organiziranja, s tem pa tudi možnost namestitve v klasične vzgojne skupine za mladostnike, ki potrebujejo bolj strukturiran program in strožji nadzor.

DPM je ponovno zaznal problem ustreznosti vrste izobrazbe za delo z mladostniki s kriminalno preteklostjo. Oblikovanje ustrežnejših rešitev predlaga strokovnjakom (kadrovski šoli) in ministrstvom za izobraževanje, delo, pravosodje in zdravje.

DPM priporoča, da bi vzgojnemu programu dodali tudi vsebine, ki bi bile primernejše oziroma bolj smiselne za (pre)vzgojno delo z mladostniki z izrečenim vzgojnim ukrepom.

Skrb zbujajoče je krčenje finančnih sredstev za investicijsko vzdrževanje in obnavljanje opreme. Zaznati je, da se doslej prijetno bivanjsko okolje vsaj v nekaterih zavodih slabša.

Posodobitev vzgojnega programa je nujna, prav tako bi bila primerna dopolnitev z vsebinami in metodami dela za mladostnike z izrečenim vzgojnim ukrepom.

The NPM findings on the basis of the visits

Taking into account the standards specifying work with adolescents with emotional and behavioural disorders, the number of expert personnel is adequate, including their type and level of education which comply with the legislation.

The NPM finds it questionable whether it is suitable that groups combine adolescents with a criminal past and those admitted to the institutions on the basis of decisions by social work centres due to problems in their families, educational and behavioural neglect, poor academic performance and other reasons.

Spatial conditions in the visited institutions are suitable. The working conditions remained unchanged in the visited institutions. The consequences of reduced funds from ministries for investments in maintenance and renovation of equipment are becoming visible. This particularly applies to institutions which accommodate adolescents on the basis of court decisions (Logatec Education and Training Institution, Črna na Koroškem Special Education, Work and Care Centre and Višnja Gora Educational Institution), where the conditions are even more severe in terms of education and behaviour.

The visited institutions have publications containing basic information about their work. Information materials are also published on the website of each institution. Educational work is implemented on the basis of the applicable educational programme drafted ten years ago, which is in need of renovation and modernisation.

According to the DPM, the visited institutions fulfil their missions accordingly. There were only a few complaints against treatment by the staff and about violations of human rights in interviews with the adolescents and these were not concrete enough for the NPM representatives to examine. The residents in Jarše Youth Home and Smlednik Educational Institution expressed the most praise and satisfaction about the relationship between themselves and the educational staff.

The NPM established that the institutions, except one (Višnja Gora Educational Institution), observed the NPM recommendations from 2013: they update their websites; publish their house rules, the educational plan with educational methods and types of measures, and ensure that the adolescents also sign individualised programmes.

The NPM doubts that this is successful in cases when an adolescent is referred to an institution by way of a court decision and compulsorily inclusion. It is very difficult to establish a collaborative relationship with an adolescent who does not accept admission to the institution and who has a negative attitude to life and work in the institution.

The NPM recommendations

According to the DPM, working with adolescents with emotional and behavioural disorders in residential groups is a more suitable organisational form than the classic model. The NPM thus recommends that the classic model of organisation be preserved to a certain extent, including the possibility of accommodation in classic educational groups for adolescents who require a more structured programme and stricter supervision.

The NPM again detected the issue of the type of education suitable for working with adolescents with a criminal past. It is proposed that more appropriate solutions be found by the experts (staff service) and the ministries of education, labour, justice and health.

The NPM suggests that the educational programme be supplemented with contents more suitable or sensible for (re)educational work with adolescents subject to educational measures.

The cutting of financial means for investments in maintenance and renovation of equipment is particularly worrying. We noted that the pleasant living environment has been deteriorating in certain institutions.

The modernisation of the educational programme is necessary; the supplementation of content and working methods intended for adolescents subject to educational measures would also be suitable.

DPM ponovno priporoča vzpostavitev enotnih pravnih podlag za delovanje vseh vzgojnih zavodov, pa tudi za področje nadzora in s tem pristojnosti inšpekcij. Na področju nadzorstva nad izvajanjem vzgojnega programa, ki ga predpisuje ZIKS-1, namreč še vedno prihaja do pomanjkljivosti, saj je težava v razmejitvi pristojnosti različnih resornih inšpekcij štirih ministrstev.

Ponovno priporoča, da bi s strokami pri prenovi vzgojnega programa poskušali razmejiti doktrine socialnopedagoške, zdravstvene, socialne in penološke stroke.

Prav tako je možnost odklonitve posameznega mladostnika za vključitev v zavod ali njegov predčasni odpuščanje treba urediti v ustreznih zakonskih določbah.

DPM priporoča jasnejšo opredelitev dolžnosti staršev, ki so ohranili roditeljsko pravico.

Poleg tega predlaga javno objavo prostih zmogljivosti v zavodih na spletni strani posameznega zavoda.

Še vedno ni napredka na področju obravnav mladostnikov s psihiatričnimi težavami in zelo agresivnim vedenjem, za katere ni ustrezno poskrbljeno. Hospitalizacija na zaprtih oddelkih psihiatričnih bolnišnic za odrasle zanje namreč ni primerna rešitev.

DPM opozarja na neuskladenost predpisov s področja kaznovalne politike za mladoletnike in šolskih predpisov in priporoča njihovo usklajevanje. Za nekatere zavode, v katere se vključujejo mladostniki po odločbah sodišč, je poleg te odločbe potrebna tudi odločba o usmeritvi v vzgojno-izobraževalni program (CUDV Črna, ZVI Logatec, VZ Planina, Osnovna šola Veržej – enota Dom, VIZ Višnja Gora), za druge pa ne (npr. VZ Slivnica, ki znotraj zavoda vzgojno-izobraževalnih programov ne izvaja).

Odzivi pristojnih organov in institucij

Poročila o obiskih v vzgojnih zavodih smo najkasneje v mesecu dni po opravljenem obisku posredovali pristojnemu ministrstvu in vsakemu od obiskanih zavodov. Obe ministrstvi (MIZŠ in MDDSZ) sta se na naše predloge in priporočila odzvali v postavljenem roku. V svojih odzivih so pristojni zagotovili, da bodo predloge in priporočila DPM upoštevali pri pripravi sprememb in dopolnitev zakonskih in drugih predpisov. Zagotovili so, da bodo spremembe pripravljali skupaj (predstavniki MIZŠ, MDDSZ in MP). Žal pa ugotavljamo, da sta ministrstvi to obljubili že ob prejšnjih obiskih (v letih 2010, 2011, 2012 in 2013), a se stanje na tem področju do zdaj še ni izboljšalo, saj naj bi bili predpisi še vedno v pripravi.

Pohvalno je, da smo v okviru priporočil DPM dosegli, da je Oddelek za socialno pedagogiko Pedagoške fakultete v Ljubljani začel po več letih premora ponovno izvajati socialno pedagoško dokvalifikacijo, kar bo omogočilo strokovnjakom z drugo vrsto izobrazbe (psihologom, socialnim delavcem, učiteljem posameznih strok), da bodo v kratkem izpolnili pogoje za zaposlitev za nedoločen čas in pogoje za napredovanje. To je pomembno, saj se bo zmanjšala fluktuacija strokovnega kadra, predvsem mladih, ki bi želeli delati z mladostniki s čustvenimi in vedenjskimi motnjami.

Na poročila DPM se obiskani zavodi, razen enega, niso posebej odzivali. Ocenjujemo, da so priporočila in predloge sprejeli ali jih vsaj vzeli na znanje. Izjema pri tem je le CUDV Črna na Koroškem, ki nam je poslal svoj pisni odgovor. V odgovoru je direktorica pojasnila, da predloga oziroma priporočila DPM glede hranjenja dokumentacije za mladostnike na enem mestu zaradi prostorske stiske in velikega števila uporabnikov celotnega zavoda (ne le mladostnikov!) zaenkrat ne morejo upoštevati. V zavodu pa so sprejeli predlog DPM za organizacijo pogovorov z mladostniki na temo problemov odvisnosti od drog in organizacijo izobraževalnega pogovora na to temo za starše. Sicer pa je direktorica v svojem odzivu sporočila še, da podpira vsa druga priporočila DPM, ki so bila namenjena MDDSZ za ureditev razmer na sistemskem področju in za zagotavljanje več finančnih sredstev za investicijsko vzdrževanje in opremo.

The NPM again recommends the establishment of uniform legal bases for the functioning of all educational institutions, including in the field of supervision and thus powers of inspection services. Deficiencies still occur in the supervision of the implementation of educational programmes as stipulated by the ZIKS-1, since there is a problem in the delimitation of powers of the different line inspection services of the four ministries.

It is recommended that the experts try to delimit the doctrines of socio-pedagogical, medical, social and penal fields when renovating the educational programme.

The possibility of the adolescent's refusal to be admitted to the institution or their early release must also be arranged with suitable legal provisions.

The NPM proposes a clearer definition of the duties of parents who still have parental rights.

The available capacities of institutions should be published on the websites of individual institutions.

There had still been no progress in the treatment of adolescents with mental disorders and very aggressive behaviour. Hospitalisation in secure wards of psychiatric hospitals for adults is not a suitable solution for them.

The NPM also highlights the inconsistency between regulations in the field of penal policy for adolescents and school regulations, and recommends that they be harmonised. In addition to a court decision, adolescents being transferred to certain institutions must also obtain decisions on placement in education and training programmes (Črna na Koroškem Special Education, Work and Care Centre, Logatec Education and Training Institution, Planina Residential Treatment Institution, Veržej Primary School – Dom Unit and Višnja Gora Educational Institution), which are not required in other institutions (e.g. Slivnica pri Mariboru Residential Treatment Institution, which does not implement education and training programmes with the institution).

Response of competent bodies and institutions

The reports on the visits to educational institutions were submitted to the relevant ministry and each visited institution no later than one month after the implementation of the visit. Both ministries (Ministry of Education, Science and Sport and the Ministry of Labour, Family, Social Affairs and Equal Opportunities) responded to our proposals and recommendations within the determined time limit. The competent bodies established in their responses that the NPM proposals and recommendations would be observed when drafting amendments to legal and other regulations. They ensured us that they would draft the amendments together (representatives of the Ministry of Education, Science and Sport, the Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Ministry of Justice). Unfortunately, the ministries have promised the aforementioned after our previous visits (in 2010, 2011, 2012 and 2013), and the situation has not improved in this field, since the regulations were still supposedly in preparation.

However, it is commendable that within the NPM recommendations, the Department of Social Pedagogy at the Faculty of Education in Ljubljana again started implementing additional social-pedagogic qualifications after an interruption of several years, which would enable professionals with different education (psychologists, social workers, teachers in different fields) to meet the requirements for permanent employment and the conditions for promotion in a shorter time. This is important to prevent the fluctuation of expert staff, particularly young people who are willing to work with adolescents with emotional and behavioural disorders.

With one exception, the visited institutions did not explicitly respond to the NPM reports. We assume that the recommendations and proposals were accepted or at least considered. The only exception was Črna na Koroškem Special Education, Work and Care Centre which submitted its written reply, in which the director explained that the proposal or the NPM recommendation about storing documentation in one place could not be observed at the present time due to the lack of space and the large number of residents (not only adolescents!). The institution accepted the NPM proposal to organise discussions with the adolescents on the topic of drug addiction and the organisation of an educational discussion on the same topic with parents. The director also wrote that she supported all other recommendations from the NPM which were directed at the Ministry of Labour, Family, Social Affairs and Equal Opportunities for the arrangement of conditions in the systemic field and the provision of increased financial means for investments in maintenance and equipment.



1.7 Obisk Centra za tujce

Osnovni podatki o lokaciji:

Tip lokacije: Center za tujce (CT)

Kategorije oseb, ki jim je bila odvzeta prostost: tujci¹⁷ in nekateri prosilci za mednarodno zaščito,¹⁸ ki so nedovoljeno vstopili v Republiko Slovenijo

Uradna zmogljivost in dejanska zasedenost lokacije na dan obiska: uradna zmogljivost CT je 220 mest. Na dan našega obiska je bilo v CT 10 tujcev. V obdobju od 1. 1. 2014 do 4. 12. 2014 je bilo v CT nastanjenih 291 oseb, od tega je bilo 273 tujcev, nastanjenih na podlagi odločb o nastanitvi, 18 prosilcem za mednarodno zaščito pa je bilo s sklepom omejeno gibanje na prostore CT. V obdobju od 24. 1. 2014 do vključno 24. 8. 2014 je bilo v CT nastanjenih 28 mladoletnih tujcev brez spremstva.

Potek obiska in priprava poročila:

Obisk je bil nenapovedan in opravljen dne 4. 12. 2014.¹⁹

Skupina za obisk: trije predstavniki Varuha (namestnik varuhinje, višja svetovalka II in sodelavka) in predstavnica nevladnih organizacij (SKUP); pri delu nadzora, ki se nanaša na zdravstveno varstvo in zdravniško oskrbo, je dne 30. 12. 2014 opravil obisk tudi zunanji izvedenec (dr. med., spec. splošne kirurgije).

Vsebina obiska: v odsotnosti vodje CT nas je sprejel pomočnik vodje CT, kasneje pa se je obisku pridružil tudi vodja CT. Po uvodnem razgovoru smo opravili ogled prostorov in se pogovorili s posameznimi tujci na moškem oddelku in na oddelku za ranljive skupine. Ob koncu ogleda je sledil zaključni razgovor.

Poročanje: poročilo o obisku je bilo posredovano Ministrstvu za notranje zadeve (MNZ) 23. 1. 2015, in sicer skupaj s predlogom, da ga obravnava in nam v roku 30 dni sporoči morebitna stališča glede v njem izpostavljenega; tozadevni odgovor smo s strani organa prejeli 27. 2. 2012, torej 35. dan po odpremi.

¹⁷ Tujci, ki ne zapustijo države v določenem roku in jih ni mogoče takoj odstraniti iz države (56., 93. člen Zakona o tujcih); tujci, katerih istovetnost ni znana (56. člen Zakona o tujcih); tujci, ki imajo izrečen izgon (50., 93. člen Zakona o tujcih); mladoletni tujci brez spremstva (60. člen Zakona o tujcih); tujci, ki so v RS nezakonito in čakajo na odstranitev po meddržavnem sporazumu do predaje tujim varnostnim organom (nameščeni tujec do 48 ur; 5. člen Pravilnika o posebnih pravilih bivanja in gibanja tujcev v centru za tujce in pogojih ter postopku za uporabo milejših ukrepov); tujci, ki so v postopku prisilne odstranitve, ali tujci, ki niso zapustili RS in so ponovno zaprosili za azil (56. člen Zakon o mednarodni zaščiti).

¹⁸ Prosilci za mednarodno zaščito, ki jim je s sklepom na podlagi Zakona o mednarodni zaščiti omejeno gibanje (51. člen Zakona o mednarodni zaščiti) in prosilci za mednarodno zaščito, ki jim je bil izdan sklep na podlagi Uredbe Sveta (ES) (51. člen Zakona o mednarodni zaščiti).

¹⁹ Prejšnji obisk CT je bil opravljen 3. 10. 2012, kontrolni obisk pa 23. 1. 2013.

1.7 Visit to the Aliens Centre

Basic data on the location:

Type of location: Aliens Centre (Centre)

Categories of persons deprived of liberty: aliens¹⁷ and certain applicants for international protection,¹⁸ who entered the Republic of Slovenia illegally.

Official capacity and actual occupancy of the location on the day of the visit: the official capacity of the Centre is 220 places. On the day of our visit, there were 10 aliens in the Centre. In the period from 1 January 2014 to 4 December 2014, 291 persons had been accommodated at the Centre, of whom 273 aliens were accommodated on the basis of decisions on accommodation; 18 were applicants for international protection the movement was limited to the premises of the Centre. In the period from 24 January 2014 to including 24 August 2014, 28 unaccompanied alien minors had been accommodated in the Centre.

Course of the visit and preparation of the report:

The visit was unannounced and conducted on 4 December 2014.¹⁹

Visiting group: three representatives of the Ombudsman (Deputy Ombudsman, senior adviser II and a worker) and one representative of the NGOs (SKUP); the external expert (specialist in general surgery) conducted his visit on 30 December 2014 in the section referring to medical and health care.

Content of the visit: in the absence of the Centre's manager, we were received by the assistant manager and the manager joined us later. After the introductory discussion, we reviewed the premises and interviewed individual aliens in the men's unit and the unit for vulnerable groups. A concluding discussion followed the review.

Reporting: the report on the visit was submitted to the Ministry of the Interior (MI) on 23 January 2015, i.e. together with the proposal to be discussed and that possible positions on the discussed issues be submitted to us within 30 days. The relevant authority submitted its reply on 27 February 2015, i.e. 35 days after its delivery.

¹⁷ An alien who fails to leave the country by the specified deadline and who, for whatever reason, cannot be removed immediately (Articles 56 and 93 of the Aliens Act); aliens whose identity is unknown (Article 56 of the Aliens Act); aliens to be deported (Article 50 and 93 of the Aliens Act); unaccompanied alien minors (Article 60 of the Aliens Act); aliens who entered the Republic of Slovenia illegally and are waiting to be extradited as per the international agreement to foreign security authorities (aliens accommodated up to 48 hours; Article 5 of the Rules on the stay and movement of aliens at the Aliens Centre and the Conditions for the use of milder measures), aliens in the process of forcible removal or aliens who failed to leave the Republic of Slovenia and reapplied for asylum (Article 56 of the International Protection Act).

¹⁸ Applicants for international protection whose movement has been restricted with a decision on the basis of the International Protection Act (Article 51 of the International Protection Act) and applicants for international protection who were issued a decision on the basis of the Council Regulation (EC) (Article 51 of the International Protection Act).

¹⁹ The previous visit to the Centre was conducted on 3 October 2012, and the control visit on 23 January 2013.

Pomembnejše ugotovitve in predlogi ter odzivi pristojnih

DPM je posebej pohvalil:

- pridobitev dveh sob za posebne kategorije tujcev, v katerih sta lahko nastanjeni po dve osebi (skupno štiri), saj tako CT lažje omogoča varnost tujcev kot tudi varnost zaposlenih,²⁰
- da je v postopku preurejanja in opremljanja tudi soba za prostočasne aktivnosti,
- da CT načrtuje obnovitvena dela, ki nedvomno pomenijo izboljšanje obstoječega stanja,²¹
- da CT zaradi zdravstvenih in higienskih razlogov odsvetuje prenašanje hrane v bivalne prostore,
- da je CT upošteval predlog DPM in glede na majhno število tujcev omogočil pogostejšo uporabo računalniške sobe.

Predlog DPM	Odziv pristojnih
DPM: Predlagamo, da se sobi za posebne kategorije tujcev primerno označita. ²²	MNZ: Sporočamo, da je priporočilo že realizirano.
DPM: Predlagamo, da se zaradi nepredvidenih oziroma nenačrtovanih nastanitev mladoletnih tujcev oziroma invalidov – tujcev oddelek redno in pogosteje prezračuje. ²³	MNZ: Sporočamo, da se priporočilo že uresničuje oziroma se v celoti izvaja.
DPM: Predlagamo, da se vzmetnica na moškem oddelku nadomesti z novo. ²⁴	MNZ: Sporočamo, da je priporočilo že realizirano.
DPM: Predlagamo, da CT zagotovi prevode jedilnega lista v jedilnici oziroma naj CT poskrbi za prevode jedilnikov še v druge najpogostejše tuje jezike tudi na prevzemnem pultu. ²⁵	MNZ: Sporočamo, da je bila ob obisku DPM v CT dana na vpogled vsa pisna korespondenca s pogodbenim izvajalcem, ki zagotavlja prehrano tujcev. Poleg tega so bili pokazani vsi prevodi jedilnikov, vključno z zadnjim, ki je bil izobešen tudi v jedilnici na oglasni deski. CT je upošteval priporočilo o prestavitvi prevoda na delilni pult. Glede dodatnih prevodov pa želimo pojasniti, da doslej v CT ni bila zabeležena nobena pritožba tujcev glede prevodov ali zaznana kakršna koli želja po tem, da bi jedilniki bili prevedeni še v druge jezike. Zato bo CT še naprej ohranjal prakso prevajanja jedilnika v angleški jezik. V druge jezike bo jedilnik preveden v primeru, da bo CT to potrebo zaznal s strani tujcev.

20 Tovrstno pridobitev so naredili zaradi potrebe po nadzoru tujcev iz zdravstvenih razlogov, kasneje pa so videli smisel uporabe tudi v primerih za tiste tujce, ki želijo biti sami.

21 CT ima namen obnoviti moški oddelek (skupni prostor in sanitarije), senčila, fasado in do 30. 6. 2015 zaključiti renovacijo ostrešja. Ena od večjih novitet je tudi namen pridobiti razširjeno sprehajalno pot znotraj atrija in povečan nadstrešek, tako da bodo tujci v prihodnje imeli več prostora za gibanje na svežem zraku, tudi ob slabem vremenu.

22 Sobi za posebne kategorije tujcev imata vsaka svoj televizor, sanitarije, dve postelji, mizo z dvema stoloma, polici (2), televizor, ustrezno označeno govorno in videonapravo, rjuhe. Svetloba v sobah je primerna (naravna in umetna), prav tako prezračevanje – oboje regulira dežurni policist, ki je v času nastanjenih oseb v dežurni sobi, ki je v neposredni bližini (sosednja soba). Pri ogledu smo opazili, da sobi nista oštevilčeni.

23 Oddelek za mladoletnike je v pritličju skupnih prostorov, v primerih invalidnih oziroma gibalno oviranih tujcev pa se ti prostori uporabljajo za slednje. Na tem oddelku so štiri sobe – vsaka ima tri pogače, mizo in dva stola. Na oddelku je bilo zaznani zatočnost.

24 Pri ogledu smo v sobi 109 opazili, da je na eni od postelj (spodaj desno) raztrgana vzmetnica.

25 Ob prejšnjem kontrolnem obisku je bilo ugotovljeno, da je bilo priporočilo glede prevoda jedilnika v tuj/-e jezike delno upoštevano, saj je bil v jedilnici le jedilnik v slovenskem jeziku. Ob tokratnem obisku smo ugotovili, da je na oglasni deski v jedilnici na voljo prevod jedilnega lista v angleškem jeziku, na prevzemnem pultu pa jedilni list v slovenskem jeziku.

Important findings and proposals and response from the competent authority

The NPM particularly commended:

- the acquisition of two rooms for special categories of aliens where only two persons may be accommodated (a total of four persons), since this enables the Centre to provide better safety of aliens and the staff;²⁰
- that the room for free-time activities was also being rearranged and decorated;
- that the Centre was planning renovation works which denote the improvement of the current situation;²¹
- that the Centre advises against bringing food into living quarters for reasons of health and hygiene;
- that the Centre observed the NPM recommendation and enabled more frequent use of the computer room given the small number of residents.

NPM proposal	Response from competent authorities
NPM: We propose that two rooms for special categories of residents be marked accordingly. ²²	MI: The recommendation was implemented.
NPM: We suggest that the unit be regularly and more frequently aired due to the unanticipated or unplanned accommodation of alien minors or disabled persons. ²³	MI: The recommendation is being realised or fully implemented.
NPM: We suggest that a mattress in the men's unit be replaced. ²⁴	MI: The recommendation was implemented.
NPM: We suggest that the Centre provide a translation of the menu in the dining room, or the Centre should provide a translation of the menus into other frequent languages also at the food distribution counter. ²⁵	MI: The NPM was able to review all the written correspondence of the Centre with its contractual food provider. All translations of the menus, including the last one which was displayed on the notice board in the dining room, were submitted for review. The Centre observed the recommendation and moved the translation of the menu to the food distribution counter. Relating to additional translations, we wish to clarify that the Centre had not received any complaints from residents about the translations or noted any request for menus to be translated. The Centre will thus continue the practice of translating the menu into English. The menu will be translated into other languages if the Centre perceives a need among residents.

20 This acquisition was needed for the supervision of aliens for medical reasons; later it was established that the rooms could also be used for aliens who wished to be alone.

21 The Centre intended to renovate the men's unit (common area and toilets), blinds and façade, and complete the renovation of the roof by 30 June 2015. One of major novelties that are planned is an extended walking path within the atrium and an extension to the overhanging roof so that the residents would have more room to exercise in the fresh air also in bad weather.

22 Each room for special categories of residents has a television, a toilet, two beds, a table with two chairs, two shelves, suitably marked audio and video devices, and sheets. The lighting in the rooms is suitable (natural and artificial), including ventilation; both are being regulated by an on-duty police officer, who is in a duty room situated next to the rooms for special categories of residents. During our review, we noticed that the rooms were not marked.

23 The unit for minors is located on the ground floor; in the case of the accommodation of the disabled or movement-impaired residents, these premises are used by the latter. This unit has four rooms; each has three bunk beds, a table and two chairs. This unit was found to be stuffy.

24 When reviewing the premises, we noticed a torn mattress on one of the beds (bottom right) in room 109.

25 During the previous control visit, it was established that the recommendation on the translation of the menu into foreign language(s) had only been partly observed, because the menu in the dining room was in Slovenian only. On this occasion, we established that the menu on the notice board in the dining room was in English, and the menu on the food distribution counter was in Slovenian.

DPM: Predlagamo, da CT zagotovi manjkajoče pripomočke za vzpostavitev dihalne poti in jeklenke s kisikom. ²⁶	MNZ: CT bo sledil priporočilu in pristojni službi podal ustrezen predlog za nabavo manjkajoče opreme, njegova realizacija pa bo odvisna od finančnih zmožnosti.
DPM: Predlagamo, da CT še naprej vztraja, da na bivalnih oddelkih ne bi prihajalo do vnosov hrane. ²⁷	MNZ: Sporočamo, da se priporočilo že uresničuje oziroma se v celoti izvaja.
DPM: Ugotavljamo, da ima CT elektrokardiograf (EKG) v prostorih, namenjenih za zdravstveno oskrbo, zato ob tem DPM predlaga, da se ga tudi uporablja. ²⁸	MNZ: Sporočamo, da se priporočilo že uresničuje oziroma se v celoti izvaja.
DPM: Predlagamo, da CT še naprej stremi k sodelovanju z IOM, saj se tujcem na tak način omogoči reintegracija oziroma omogoča začetek dostojnejšega življenja v okolju. ²⁹	MNZ: Sporočamo, da se priporočilo že uresničuje oziroma se v celoti izvaja.
DPM: Priporočamo skrb osebja CT za preprečevanje nasilja med nastanjenimi tujci. ³⁰	MNZ: Sporočamo, da se priporočilo že uresničuje oziroma se v celoti izvaja.
DPM: Predlagamo, da je osebje v prihodnje bolj pozorno na zdravstveno stanje tujcev in upošteva vsakršno opozorilo tujca na slabo počutje ali druge zdravstvene težave. ³¹	MNZ: Sporočamo, da se priporočilo že uresničuje oziroma se v celoti izvaja.

26 Ob obisku izvedenec ugotavlja, da CT ne razpolaga s pripomočki za vzpostavitev dihalne poti in jeklenke s kisikom in meni, da je za zagotavljanje kakovostne in zanesljive zdravstvene oskrbe treba imeti manjkajoče zdravstvene pripomočke za izvajanje postopkov v življenjsko nevarnih situacijah.

27 Med obiskom nam je bilo pojasnjeno, da se osebje v CT srečuje s problematiko prenašanja hrane v bivanjske prostore in se hkrati trudi, da do teh vnosov ne bi prihajalo.

28 Pri ogledu zdravstvenih prostorov je izvedenec ugotovil, da CT razpolaga z elektrokardiografom, katerega pa CT ne uporablja.

29 V času obiska DPM smo se pogovorili s tujci na oddelku za ranljive skupine in na moškem oddelku. Na oddelku za ranljive skupine sta bili v tistem trenutku nastanjeni dve osebi (ženski), mati in njena mladoletna hči, državljanke Bosne in Hercegovine. Obe sta privolili v prostovoljno vrnitev v svojo matično državo, pri prostovoljni vrnitvi (asistenca pri odstranitvi) pa jima bo pomagala vodilna mednarodna nevladna organizacija IOM.

30 DPM glede na število kršitev in število uporabe prisilnih sredstev ne ugotavlja prekomerne uporabe le-teh. Stalno je treba preprečevati vsa morebitna nadlegovanja, grožnje in tudi vse oblike fizičnega nasilja z uporabo sob za posebne kategorije tujcev, ki sta namenjeni za medsebojno ločitev posameznih tujcev.

31 Tujec je izrazil nezadovoljstvo z zdravniško oskrbo v CT, pri čemer je že dlje časa opozarjal osebje na svoje zdravstvene težave (dermatološko stanje). Iz njegovih navedb je bilo zaznati, da tujec ni bil zadovoljivo zdravstveno oskrbljen, zato je mogoče sklepati, da je njegova negotovost utemeljena, kar se je naposled izkazalo iz izvedeniškega poročila, da je imel tujec Scabies (garje), za kar so po navedbah izvedenca v CT poskrbeli.

NPM: We propose that the Centre ensure the missing apparatuses for clearing airways and oxygen cylinders. ²⁶	MI: The Centre will comply with the recommendation and submit a proposal to the relevant service for the supply of the requisite equipment; nevertheless, its realisation will depend on financial possibilities.
NPM: We propose that the Centre further insist that food should not be taken to the living quarters. ²⁷	MI: The recommendation is being realised or fully implemented.
NPM: We discovered that the Centre has an electrocardiogram (ECG) at the premises intended for health care, and the NPM thus proposed that the device be used. ²⁸	MI: The recommendation is being realised or fully implemented.
NPM: We propose that the Centre further strives to cooperate with the International Organisation for Migration (IOM) and thus enables the reintegration of residents or enables a start of a more dignified life in the environment. ²⁹	MI: The recommendation is being realised or fully implemented.
NPM: We propose that the Centre's staff does everything in their power to prevent violence between residents. ³⁰	MI: The recommendation is being realised or fully implemented.
NPM: We propose that the Centre's staff be more attentive about the medical condition of residents and observe any warnings among them about their poor health or other medical issues. ³¹	MI: The recommendation is being realised or fully implemented.

26 Upon the visit, the expert established that the centre did not have devices for clearing airways and oxygen cylinders and he believed that for the provision of qualitative and reliable medical care suitable medical apparatuses for the implementation of procedures in life-threatening situations must be provided.

27 During the visit, it was explained that the Centre's staff deal with the issue of food being brought into living quarters, and they were making every effort to prevent this.

28 When reviewing premises intended for health care, the expert established that the Centre has an electrocardiogram which was not being used.

29 During our visit, we spoke to aliens in the unit for vulnerable groups and aliens in the men's unit. Two women, a mother and her minor daughter, citizens of Bosnia and Herzegovina, were accommodated at the unit for vulnerable groups. Both agreed to voluntarily return to their country of origin, whereby the leading International Organisation for Migration (IOM) will be assisting them.

30 The NPM did not notice an excessive use of coercive measures relating to the number of violations and the number of applications of coercive measures. All possible cases of harassment, threats and all forms of physical violence must be prevented with the use of the rooms for special categories of aliens, which are intended for the separation of individual residents.

31 A resident expressed his dissatisfaction with the medical care at the Centre, because he had been pointing to his medical problems (dermatological condition) for some time. It was understood from his statements that he had not been suitably treated and it was possible to conclude that his uncertainty was justified, because it was revealed in the expert's report that the resident had scabies, which was then treated accordingly by the Centre.

1.8 Pregled obiskov DPM v letu 2014



Datum	Kraj dogodka	Udeleženci	Opis dogodka	Organizator
5. 2. 2014	Maribor	mag. Jure Markič in Miha Horvat, svetovalca Varuha, Stanka Radojčić (ZDUS), Sonja Škrabec Štefančič (Novi Paradoks) in izr. prof. dr. Peter Pregelj, dr. med., spec. psihiater (zunanji strokovni izvedenec)	Obisk Univerzitetnega kliničnega centra Maribor – Oddelek za psihiatrijo	Varuh človekovih pravic RS
6. 2. 2014	Trebnje in Novo mesto	Robert Gačnik, svetovalec Varuha, in Boris Nusdorfer (Pravno-informacijski center nevladnih organizacij – PIC)	Obisk Policijske postaje Trebnje in Policijske postaje Novo mesto.	Varuh človekovih pravic RS
12. 2. 2014	Nova Gorica	Ivan Šelih, namestnik varuhinje, Robert Gačnik, svetovalec Varuha, Katja Sodja (Inštitut Primus), Boris Nusdorfer (Pravno-informacijski center nevladnih organizacij – PIC) – pri obisku so sodelovali tudi predstavniki kazahstanskega NPM	Obisk Zavoda za prestajanje kazni zapora Koper, Oddelek Nova Gorica.	Varuh človekovih pravic RS
11. 3. 2014	Ljubljana	Robert Gačnik in Andreja Srebotnik, svetovalca Varuha, Miha Horvat in Marija Milavec Kapun (Zveza društev upokojencev Slovenije), Barbara Marič in Miha Nabergoj (Institut Primus); izvedenec doc. dr. Milan Popovič, dr. med, specialist splošne kirurgije je (v delu zdravstvene oskrbe in zdravstvenega varstva) obisk opravil 12. 3. 2014	Obisk Zavoda za prestajanje kazni zapora Ljubljana	Varuh človekovih pravic RS
18. 3. 2014	Vipava	dr. Ingrid Russi Zagožen, svetnica, Jasna Vunduk, svetnica, Ana Cajnko (Zveza društev upokojencev Slovenije), Barbara Marič (Pravno-informacijski center nevladnih organizacij – PIC); pogodbeni zunanji izvedenec izr. prof. dr. Peter Pregelj, dr. med., spec. psihiatrije je obisk opravil 19. 3. 2014	Obisk Centra starejših Pristan	Varuh človekovih pravic RS
25. 3. 2014	Ptuj, Središče ob Dravi in Gornja Radgona	Ivan Šelih, namestnik varuhinje, Robert Gačnik, svetovalec Varuha, Boris Nusdorfer (Pravno-informacijski center nevladnih organizacij – PIC)	Obisk Policijske postaje Ptuj, Postaje mejne policije (PMP) Središče ob Dravi in Policijske postaje Gornja Radgona	Varuh človekovih pravic RS

1.8 Review of NPM visits in 2014

Date	Place of event	Participants	Description of event	Organiser
5 February 2014	Maribor	Jure Markič, MA, and Miha Horvat, the Ombudsman's advisers, Stanka Radojčić (ZDUS), Sonja Škrabec Štefančič (Novi Paradoks) and Dr Peter Pregelj, specialist - psychiatrist (external expert)	Visit to Maribor University Medical Centre, Department of Psychiatry	Human Rights Ombudsman of the Republic of Slovenia
6 February 2014	Trebnje and Novo mesto	Robert Gačnik, the Ombudsman's adviser, and Boris Nusdorfer (Legal-Informational Centre for NGOs – PIC)	Visit to Trebnje Police Station and Novo mesto Police Station	Human Rights Ombudsman of the Republic of Slovenia
12 February 2014	Nova Gorica	Ivan Šelih, Deputy Ombudsman, Robert Gačnik, the Ombudsman's adviser, Katja Sodja (Inštitut Primus), Boris Nusdorfer (Legal-Informational Centre for NGOs – PIC) – representatives of the NPM from Kazakhstan also participated in the visit	Visit to Koper Prison, Nova Gorica Unit	Human Rights Ombudsman of the Republic of Slovenia
11 March 2014	Ljubljana	Robert Gačnik and Andreja Srebotnik, the Ombudsman's advisers, Miha Horvat and Marija Milavec Kapun (the Slovenian Federation of Pensioners' Associations), Barbara Marič and Miha Nabergoj (Institut Primus); expert Dr Milan Popovič, specialist in general surgery, conducted his visit on 12 March 2014 (in the section on medical and health care)	Visit to Ljubljana Prison	Human Rights Ombudsman of the Republic of Slovenia
18 March 2014	Vipava	Dr Ingrid Russi Zagožen, Councillor, Jasna Vunduk, Councillor, Ana Cajnko (the Slovenian Federation of Pensioners' Associations), Barbara Marič (Legal-Informational Centre for NGOs – PIC); the contractual external expert, Dr Peter Pregelj, specialist – psychiatrist, conducted his visit on 19 March 2014	Visit to Pristan Retirement Home	Human Rights Ombudsman of the Republic of Slovenia
25 March 2014	Ptuj, Središče ob Dravi and Gornja Radgona	Ivan Šelih, Deputy Ombudsman, Robert Gačnik, the Ombudsman's adviser, and Boris Nusdorfer (Legal-Informational Centre for NGOs – PIC)	Visit to Ptuj Police Station, Središče ob Dravi Border Police Station and Gornja Radgona Police Station	Human Rights Ombudsman of the Republic of Slovenia

8. 4. 2014	Trbovlje in Litija	Robert Gačnik, svetovalec Varuha, Katja Piršič (SKUP – Skupnost privatnih zavodov v okviru Inštituta Primus)	Obisk Policijske postaje Trbovlje in Policijske postaje Litija	Varuh človekovih pravic RS
9. 4. 2014	Kranjska Gora	dr. Ingrid Russi Zagožen in Jasna Vunduk, svetovalki Varuha, Ana Repič (Pravno-informacijski center nevladnih organizacij – PIC), Ana Cajnko (Zveza društev upokojencev Slovenije); dne 16. 4. 2014 je obisk opravil še pogodbeni zunanji izvedenec DPM, izr. prof. dr. Peter Pregelj, dr. med., spec. psihiater	Obisk Doma starejših Kranjska Gora, Dom Viharnik	Varuh človekovih pravic RS
16. 4. 2014	Višnja Gora	Brigita Urh, Jasna Vunduk in Kristjan Lovrak, svetovalci Varuha, Branka Pondelek (SKUP – Skupnost privatnih zavodov v okviru Inštituta Primus)	Obisk Vzgojno-izobraževalnega zavoda Višnja Gora (VIZ)	Varuh človekovih pravic RS
23. 4. 2014	Križevci pri Ljutomeru	mag. Jure Markič in Miha Horvat, svetovalca Varuha, Branka Pondelek (Primus); pri obisku je v delu nadzora, ki se nanaša na zdravstveno varstvo in zdravniško oskrbo, sodeloval tudi zunanji izvedenec, izr. prof. dr. Peter Pregelj, dr. med., spec. psihiater	Obisk Posebnega socialnovarstvenega zavoda Dom Lukavci, Križevci pri Ljutomeru	Varuh človekovih pravic RS
24. 4. 2014	Ig pri Ljubljani	Robert Gačnik in Andreja Srebotnik, svetovalca Varuha	Obisk Zavoda za prestajanje kazni zapora (ZPKZ) Ljubljana, Odprti oddelek Ig	Varuh človekovih pravic RS
8. 5. 2014	Ig pri Ljubljani	Ivan Šelih, namestnik varuhinje, Robert Gačnik, Andreja Srebotnik in Miha Horvat, svetovalci Varuha, predstavnika nevladnih organizacij – Stanka Radojičič (Zveza društev upokojencev Slovenije) in Boris Nusdorfer (Pravno-informacijski center nevladnih organizacij – PIC); doc. dr. Milan Popovič, dr. med, specialist splošne kirurgije je (v delu zdravstvene oskrbe in zdravstvenega varstva) obisk ZPKZ Ig opravil 20. 5. 2014; pri obisku so sodelovale predstavnice NPM Latvije	Obisk Zavoda za prestajanje kazni zapora (ZPKZ) Ljubljana, Odprti oddelek Ig – pogovor z vodstvom in zaprtimi osebami, ki so to želele	Varuh človekovih pravic RS

8 April 2014	Trbovlje and Litija	Robert Gačnik, the Ombudsman's adviser, Katja Piršič (SKUP – Community of Private Institutes within Inštitut Primus)	Visit to Trbovlje Police Station and Litija Police Station	Human Rights Ombudsman of the Republic of Slovenia
9 April 2014	Kranjska Gora	Dr Ingrid Russi Zagožen and Jasna Vunduk, the Ombudsman's advisers, Ana Repič (Legal-Informational Centre for NGOs – PIC), Ana Cajnko (the Slovenian Federation of Pensioners' Associations); on 16 April 2014, the visit was also conducted by the contractual external expert of the NPM, Dr Peter Pregelj, specialist – psychiatrist	Visit to the Viharnik Retirement Home in Kranjska Gora	Human Rights Ombudsman of the Republic of Slovenia
16 April 2014	Višnja Gora	Brigita Urh, Jasna Vunduk and Kristjan Lovrak, the Ombudsman's advisers, Branka Pondelek (SKUP – Community of Private Institutes within Inštitut Primus)	Visit to Višnja Gora Educational Institution	Human Rights Ombudsman of the Republic of Slovenia
23 April 2014	Križevci pri Ljutomeru	Jure Markič, MA, and Miha Horvat, the Ombudsman's advisers, Branka Pondelek (Primus); the contractual external expert of the NPM, Dr Peter Pregelj, specialist – psychiatrist, participated in the visit in the section referring to medical and health care	Visit to Dom Lukavci Special Social Care Institution in Križevci pri Ljutomeru	Human Rights Ombudsman of the Republic of Slovenia
24 April 2014	Ig pri Ljubljani	Robert Gačnik and Andreja Srebotnik, the Ombudsman's advisers	Visit to Ljubljana Prison, Ig Open Prison Unit	Human Rights Ombudsman of the Republic of Slovenia
8 May 2014	Ig pri Ljubljani	Ivan Šelih, Deputy Ombudsman, Robert Gačnik, Andreja Srebotnik and Miha Horvat, the Ombudsman's advisers, two representatives of NGOs: Stanka Radojičič (the Slovenian Federation of Pensioners' Associations) and Boris Nusdorfer (Legal-Informational Centre for NGOs – PIC); Dr Milan Popovič, specialist in general surgery, conducted his visit on 20 May 2014 (in the section on medical and health care); representatives of the NPM from Latvia were also participating in the visit	Visit to Ljubljana Prison, Ig Open Prison Unit and discussions with the management and prisoners who requested an interview	Human Rights Ombudsman of the Republic of Slovenia

15. 5. 2014	Ig pri Ljubljani	Ivan Šelih, namestnik varuhinje, Robert Gačnik in Andreja Srebotnik, svetovalca Varuha, Miha Nabergoj (Pravno-informacijski center nevladnih organizacij – PIC)	Dodatni dan obiska v ZPKZ Ig – razgovori z zaprtimi osebami in zaključni pogovor v zvezi z obiskom 8. 5. 2014	Varuh človekovih pravic RS
21. 5. 2014	Logatec	Brigita Urh in Jasna Vunduk, svetovalki Varuha, Branka Pondelek (Inštitut Primus) in Ana Repič (Pravno-informacijski center nevladnih organizacij – PIC)	Obisk Zavoda za vzgojo in izobraževanje Logatec (ZVIL)	Varuh človekovih pravic RS
27. 5. 2014	Ljubljana	Ivan Šelih, namestnik varuhinje, Robert Gačnik, svetovalec Varuha	Kontrolni obisk Centra za pridržanje Ljubljana, skupaj z udeleženci srečanja SEE Europe NPM Meetinga	Varuh človekovih pravic RS
10. 6. 2014	Nova Gorica in Bovec	Robert Gačnik, svetovalec Varuha, Branka Pondelek, predstavnica pogodbene nevladne organizacije (SKUP – Skupnost privatnih zavodov v okviru Inštituta Primus)	Obisk Policijske postaje Nova Gorica in Policijske postaje Bovec	Varuh človekovih pravic RS
23. 6. 2014	Rogoza	Miha Horvat in Robert Gačnik, svetovalca Varuha	Obisk Zavoda za prestajanje kazni zapora Maribor – Odpri oddelek Rogoza; preverjanje ravnanja s tamkajšnjimi osebami, ki jim je bila odvzeta prostost	Varuh človekovih pravic RS
16. 7. 2014	Notranje Gorice	dr. Ingrid Russi Zagožen in Jasna Vunduk, svetovalki Varuha, Leja Drobnak Škodlar, strokovna sodelavka Varuha, Stanka Radojičič (Zveza društev upokojencev Slovenije) in Slavica Smrtnik (Novi paradoks); dne 2. 9. 2014 je obisk opravila še pogodbenca zunanja izvedenka, doc. dr. Zdenka Čebašek-Travnik, dr. med., spec. psihiater	Obisk Centra starejših Notranje Gorice	Varuh človekovih pravic RS
24. 7. 2014	Begunje	mag. Jure Markič, Miha Horvat, svetovalca Varuha, Lea Drobnak Škodlar, strokovna sodelavka Varuha, Katja Sodja (Inštitut Primus), Srečko Brumen (Novi paradoks); v delu zdravstvenega varstva in zdravniške oskrbe je hkrati opravil obisk zunanji izvedenec, izr. prof. dr. Peter Pregelj, dr. med., spec. psihiater	Obisk Psihiatrične bolnišnice Begunje	Varuh človekovih pravic RS

15 May 2014	Ig pri Ljubljani	Ivan Šelih, Deputy Ombudsman, Robert Gačnik and Andreja Srebotnik, the Ombudsman's advisers, and Miha Nabergoj (Legal-Informational Centre for NGOs – PIC)	Additional day at Ig Open Prison Unit, interviews with prisoners and a concluding discussion relating to the visit of 8 May 2014	Human Rights Ombudsman of the Republic of Slovenia
21 May 2014	Logatec	Brigita Urh and Jasna Vunduk, the Ombudsman's advisers, Branka Pondelek (Inštitut Primus) and Ana Repič (Legal-Informational Centre for NGOs – PIC)	Visit to Logatec Juvenile and Education Institution	Human Rights Ombudsman of the Republic of Slovenia
27 May 2014	Ljubljana	Ivan Šelih, Deputy Ombudsman, Robert Gačnik, the Ombudsman's adviser	Control visit to Ljubljana Police Detention Centre together with participants of the SEE Europe NPM Network Meeting	Human Rights Ombudsman of the Republic of Slovenia
10 June 2014	Nova Gorica and Bovec	Robert Gačnik, the Ombudsman's adviser, Branka Pondelek, representative of the contractual NGO (SKUP – Community of Private Institutes within Inštitut Primus)	Visit to Nova Gorica Police Station and Bovec Police Station	Human Rights Ombudsman of the Republic of Slovenia
23 June 2014	Rogoza	Miha Horvat and Robert Gačnik, the Ombudsman's advisers	Visit to Maribor Prison, Rogoza Open Prison Unit; reviewing the treatment of persons deprived of their liberty	Human Rights Ombudsman of the Republic of Slovenia
16 July 2014	Notranje Gorice	Dr Ingrid Russi Zagožen and Jasna Vunduk, the Ombudsman's advisers, Leja Drobnak Škodlar, the Ombudsman's expert assistant, Stanka Radojičič (the Slovenian Federation of Pensioners' Associations) and Slavica Smrtnik (Novi paradoks); the contractual external expert, Dr Zdenka Čebašek-Travnik, specialist – psychiatrist, conducted her visit on 2 September 2014	Visit to Notranje Gorice Residential Centre for the Elderly	Human Rights Ombudsman of the Republic of Slovenia
24 July 2014	Begunje	Jure Markič, MA, and Miha Horvat, the Ombudsman's advisers, Lea Drobnak Škodlar, the Ombudsman's expert assistant, Katja Sodja (Inštitut Primus), Srečko Brumen (Novi paradoks); the contractual external expert, Dr Peter Pregelj, specialist – psychiatrist, participated in the visit in the section referring to the medical and health care	Visit to Begunje Psychiatric Hospital	Human Rights Ombudsman of the Republic of Slovenia

16. 9. 2014	Ormož	mag. Jure Markič, svetovalec Varuha, Lea Drobnak Škodlar, strokovna sodelavka Varuha, Stanka Radojičič (Zveza društev upokojencev Slovenije), Sonja Škrabec Štefančič (Novi paradoks); v delu zdravstvenega varstva in zdravniške oskrbe je naknadno opravil obisk zunanji izvedenec, izr. prof. dr. Peter Pregelj, dr. med., spec. psihiater	Obisk Psihiatrične bolnišnice Ormož	Varuh človekovih pravic RS
24. 9. 2014	Črna na Koroškem	Brigita Urh, svetovalka Varuha, Lea Drobnak Škodlar, strokovna sodelavka Varuha, Boris Nusdorfer (Pravno-informacijski center nevladnih organizacij – PIC)	Obisk Centra za usposabljanje, delo in varstvo Črna na Koroškem (CUDV)	Varuh človekovih pravic RS
30. 9. 2014	Celje	Ivan Šelih, namestnik varuhinje, Miha Horvat, Andreja Srebotnik, svetovalca Varuha, Leja Drobnak, strokovna sodelavka, predstavnika dveh nevladnih organizacij – Barbara Marič (Pravno-informacijski center nevladnih organizacij – PIC) in Primož Križnar (SKUP – Skupnost privatnih zavodov v okviru Inštituta Primus); izvedenec dr. Milan Popovič, dr. med., spec. kirurgije, ki pogodbeno sodeluje z DPM kot zunanji izvedenec, je v delu zdravstvene oskrbe in zdravstvenega varstva obisk opravil 1. 10. 2014	Obisk Zavoda za prestajanje mladoletniškega zapora in kazni zapora Celje	Varuh človekovih pravic RS
8. 10. 2014	Ljubljana	Ivan Šelih, namestnik varuhinje, Leja Drobnak Škodlar, strokovna sodelavka Varuha, ter Katja Sodja (Inštitut Primus)	Obisk Policijske postaje Ljubljana Šiška in Policijske postaje Ljubljana Vič	Varuh človekovih pravic RS
22. 10. 2014	Mladinski dom Jarše, Ljubljana	Brigita Urh, svetovalka Varuha, predstavnici izbranih nevladnih organizacij – Ana Repič (Pravno-informacijski center nevladnih organizacij – PIC) in Katja Piršič (Inštitut Primus)	Obisk Mladinskega doma Jarše	Varuh človekovih pravic RS
13. 11. 2014	Topolšica	dr. Ingrid Russi Zagožen, svetnica, Leja Drobnak Škodlar, sodelavka, Barbara Marič (Pravno-informacijski center nevladnih organizacij – PIC), Branka Pondelek (Inštitut Primus)	Obisk Centra starejših Zimzelen	Varuh človekovih pravic RS

16 September 2014	Ormož	Jure Markič, MA, the Ombudsman's adviser, Leja Drobnak Škodlar, the Ombudsman's expert assistant, Stanka Radojičič (the Slovenian Federation of Pensioners' Associations), Sonja Škrabec Štefančič (Novi paradoks); the contractual external expert, Dr Peter Pregelj, specialist – psychiatrist, conducted his visit in the section referring to medical and health care at a later date	Visit to Ormož Psychiatric Hospital	Human Rights Ombudsman of the Republic of Slovenia
24 September 2014	Črna na Koroškem	Brigita Urh, the Ombudsman's adviser, Leja Drobnak Škodlar, the Ombudsman's expert assistant, Boris Nusdorfer (Legal-Informational Centre for NGOs – PIC)	Visit to Črna na Koroškem Special Education, Work and Care Centre	Human Rights Ombudsman of the Republic of Slovenia
30 September 2014	Celje	Ivan Šelih, Deputy Ombudsman, Miha Horvat and Andreja Srebotnik, the Ombudsman's advisers, Leja Drobnak Škodlar, the Ombudsman's expert assistant, representatives of two NGOs: Barbara Marič (Legal-Informational Centre for NGOs – PIC) and Primož Križnar (SKUP – Community of Private Institutes within Inštitut Primus); the contractual external expert, Dr Prof Milan Popovič, specialist in general surgery, conducted his visit on 1 October 2014 in the section on medical and health care	Visit to Celje Prison and Juvenile Prison	Human Rights Ombudsman of the Republic of Slovenia
8 October 2014	Ljubljana	Ivan Šelih, Deputy Ombudsman, Leja Drobnak Škodlar, the Ombudsman's expert assistant and Katja Sodja (Inštitut Primus)	Visit to Ljubljana-Šiška Police Station and Ljubljana-Vič Police Station	Human Rights Ombudsman of the Republic of Slovenia
22 October 2014	Jarše Youth Home in Ljubljana	Brigita Urh, the Ombudsman's adviser, and two representatives of selected NGOs: Ana Repič (Legal-Informational Centre for NGOs – PIC) and Katja Piršič (Inštitut Primus)	Visit to Jarše Youth Home	Human Rights Ombudsman of the Republic of Slovenia
13 November 2014	Topolšica	Dr Ingrid Russi Zagožen, Councillor, Leja Drobnak Škodlar, the Ombudsman's expert assistant, Barbara Marič (Legal-Informational Centre for NGOs – PIC) and Branka Pondelek (Inštitut Primus)	Visit to Zimzelen Retirement Home	Human Rights Ombudsman of the Republic of Slovenia

28. 11. 2014	Vrhnika, Logatec	Robert Gačnik, svetovalec Varuha, Lea Drobnak Škodlar, strokovna sodelavka Varuha, Primož Križnar (SKUP – Skupnost privatnih zavodov v okviru Inštituta Primus)	Obisk Policijske postaje Vrhnika in Policijske postaje Logatec	Varuh človekovih pravic RS
4. 12. 2014	Veliki Otok, Postojna	Ivan Šelih, namestnik varuhinje, Leja Drobnak Škodlar, strokovna sodelavka Varuha, Špela Šuštar, predstavnica pogodbene nevladne organizacije, Katja Piršič (SKUP – Skupnost privatnih zavodov v okviru Inštituta Primus); pri delu nadzora, ki se nanaša na zdravstveno varstvo in zdravniško oskrbo, je dne 30. 12. 2014 opravil obisk tudi zunanji izvedenec, doc. dr. Milan Popovič, dr. med., spec. splošne kirurgije	Obisk Centra za tujce v Postojni	Varuh človekovih pravic RS
8. 12. 2014	Murska Sobota	Miha Horvat in Andreja Srebotnik, svetovalec Varuha, Stanka Radojčić (Zveza društev upokojencev Slovenije), Boris Nusdorfer (Pravno-informacijski center nevladnih organizacij – PIC)	Obisk Zavoda za prestajanje kazni zapora Maribor – Oddelek Murska Sobota	Varuh človekovih pravic RS
12. 12. 2014	Maribor	Ivan Šelih, mag. Jure Markič, Andreja Srebotnik, Katja (SKUP – Skupnost privatnih zavodov v okviru Inštituta Primus), Srečko Brumen (Novi paradoks), Stanka Radojčić (ZDUS); v delu zdravstvenega varstva in zdravniške oskrbe je hkrati opravila obisk kot zunanja izvedenka tudi dr. Zdenka Čebašek-Travnik	Obisk UKC Maribor, Oddelek za psihiatrijo, Enota za forenzično psihiatrijo	Varuh človekovih pravic RS
12. 12. 2014	Domžale in Kamnik	Robert Gačnik, spec., svetovalec varuha, mag. Špela Šuštar, sodelavka, ter predstavnik pogodbene nevladne organizacije Primož Križnar (SKUP – Skupnost privatnih zavodov v okviru Inštituta Primus)	Obisk Policijske postaje Domžale in Policijske postaje Kamnik	Varuh človekovih pravic RS

28 November 2014	Vrhnika and Logatec	Robert Gačnik, the Ombudsman's adviser, Leja Drobnak Škodlar, the Ombudsman's expert assistant, and Primož Križnar (SKUP – Community of Private Institutes within Inštitut Primus)	Visit to Vrhnika Police Station and Logatec Police Station	Human Rights Ombudsman of the Republic of Slovenia
4 December 2014	Veliki Otok, Postojna	Ivan Šelih, Deputy Ombudsman, Leja Drobnak Škodlar, the Ombudsman's expert assistant, Špela Šuštar, representative of a contractual NGO, Katja Piršič (SKUP – Community of Private Institutes within Inštitut Primus); the contractual external expert, Dr Milan Popovič, specialist in general surgery, conducted his visit on 30 December 2014 in the section referring to medical and health care	Visit to Postojna Aliens Centre	Human Rights Ombudsman of the Republic of Slovenia
8 December 2014	Murska Sobota	Miha Horvat and Andreja Srebotnik, the Ombudsman's advisers, Stanka Radojčić (the Slovenian Federation of Pensioners' Associations), and Boris Nusdorfer (Legal-Informational Centre for NGOs – PIC)	Visit to Maribor Prison, Murska Sobota Unit	Human Rights Ombudsman of the Republic of Slovenia
12 December 2014	Maribor	Ivan Šelih, Deputy Ombudsman, Jure Markič, MA, and Andreja Srebotnik, the Ombudsman's advisers, Katja Piršič (SKUP – Community of Private Institutes within Inštitut Primus), Srečko Brumen (Novi paradoks), Stanka Radojčić (the Slovenian Federation of Pensioners' Associations); as the external expert, Dr Zdenka Čebašek-Travnik, conducted the visit in the section referring to medical and health care	Visit to Maribor University Medical Centre, Department of Psychiatry, Unit for Forensic Psychiatry	Human Rights Ombudsman of the Republic of Slovenia
12 December 2014	Domžale and Kamnik	Robert Gačnik, the Ombudsman's adviser, Špela Šuštar, adviser, and representative of contractual NGO, Primož Križnar (SKUP – Community of Private Institutes within Inštitut Primus)	Visit to Domžale Police Station and Kamnik Police Station	Human Rights Ombudsman of the Republic of Slovenia

17. 12. 2014	Jarenina	Jasna Vunduk, svetovalka Varuha, Lea Drobnak Škodlar, strokovna sodelavka Varuha, Branka Pondelek (SKUP – Skupnost privatnih zavodov v okviru Inštituta Primus); dne 19. 12. 2014 je obisk opravil še pogodbeni zunanji izvedenec DPM, izr. prof. dr. Peter Pregelj, dr. med., spec. psihiater	Obisk Doma starejših IDILA, d. o. o.	Varuh človekovih pravic RS
19. 12. 2014	Ponikve	mag. Jure Markič, svetovalec Varuha, Lea Drobnak Škodlar, strokovna sodelavka Varuha, Ana Cajnko (Zveza društev upokojencev Slovenije) in Ana Repič (Pravno-informacijski center nevladnih organizacij – PIC)	Obisk posebnega socialnovarstvenega zavoda Dom Prizma Ponikve	Varuh človekovih pravic RS

17 December 2014	Jarenina	Jasna Vunduk, the Ombudsman's adviser, Lea Drobnak Škodlar, the Ombudsman's expert assistant, Branka Pondelek (SKUP – Community of Private Institutes within Inštitut Primus); contractual external expert, Dr Peter Pregelj, specialist – psychiatrist, conducted his visit on 19 December 2014	Visit to retirement home IDILA d. o. o.	Human Rights Ombudsman of the Republic of Slovenia
19 December 2014	Ponikve	Jure Markič, MA, the Ombudsman's adviser, Lea Drobnak Škodlar, the Ombudsman's expert assistant, Ana Cajnko (the Slovenian Federation of Pensioners' Associations) and Ana Repič (Legal-Informational Centre for NGOs – PIC)	Visit to the Dom Prizma Ponikve Special Social Care Institution	Human Rights Ombudsman of the Republic of Slovenia

1.9 Pregled dejavnosti DPM v letu 2014



Datum	Kraj dogodka	Udeleženeec	Opis dogodka	Organizator
10. 1. 2014	Na sedežu Varuha ČP RS	Ivan Šelih, namestnik varuhinje, Miha Horvat, mag. Jure Markič, Andreja Srebotnik, svetovalci Varuha; srečanja so se ob odsotnosti predstavnikov Rdečega križa Slovenije (RKS) udeležili predstavniki Inštituta za pravno, razvojno, informacijsko, mediacijsko, upravljavsko in svetovalno dejavnost – PRIMUS, Novega paradoksa, Pravno-informacijskega centra nevladnih organizacij (Pravno-informacijski center nevladnih organizacij – PIC) in Zveze društev upokoencev Slovenije	Člani Državnega preventivnega mehanizma (DPM) so se na letnem srečanju sestali z izbranimi nevladnimi organizacijami ter pregledali pripravljen program obiskov ustanov, v katerih so osebe, ki jim je bila odvzeta prostost, in krajev, kjer so ali bi lahko bile te osebe nastanjene; opravili so analizo preteklega dela in se dogovorili za vsebinske usmeritve dela v prihodnje	Varuh ČP RS
16. 1. 2014	Rogaška Slatina	Vlasta Nussdorfer, varuhinja, dr. Ingrid Russi Zagožen in mag. Jure Markič, svetovalca Varuha	Obisk Pegazovega doma v Rogaški Slatini in srečanje z direktorico Kristino Kampuš, predstavniki domov za starejše celjske regije in Skupnosti socialnih zavodov Slovenije (SSZS)	Pegazov dom v Rogaški Slatini
11. in 12. 2. 2014	Na sedežu Varuha ČP RS	Ivan Šelih, namestnik varuhinje, ter Miha Horvat in Robert Gačnik, svetovalca Varuha, Katarina Bervar Sternad (Pravno-informacijski center nevladnih organizacij)	Študijski obisk Državnega preventivnega mehanizma iz Kazahstana – v okviru obiska so udeleženci obiskali Zavod za prestajanje kazni zapora Koper – enota v Novi Gorici; v delegaciji sta bila Askar Shakirov, varuh človekovih pravic v Kazahstanu, in Saule Mektepbayeva, regionalna direktorica urada za reformo kazenske zakonodaje – Mednarodni urad v osrednji Aziji, ter Rustam Kypshakbayev	Varuh človekovih pravic RS
14. 2. 2014	Ljubljana, Psihiatrična klinika Ljubljana	Vlasta Nussdorfer, varuhinja, Tone Dolčič, namestnik varuhinje, in mag. Simona Šemen, svetovalka Varuha	Obisk Psihiatrične klinike Ljubljana (PKL) in srečanje s prof. dr. Bojanom Zalarjem, generalnim direktorjem, in prof. dr. Blanko Kores Plesničar, strokovno direktorico PKL-ja; obravnavali so nekatera vprašanja uresničevanja Zakona o duševnem zdravju, predvsem pa problematiko posebnega oddelka, kjer bi bili lahko hospitalizirani mladoletni pacienti	Varuh človekovih pravic RS

1.9 Review of NPM activities in 2014

Date	Place of event	Participants	Description of event	Organiser
10 January 2014	At the head office of the Human Rights Ombudsman of the Republic of Slovenia	Ivan Šelih, Deputy Ombudsman, Miha Horvat, Jure Markič, MA, and Andreja Srebotnik, the Ombudsman's advisers; in the absence of representatives of the Slovenian Red Cross, the meeting was attended by representatives of the Institute for legal, development, information, mediation, management and advisory activities – Inštitut Primus, Novi paradoks, Legal-Informational Centre for NGOs – PIC and the Slovenian Federation of Pensioners' Associations	The members of the National Preventive Mechanism (NPM) met at their annual meeting with the selected non-governmental organisations and reviewed the draft programme of visits to institutions and places accommodating persons deprived of their liberty; they analysed their past work and agreed on future substantive guidelines	Human Rights Ombudsman of the Republic of Slovenia
16 January 2014	Rogaška Slatina	Vlasta Nussdorfer, Ombudsman, Dr Ingrid Russi Zagožen and Jure Markič, MA, the Ombudsman's advisers	Visit to Pegasus Home in Rogaška Slatina and a meeting with Director Kristina Kampuš, representatives of retirement homes in the Celje Region and the Association of Social Institutions of Slovenia	Pegasus Home in Rogaška Slatina
11 and 12 February 2014	At the head office of the Human Rights Ombudsman of the Republic of Slovenia	Ivan Šelih, Deputy Ombudsman, Miha Horvat and Robert Gačnik, the Ombudsman's advisers, and Katarina Bervar Sternad (Legal-Informational Centre for NGOs – PIC)	Study visit of the National Preventive Mechanism from Kazakhstan. During the visit, the participants visited Koper Prison, Nova Gorica Unit; the delegation included Askar Shakirov, Human Rights Ombudsman in Kazakhstan, and Saule Mektepbayeva, Regional Director of Penal Reform - International Office in Central Asia, and Rustam Kypshakbayev	Human Rights Ombudsman of the Republic of Slovenia
14 February 2014	Ljubljana University Psychiatric Hospital	Vlasta Nussdorfer, Ombudsman, Tone Dolčič, Deputy Ombudsman, and Simona Šemen, MA, the Ombudsman's adviser	Visit to Ljubljana University Psychiatric Hospital and a meeting with Dr Bojan Zalar, Director General and Dr Blanka Kores Plesničar, Medical Director of Ljubljana University Psychiatric Hospital. The discussion partners addressed certain questions relating to realising the Mental Health Act, particularly the problem of a special ward to accommodate patients who are minors.	Human Rights Ombudsman of the Republic of Slovenia

22. 1. 2014	Na sedežu Varuha ČP RS	Miha Horvat in Robert Gačnik, svetovalca Varuha	Srečanje s študenti Masarykove Univerze v Brnu (izmenjava ERASMUS, Fakulteta za varnostne vede UMB)	Varuh ČP RS in Fakulteta za varnostne vede Univerze v Mariboru
19. in 21. 2. 2014	Brno, Češka	Ivan Šelih, namestnik varuhinje, mag. Jure Markič, svetovalec Varuha	Delovni sestanek državnih preventivnih mehanizmov ter mednarodna konferenca o zaščiti pravic starejših ljudi v institucijah	Češki ombudsman, EU
24. in 25. 2. 2014	Beograd, Srbija	Ivan Šelih, namestnik varuhinje	Regionalna delavnica Izvrševanje zavez za izboljšanje življenja ljudi in preprečevanje njihovega mučenja	Organizacija za varnost in sodelovanje v Evropi
3. 3. 2014	Ljubljana	Ivan Šelih, namestnik varuhinje, in Miha Horvat, svetovalec Varuha	Posvet na temo Dopolnitev Usmeritev za delo z osebami z demenco na področju institucionalnega varstva starejših – Posvet	Ministrstvo za delo, družino, socialne zadeve in enake možnosti in Skupnost socialnih zavodov Slovenije
21. 3. 2014	Na sedežu Varuha ČP RS	Varuhinja človekovih pravic Vlasta Nussdorfer, njen namestnik Ivan Šelih, direktorica strokovne službe Varuha Martina Ocepek in svetovalka pri Varuhu Zlata Debevec	Srečanje z ministrom za pravosodje dr. Senkom Pličaničem in njegovo ekipo. Pogovor je bil namenjen tudi vprašanem spremembe Zakona o brezplačni pravni pomoči in načrtovani reformi izvrševanja kazenskih sankcij.	Varuh človekovih pravic RS
9. 4. 2014	Dunaj, Avstrija	Ivan Šelih, namestnik varuhinje, in Katja Sodja iz SKUP-a (članica DPM-ja)	Sestanek »Pre-meeting of National Preventive Mechanisms on the Prevention of Torture« in predstavitev slovenskega državnega preventivnega mehanizma delegaciji Tadžikistana (Swiss Mission to the OSCE); bilaterarni sestanek je bil s predstavniki tadžikistanske nadzorne skupine prostorov za pridržanje, na katerem so govorili o preprečevanju mučenja v Tadžikistanu	Organizacija za varnost in sodelovanje v Evropi
14. 4. 2014	Na sedežu Varuha ČP RS Univerzitetnega kliničnega centra Maribor	Vlasta Nussdorfer, varuhinja, s sodelavci (Ivan Šelih, mag. Jure Markič, Robert Gačnik, spec.)	Pogovor na temo delovanja Enote za forenzično psihiatrijo Oddelka za psihiatrijo Univerzitetnega kliničnega centra Maribor (Forenzična enota) s predstavnicama Ministrstva za zdravje in predstavnikom Ministrstva za pravosodje ter predstavniki Forenzične enote	Varuh človekovih pravic RS v sodelovanju z Enoto za forenzično psihiatrijo UKC Maribor

22 January 2014	At the head office of the Human Rights Ombudsman of the Republic of Slovenia	Miha Horvat and Robert Gačnik, the Ombudsman's advisers	Meeting with students of Masaryk University from Brno (ERASMUS exchange; Faculty of Criminal Justice and Security of the University of Maribor)	Human Rights Ombudsman of the Republic of Slovenia and the Faculty of Criminal Justice and Security of the University of Maribor
19 and 21 February 2014	Brno, the Czech Republic	Ivan Šelih, Deputy Ombudsman, and Jure Markič, MA, the Ombudsman's adviser	Working meeting of the National Preventive Mechanisms and international conference on the protection of the rights of the elderly in institutions	Human Rights Ombudsman of the Czech Republic and the EU
24 and 25 February 2014	Belgrade, Serbia	Ivan Šelih, Deputy Ombudsman	Regional workshop, "Implementing commitments to improve peoples' lives", including one-day discussion on the prevention of torture	Organisation for Security and Co-operation in Europe
3 March 2014	Ljubljana	Ivan Šelih, Deputy Ombudsman, and Miha Horvat, the Ombudsman's adviser	Consultation session on Amending the Guidelines on work with people suffering from dementia in the field of institutional care of the elderly	Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Association of Social Institutions of Slovenia
21 March 2014	At the head office of the Human Rights Ombudsman of the Republic of Slovenia	Human Rights Ombudsman Vlasta Nussdorfer, Ivan Šelih, Deputy Ombudsman, Martina Ocepek, Director of the Ombudsman's Expert Service and Zlata Debevec, the Ombudsman's adviser	Meeting with Dr Senko Pličanič, Minister of Justice, and his team The discussion also addressed questions referring to amendments to the Free Legal Aid Act and the planned reform of the enforcement of criminal sanctions.	Human Rights Ombudsman of the Republic of Slovenia
9 April 2014	Vienna, Austria	Ivan Šelih, Deputy Ombudsman, and Katja Sodja from SKUP (member of the NPM)	Pre-meeting of National Preventive Mechanisms on the Prevention of Torture and presentation of the Slovenian National Preventive Mechanism to a delegation from Tajikistan (Swiss Mission to the OSCE); a bilateral meeting with representatives of the Tajikistan supervisory group of custody facilities during which the prevention of torture in Tajikistan was discussed.	Organisation for Security and Co-operation in Europe
14 April 2014	At the Ombudsman's head office in cooperation with Maribor University Medical Centre	Vlasta Nussdorfer, Ombudsman, and her colleagues (Ivan Šelih, Jure Markič, MA, Robert Gačnik)	Discussions relating to the functioning of the Unit for Forensic Psychiatry of the Department of Psychiatry at Maribor University Medical Centre (Forensic Unit) with representatives of the Ministry of Health, the Ministry of Justice and the Forensic Unit	Human Rights Ombudsman of the Republic of Slovenia in cooperation with the Unit for Forensic Psychiatry at Maribor University Medical Centre

6.–8. 5. 2014	Na sedežu Varuha	Vlasta Nussdorfer, varuhinja; Ivan Šelih, namestnik varuhinje, Miha Horvat in Robert Gačnik, svetovalca Varuha	Študijski obisk delegacije iz Latvije; v delegaciji so bili Oksana Kulakova, Renāte Rūse, Laura Šileikiste in Ilvija Pūce; udeleženci so v okviru programa obiskali tudi Zavod za prestajanje kazni zapora na Igu	Varuh človekovih pravic RS
16. 5. 2014	Ptuj	Ivan Šelih, namestnik varuhinje	Srečanje Združenja psihiatrov – udeležencem so bili med drugim predstavljeni delovanje DPM in ugotovitve Varuha v zvezi z delovanjem Forenzične enote	Združenje psihiatrov Slovenskega zdravniškega društva
26. in 27. 5. 2014	Ljubljana	Vlasta Nussdorfer, varuhinja, Ivan Šelih, namestnik varuhinje, ter Miha Horvat, Robert Gačnik, Andreja Srebotnik Jasna Vunduk, Jure Markič, Nataša Mazovec in Liana Kalčina, svetovalci Varuha, ter Katja Sodja (predstavnica sodelujočih nevladnih organizacij)	Srečanje predstavnikov mreže državnih preventivnih mehanizmov (DPM) za jugovzhodno Evropo »SOUTH-EAST EUROPE NPM NETWORK«; osrednja tema srečanja je bil pogovor o pripravi in promociji letnih poročil DPM-jev	Varuh človekovih pravic RS
24. 6. 2014	Uzbekistan	dr. Zdenka Čebašek-Travnik, zunanja izvedenka DPM	Udeležila se je konference z naslovom National and Foreign Experiences in Defining the Term »Torture« and Compliance with the UN Convention against Torture	Organizator: The National Human Rights Centre of the Republic of Uzbekistan - the OSCE Project Co-ordinator in Uzbekistan
2. 7. 2014	Ljubljana, Državni zbor RS	Vlasta Nussdorfer, varuhinja	Varuhinja je predala 19. letno poročilo Varuha človekovih pravic RS za leto 2013 in Poročilo o izvajanju nalog DPM v letu 2013 predsedniku Državnega zbora RS, Janku Vebru	Državni zbor RS in Varuh človekovih pravic RS
2. 7. 2014	Prostori Varuha RS	Vlasta Nussdorfer, varuhinja, in Ivan Šelih, namestnik varuhinje, ter drugi sodelavci Varuha	Tiskovna konferenca ob predaji obeh poročil – namestnik varuhinje Ivan Šelih je medijem predstavil glavne ugotovitve Državnega preventivnega mehanizma v Sloveniji	Varuh človekovih pravic RS
4. 7. 2014	Predsednik Republike Slovenije, Ljubljana	Vlasta Nussdorfer, varuhinja, in mag. Bojana Kvas, generalna sekretarka Varuha	Predaja Letnega poročila Varuha za leto 2013 in Poročila o izvajanju nalog DPM v letu 2013 predsedniku Republike Slovenije Borutu Pahorju	Urad predsednika Republike Slovenije in Varuh človekovih pravic RS

6–8 May 2014	At the Ombudsman's head office	Vlasta Nussdorfer, Ombudsman, Ivan Šelih, Deputy Ombudsman, Miha Horvat and Robert Gačnik, the Ombudsman's advisers	Study visit of a delegation from Latvia, which included Oksana Kulakova, Renāte Rūse, Laura Šileikiste and Ilvija Pūce; as part of their programme, the visitors also visited Ig Prison	Human Rights Ombudsman of the Republic of Slovenia
16 May 2014	Ptuj	Ivan Šelih, Deputy Ombudsman	Meeting of the Slovenian Psychiatric Association; the participants learned about the NPM's operations and the findings of the Ombudsman on the functioning of the Forensic Unit	Slovenian Psychiatric Association
26 and 27 May 2014	Ljubljana	Vlasta Nussdorfer, Ombudsman, Ivan Šelih, Deputy Ombudsman, Miha Horvat, Robert Gačnik, Andreja Srebotnik Jasna Vunduk, Jure Markič, MA, Nataša Mazovec and Liana Kalčina, the Ombudsman's advisers, and Katja Sodja (representative of the participating NGOs)	Meeting of SOUTH-EAST EUROPE NPM NETWORK representatives; the central topic of the meeting was the preparation and promotion of NPM annual reports	Human Rights Ombudsman of the Republic of Slovenia
24 June 2014	Uzbekistan	Dr Zdenka Čebašek-Travnik, external expert of the NPM	Participation at the conference, "National and Foreign Experiences in Defining the Term 'Torture' and Compliance with the UN Convention against Torture"	Organiser National Human Rights Centre of the Republic of Uzbekistan – the OSCE Project Co-ordinator in Uzbekistan
2 July 2014	National Assembly of the Republic of Slovenia	Ombudsman Vlasta Nussdorfer	The Ombudsman submitted the 19th annual report of the Human Rights Ombudsman of the Republic of Slovenia for 2013 and the report on the implementation of NPM duties in 2013 to Janko Veber, the President of the National Assembly of the Republic of Slovenia	National Assembly of the Republic of Slovenia and the Human Rights Ombudsman of the Republic of Slovenia
2 July 2014	Premises of the Human Rights Ombudsman of the Republic of Slovenia	Ombudsman Vlasta Nussdorfer, Ivan Šelih, Deputy Ombudsman, and other Ombudsman's colleagues	Press conference on the occasion of the hand-over of both reports; Ivan Šelih, Deputy Ombudsman, presented the key findings of the National Preventive Mechanism in Slovenia to the media	Human Rights Ombudsman of the Republic of Slovenia
4 July 2014	President of the Republic of Slovenia	Ombudsman Vlasta Nussdorfer and Bojana Kvas, MA, Secretary General of the Ombudsman	Hand-over of the annual report of the Human Rights Ombudsman of the Republic of Slovenia for 2013 and the report on the implementation of NPM duties in 2013 to Borut Pahor, President of the Republic of Slovenia	Office of the President of the Republic of Slovenia and Human Rights Ombudsman of the Republic of Slovenia

4. 7. 2014	Vlada Republike Slovenije, Ljubljana	Vlasta Nussdorfer, varuhinja, in mag. Bojana Kvas, generalna sekretarka Varuha	Predaja Letnega poročila Varuha za leto 2013 in Poročila o izvajanju nalog DPM v letu 2013 predsednici vlade Alenki Bratušek (Gregorčičeva 20–25, Ljubljana)	Urad predsednice Vlade RS in Varuh človekovih pravic RS
9. 9. 2014	Velenje	Ivan Šelih, namestnik varuhinje, Miha Horvat, svetovalec Varuha, ter Leja Drobna Škodlar, strokovna sodelavka, Jure Markič ter predstavniki izbranih nevladnih organizacij, ki sodelujejo z Varuhom pri izvajanju nalog in nalog DPM	Strokovni seminar o Istanbulskem protokolu, na katerem je predaval tudi belgijski strokovnjak s področja prava, političnih ved in sociologije, prof. dr. Stephan Parmentier, K. U. Leuven	Varuh človekovih pravic RS (Varuh) v sodelovanju z Inštitutom Integra – Inštitut za razvoj človeških virov
18. 9. 2014	Maribor	Ivan Šelih, namestnik varuhinje, in Brigita Urh	Mladi in kriminal	PU Maribor
6.–7. 10. 2014	Dunaj, Avstrija	Miha Horvat, svetovalec Varuha	Konferenca Strengthening the effective implementation and follow-up of recommendations by torture monitoring bodies in the European Union	Ludwig Boltzmann Institute Human Rights Implementation Centre
9. 10. 2014	Vlada RS, Ljubljana	Vlasta Nussdorfer, varuhinja	Predstavitev Letnega poročila Varuha za leto 2013 in Poročila o izvajanju nalog DPM v letu 2013 na seji Vlade RS	Urad vlade RS
14. 10. 2014	Državni zbor RS, Ljubljana	Vlasta Nussdorfer, varuhinja, in Ivan Šelih, namestnik varuhinje	Predstavitev Letnega poročila Varuha za leto 2013 in Poročila o izvajanju nalog DPM v letu 2013 poslanski skupini SMC	Poslanska skupina SMC
14. 10. 2014	Na sedežu Varuha RS	Vlasta Nussdorfer, varuhinja, Ivan Šelih, namestnik varuhinje, in drugi sodelavci Varuha, Jure Markič	Srečanje z nevladnimi organizacijami s področja duševnega zdravja	Varuh človekovih pravic RS
15. 10. 2014	Državni svet RS	Vlasta Nussdorfer, varuhinja	Predstavitev Letnega poročila Varuha za leto 2013 in Poročila o izvajanju nalog DPM v letu 2013 Državnemu svetu RS	Državni svet RS

4 July 2014	Government of the Republic of Slovenia	Ombudsman Vlasta Nussdorfer and Bojana Kvas, MA, Secretary General of the Ombudsman	Hand-over of the annual report of the Human Rights Ombudsman of the Republic of Slovenia for 2013 and the report on the implementation of NPM duties in 2013 to Alenka Bratušek, Prime Minister of the Republic of Slovenia (Gregorčičeva 20–25, Ljubljana)	Office of the Prime Minister of the Republic of Slovenia and Human Rights Ombudsman of the Republic of Slovenia
9 September 2014	Velenje	Ivan Šelih, Deputy Ombudsman, Miha Horvat, the Ombudsman's adviser, Leja Drobna Škodlar, the Ombudsman's expert assistant, Jure Markič, MA, and representatives of selected NGOs cooperating with the Ombudsman on the implementation of tasks and NPM duties	Expert seminar on the Istanbul Protocol, at which a Belgian expert on law, political science and sociology, Dr Stephan Parmentier from the K. U. Leuven held a lecture	Human Rights Ombudsman of the Republic of Slovenia in cooperation with Integra Institute - Institution for human resources development
18 September 2014	Maribor	Ivan Šelih, Deputy Ombudsman, and Brigita Urh	Youth and crime	Maribor Police Administration
6–7 October 2014	Vienna, Austria	Miha Horvat, the Ombudsman's adviser	Conference, "Strengthening the effective implementation and follow-up of recommendations by torture monitoring bodies in the European Union"	Ludwig Boltzmann Institute of Human Rights and the Human Rights Implementation Centre
9 October 2014	Government of the Republic of Slovenia	Ombudsman Vlasta Nussdorfer	Presentation of the annual report of the Human Rights Ombudsman of the Republic of Slovenia for 2013 and the report on the implementation of NPM duties in 2013 at the session of the Government of the Republic of Slovenia	Office of the Government of the Republic of Slovenia
14 October 2014	National Assembly of the Republic of Slovenia	Ombudsman Vlasta Nussdorfer and Ivan Šelih, Deputy Ombudsman	Presentation of the annual report of the Human Rights Ombudsman of the Republic of Slovenia for 2013 and the report on the implementation of NPM duties in 2013 to the SMC parliamentary group	SMC parliamentary group
14 October 2014	At the head office of the Human Rights Ombudsman of the Republic of Slovenia	Ombudsman Vlasta Nussdorfer, Ivan Šelih, Deputy Ombudsman, and other Ombudsman's colleagues, Jure Markič, MA	Meeting with NGOs in the field of mental health	Human Rights Ombudsman of the Republic of Slovenia
15 October 2014	National Council of the Republic of Slovenia	Ombudsman Vlasta Nussdorfer	Presentation of the annual report of the Human Rights Ombudsman of the Republic of Slovenia for 2013 and the report on the implementation of NPM duties in 2013 to the National Council of the Republic of Slovenia	National Council of the Republic of Slovenia

19.–21. 10. 2014	Skopje, Makedonija	Ivan Šelih, namestnik varuhinje, in dr. Zdenka Čebašek-Travnik, zunanja izvedenka DPM	Regionalna konferenca z Workshop on monitoring of psychiatric establishment in protection from torture and ill-treatment	Technical Assistance Information Exchange Instrument (TAIEX) in Ombudsman Makedonije
29. 10. 2014	Državni zbor RS, Ljubljana	Vlasta Nussdorfer, varuhinja, ter Ivan Šelih, Jernej Rovšek in mag. Kornelija Marzel, namestniki varuhinje	2. seja Komisije za peticije ter za človekove pravice in enake možnosti, na kateri so obravnavali Predstavitev Letnega poročila Varuha za leto 2013 in Poročila o izvajanju nalog DPM v letu 2013	Državni zbor RS, Komisija za peticije ter za človekove pravice in enake možnosti
6. 11. 2014	Višnja Gora	Leja Drobnak Škodlar, strokovna sodelavka Varuha	Strokovni posvet delavcev centrov za socialno delo in sodišč	Vzgojno-izobraževalni zavod Višnja Gora
12. 11. 2014	Riga, Latvija	Ivan Šelih, namestnik varuhinje	International Conference »Global, regional and national mechanisms for the prevention of torture and inhuman or degrading treatment: learning from one other« Celebrating 25 years of the European Committee for the Prevention of Torture	Latvian Centre for Human Rights, Open Society Foundations, European Union, Council of Europe
18. 11. 2014	Na sedežu varuha	Ivan Šelih, namestnik varuhinje	Srečanje varuhinje človekovih pravic z neodvisno strokovnjakinjo Sveta OZN za človekove pravice starejših oseb	Ministrstvo za zunanje zadeve
27. 11. 2014	Beograd, Srbija	Ivan Šelih, namestnik varuhinje	SOUTH-EAST European OPCAT Forum Preventive Approach to eradication of torture Preventing torture and fighting impunity	Ombudsman Srbije
26. in 27. 11. 2014	Brno, Češka	Miha Horvat in Jure Markič, svetovalca Varuha	The Working Meeting of NPMs and Ombudsman Institutions	European social fund in the Czech Republic Human Resources and Employment Operational Programme Supporting your future
12. 12. 2014	Na sedežu Varuha RS	Vlasta Nussdorfer, varuhinja, Ivan Šelih, namestnik varuhinje, ter sodelavci Varuha	Pogovor z ministrico za zdravje, Milojko Kolar Celarc, in njenimi sodelavkami; govorili so tudi o razmerah v domovih za starejše	Varuh človekovih pravic RS
14. 12. 2014	Črna gora	Ivan Šelih, namestnik varuhinje	Obisk Državnega preventivnega mehanizma Črne gore	Svet Evrope

19–21 October 2014	Skopje, Macedonia	Ivan Šelih, Deputy Ombudsman, and Dr Zdenka Čebašek-Travnik, external expert of the NPM	Regional conference with a Workshop on monitoring psychiatric establishments in protection from torture and ill-treatment	Technical Assistance Information Exchange Instrument (TAIEX) at Macedonia's Ombudsman
29 October 2014	National Assembly of the Republic of Slovenia	Ombudsman Vlasta Nussdorfer, Ombudsman's Deputies Ivan Šelih, Jernej Rovšek and Kornelija Marzel, MA	Second session of the Commission for Petitions, Human Rights and Equal Opportunities, at which the presentation of the annual report of the Human Rights Ombudsman of the Republic of Slovenia for 2013 and the report on the implementation of NPM duties in 2013 was discussed	National Assembly of the Republic of Slovenia, Commission for Petitions, Human Rights and Equal Opportunities
6 November 2014	Višnja Gora	Leja Drobnak Škodlar, the Ombudsman's expert assistant	Expert consultation session for staff at social work centres and courts	Višnja Gora Educational Institution
12 November 2014	Riga, Latvia	Ivan Šelih, Deputy Ombudsman	International Conference, "Global, regional and national mechanisms for the prevention of torture and inhuman or degrading treatment: learning from one other". Celebrating 25 years of the European Committee for the Prevention of Torture	Latvian Centre for Human Rights, Open Society Foundations, European Union, Council of Europe
18 November 2014	At the head office of the Human Rights Ombudsman of the Republic of Slovenia	Ivan Šelih, Deputy Ombudsman	Meeting of the Human Rights Ombudsman with the Independent Expert on the enjoyment of all human rights by older persons at the UN Human Rights Council	Ministry of Foreign Affairs
27 November 2014	Belgrade, Serbia	Ivan Šelih, Deputy Ombudsman	SOUTH-EAST European OPCAT Forum. Preventive Approach to the Eradication of Torture: Preventing torture and fighting impunity.	Serbian Ombudsman
26 and 27 November 2014	Brno, the Czech Republic	Miha Horvat and Jure Markič, MA, the Ombudsman's advisers	Working meeting of NPMs and Ombudsman Institutions	European social fund in the Czech Republic, Human Resources and Employment Operational Programme: Supporting your future.
12 December 2014	At the head office of the Human Rights Ombudsman of the Republic of Slovenia	Ombudsman Vlasta Nussdorfer, Ivan Šelih, Deputy Ombudsman, and other Ombudsman's colleagues	Meeting with Milojka Kolar Celarc, Minister of Health, and her colleagues; the discussion also covered conditions in retirement homes	Human Rights Ombudsman of the Republic of Slovenia
14 December 2014	Montenegro	Ivan Šelih, Deputy Ombudsman	Visit to the National Preventive Mechanism in Montenegro	Council of Europe

16.–17. 12. 2014	Na sedežu Varuha RS	Vlasta Nussdorfer, varuhinja, Ivan Šelih, namestnik varuhinje, ter sodelavci Varuha	Predstavitve delovanja Državnega preventivnega mehanizma v Sloveniji članom delegacije kosovskega ombudsmana	Varuh človekovih pravic RS
23. 12. 2014	Na sedežu Varuha RS	Vlasta Nussdorfer, varuhinja, Ivan Šelih, namestnik varuhinje, ter sodelavci Varuha	Pogovor z ministrico za delo, družino, socialne zadeve in enake možnosti, dr. Anjo Kopač Mrak; govorili so tudi o namestitvi oseb v posebnih socialnovarstvenih zavodih po odločitvi sodišča ter obravnavi poročil državnega preventivnega mehanizma z obiskov socialnovarstvenih zavodov	
23. 12. 2014	Na sedežu Varuha RS	Vlasta Nussdorfer, varuhinja, Ivan Šelih, namestnik varuhinje, ter sodelavci Varuha	Pogovor z ministrom za pravosodje, Goranom Klemenčičem, in z njegovimi sodelavci	Varuh človekovih pravic RS

16–17 December 2014	At the head office of the Human Rights Ombudsman of the Republic of Slovenia	Ombudsman Vlasta Nussdorfer, Ivan Šelih, Deputy Ombudsman, and other Ombudsman's colleagues	Presentation of operations of the Slovenian NPM to the delegation of the Kosovo Ombudsman	Human Rights Ombudsman of the Republic of Slovenia
23 December 2014	At the head office of the Human Rights Ombudsman of the Republic of Slovenia	Ombudsman Vlasta Nussdorfer, Ivan Šelih, Deputy Ombudsman, and other Ombudsman's colleagues	Meeting with Dr Anja Kopač Mrak, Minister of Labour, Family, Social Affairs and Equal Opportunities; the discussion also covered the accommodation of person at special social care institutions on the basis of court orders and the observation of NPM reports on visiting social care institutions	
23 December 2014	At the head office of the Human Rights Ombudsman of the Republic of Slovenia	Ombudsman Vlasta Nussdorfer, Ivan Šelih, Deputy Ombudsman, and other Ombudsman's colleagues	Meeting with Goran Klemenčič, Minister of Justice, and his colleagues	Human Rights Ombudsman of the Republic of Slovenia



1.10 Finančna sredstva

	Rebalans proračuna 2014	Veljavni proračun 2014	Realizacija 2014
6761 Plače - Opcijski sporazum	112.914	105.151	100.105
4 ODHODKI IN DRUGI IZDATKI	112.914	105.151	100.105
40 TEKOČI ODHODKI	112.914	105.151	100.105
400 Plače in drugi izdatki zaposlenim	98.104	91.158	86.812
4000 Plače in dodatki	89.813	84.863	80.517
4001 Regres za letni dopust	546	546	546
4002 Povračila in nadomestila	6.460	5.749	5.749
4003 Sredstva za delovno uspešnost	1.285	0,00	0,00
401 Prispevki delodajalcev za socialno varnost	14.810	13.993	13.293
4010 Prispevek za pokojninsko in invalidsko zavarovanje	8.158	7.510	7.126
4011 Prispevek za zdravstveno zavarovanje	6.130	6.016	5.707
4012 Prispevek za zaposlovanje	60	50	48
4013 Prispevek za starševsko varstvo	92	87	82
4015 Premije kolektivnega dodatnega pokojninskega zavarovanja, na podlagi ZKDPZJU	370	330	330
5823 Materialni stroški - Opcijski sporazum	13.000	10.440	10.250
4 ODHODKI IN DRUGI IZDATKI	13.000	10.440	10.250
40 TEKOČI ODHODKI	13.000	10.440	10.250
402 Izdatki za blago in storitve	13.000	10.440	10.250
4020 Pisarniški in splošni material in storitve	2.400	1.732	1.732
4022 Energija, voda, komunalne storitve in komunikacije	700	590	590
4024 Izdatki za službena potovanja	320	880	690
4029 Drugi operativni odhodki	9.580	7.238	7.238
6485 Sodelovanje z nevladnimi organizacijami	8.000	4.567	4.367
4 ODHODKI IN DRUGI IZDATKI	2.300	4.567	4.367
40 TEKOČI ODHODKI	2.300	4.567	4.367
402 Izdatki za blago in storitve	2.300	4.567	4.367
4029 Drugi operativni odhodki	2.300	1.435	1.235
41 TEKOČI TRANSFERI	5.700	3.132	3.132
412 Transferi nepridobitnim organizacijam in ustanovam	5.700	3.132	3.132
4120 Tekoči transferi nepridobitnim organizacijam in ustanovam	5.700	3.132	3.132
DPM SKUPAJ	133.914	120.158	114.722

1.10 Financial assets

	Revised budget for 2014	Applicable budget for 2014	Realisation 2014
6761 Wages – Optional Agreement	112,914	105,151	100,105
4 EXPENSES AND OTHER EXPENDITURE	112,914	105,151	100,105
40 CURRENT EXPENSES	112,914	105,151	100,105
400 Wages and other personnel expenditure	98,104	91,158	86,812
4000 Wages and benefits	89,813	84,863	80,517
4001 Pay for annual leave	546	546	546
4002 Reimbursements and compensations	6,460	5,749	5,749
4003 Funds for workers' performance	1,285	0.00	0.00
401 Employers social security contributions	14,810	13,993	13,293
4010 Contribution for pension and disability insurance	8,158	7,510	7,126
4011 Contribution for health insurance	6,130	6,016	5,707
4012 Employment contribution	60	50	48
4013 Parental security insurance	92	87	82
4015 Premiums of collective supplementary pension insurance pursuant to the ZKDPZJU (Collective Supplementary Pension Insurance for Public Servants Act)	370	330	330
5823 5823 Material costs – Optional Agreement	13,000	10,440	10,250
4 EXPENDITURE AND OTHER COSTS	13,000	10,440	10,250
40 CURRENT EXPENDITURE	13,000	10,440	10,250
402 Expenditure on goods and services	13,000	10,440	10,250
4020 Office and general materials and services	2,400	1,732	1,732
4022 Utilities	700	590	590
4024 Travel expenses	320	880	690
4029 Other operational expenditure	9,580	7,238	7,238
6485 Cooperation with NGOs	8,000	4,567	4,367
4 EXPENDITURE AND OTHER COSTS	2,300	4,567	4,367
40 CURRENT EXPENDITURE	2,300	4,567	4,367
402 Expenditure on goods and services	2,300	4,567	4,367
4029 Other operational expenditure	2,300	1,435	1,235
41 CURRENT TRANSFERS	5,700	3,132	3,132
412 Transfers to non-profit organisations and institutions	5,700	3,132	3,132
4120 Current transfers to non-profit- organisations and institutions	5,700	3,132	3,132
NPM TOTAL	133,914	120,158	114,722



1.11 Priloga: Metodologija izvajanja nalog državnega preventivnega mehanizma v Republiki Sloveniji

Delovanje državnega preventivnega mehanizma (DPM) v Sloveniji

A Seznam okrajšav

CAT	Konvencija proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju (Uradni list RS – MP, št. 7/93).
DPM	Državni preventivni mehanizem.
MOPPM	Zakon o ratifikaciji Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju (Uradni list RS – MP, št. 20/2006).
NVO	Nevladne organizacije, registrirane v Republiki Sloveniji, in organizacije, ki so pridobile status humanitarne organizacije v Republiki Sloveniji.
OPCAT	Opcijski protokol h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju (Uradni list RS – MP, št. 20/2006).
ZVarCP	Zakon o varuhu človekovih pravic (Uradni list RS, št. 71/1993 (15/1994 popr.), spremembe: Uradni list RS, št. 56/2002-ZJU).

B Opredelitev temeljnih pojmov, uporabljenih v besedilu

INFORMACIJA	Ima pomen, kot ga v svojem 20. členu opredeljuje OPCAT.
IZREDNI OBISK	Je obisk, ki ni bil prej določen z letnim programom obiskov DPM, a bi ga bilo po mnenju nosilca področja smiselno opraviti čim prej (npr. zaradi na novo pridobljene informacije, da se v kraju odvzema prostosti izvajajo mučenje ali katere druge nepravilnosti, ki bi se morale čim prej odpraviti).
KONČNO POROČILO	DPM je poročilo, ki se pripravi na podlagi odgovora na predhodno poročilo oziroma po opravljenem obisku, če se pred tem ne izdela predhodno poročilo. Končno poročilo se v imenu Varuha ali osebe, ki jo je za to pooblastil, pošlje pristojnemu organu, in sicer s predlogom, da ta v določenem roku zavzame stališče do navedb v tem poročilu in jih sporoči Varuhu.
KONTROLNI OBISK	Se opravi, kadar je smiselno še pred rednim obiskom preveriti izvedbo priporočil DPM za odpravo pomanjkljivosti in izboljšanje razmer in ravnanje z osebami, ki sta bila podana že v zvezi z rednim ali izrednim obiskom. Dodatni obisk lahko odredi nosilec področja ali vodja obiska.
KOORDINATOR NVO	Je predstavnik NVO, ki ga ta določi za usklajevanje sodelovanja z Varuhom v izvajanju nalog in pooblastil DPM.
KRAJ ODVZEMA PROSTOSTI	Ima pomen, kot ga OPCAT opredeljuje v prvem odstavku svojega 4. člena.

1.11 Annex: Methodology of the implementation of the tasks of the National Preventive Mechanism (NPM) in Slovenia

Functioning of the National Preventive Mechanism in Slovenia

A. List of abbreviations

CAT	The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of the Republic of Slovenia - International Treaties, no. 7/93).
NPM	National Preventive Mechanism.
MOPPM	The Act ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of the Republic of Slovenia - International Treaties, no. 20/2006).
NGO	Non-governmental organisations registered in the Republic of Slovenia and organisations which have the status of humanitarian organisations in the Republic of Slovenia.
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of the Republic of Slovenia - International Treaties, no. 20/2006).
ZVarCP	Human Rights Ombudsman Act (Official Gazette of the Republic of Slovenia, no. 71/1993 (15/1994 corr.), amendments: Official Gazette of the Republic of Slovenia, no. 56/2002-ZJU).

B. Definition of main terms used in the text

INFORMATION	Refers to its meaning in Article 20 of the OPCAT.
EXTRAORDINARY VISIT	Is a visit which was not determined in the NPM's annual visit programme, but which should be conducted as soon as possible according to a responsible official (e.g. due to new information that torture or other irregularities are occurring at a place of incarceration which should be eliminated as soon as possible).
FINAL REPORT OF THE NPM	Is a report drafted on the basis of the reply to the preliminary report or conducted visit if a preliminary report is not prepared before. The final report is submitted on behalf of the Ombudsman or an authorised person to the competent authority with the proposal that the authority assume a position on the statements in the report and submit it to the Ombudsman within a certain period.
A CONTROL VISIT	Is conducted before a regular visit when it is appropriate to examine the implementation of the NPM's recommendations for the elimination of deficiencies, improvement of conditions and treatment of people which were submitted as per regular and extraordinary visits. An additional visit may be ordered by a responsible official or leader of the visit.
An NGO COORDINATOR	Is a representative of an NGO appointed to cooperate with the Ombudsman in the implementation of duties and powers of the NPM.
A PLACE OF DEPRIVATION OF LIBERTY	Is a place as defined in the first sentence of Article 4 of the OPCAT.

MUČENJE	Ima pomen, kot ga Konvencija OZN proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju (CAT) opredeljuje v svojem 1. členu.
NOSILEC PODROČJA	Je oseba, ki je pri Varuhu odgovorna za Državni preventivni mehanizem glede na delitev področij dela Varuha.
ODVZEM PROSTOSTI	Ima pomen, kot ga OPCAT opredeljuje v drugem odstavku svojega 4. člena.
OSEBA	Pomeni osebo, ki ji je bila odvzeta prostost.
OSEBJE KRAJA ODVZEMA PROSTOSTI	So vsi posamezniki, ki v okviru izpolnjevanja svojih dolžnosti na krajih odvzema prostosti kakor koli obravnavajo osebe, pri tem pa sami niso te osebe.
POOBLASTILA DPM	Imajo pomen, kot jih OPCAT opredeljuje v svojem 19. členu in se udeležujejo prek možnosti, ki jih določa njegov 20. člen.
POROČILO DPM ZA OBJAVO	Je poročilo, namenjeno seznanitvi javnosti z ugotovitvami DPM. Izdela ga Varuhov sodelavec na podlagi končnega poročila, odziva pristojnega organa nanj in morebitnih dodatnih stališč DPM.
PREDHODNO POROČILO DPM	Je poročilo, ki se izdela po opravljenem obisku kraja odvzema prostosti in ga predstojniku tega kraja pošlje sodelavec Varuha, na kogar je bil odprt spis o obisku, in sicer s predlogom, da v določenem roku zavzame stališče do navedb v tem poročilu in jih sporoči Varuhu, po potrebi pa tudi z zahtevo, da posreduje še morebitne druge potrebne informacije.
PREDSTAVNIKI NVO	So posamezniki, ki jih za opravljanje nadzora na krajih odvzema prostosti in preverjanje ravnanja z osebami, ki jim je bila odvzeta prostost, Varuhu predlagajo izbrane pogodbene NVO in ki tudi podajo predhodno pisno izjavo, da bodo pri opravljanju teh nalog in pooblastil delovali po Varuhovih navodilih in po predpisih o varovanju tajnosti osebnih in tajnih podatkov, tako kot to velja za Varuha, njegove namestnike in uslužbence.
PREDSTOJNIK KRAJA ODVZEMA PROSTOSTI	Je posameznik, ki zastopa in predstavlja kraj odvzema prostosti, ali tisti, ki ga v njegovi odsotnosti nadomešča oziroma bo lahko zagotovil potrebne uradne informacije.
PRISTOJNI ORGAN	Je državni organ, ki je glede na delitev državne oblasti neposredno nadrejen organ kraju odvzema prostosti na področju, na katerem ta deluje.
REDNI OBISK	Je obisk, ki ga je DPM določil z letnim programom obiskov krajev odvzema prostosti.
SODELAVCI VARUHA	So strokovni delavci, ki so določeni za delo v okviru državnega preventivnega mehanizma pri Varuhu oziroma je njihovo sodelovanje pri opravljanju dela DPM smiselno glede na siceršnje (pod)področje dela, za katero so pri Varuhu odgovorni.
UDELEŽENCI OBISKA	So vodja obiska, sodelavci Varuha in vsi drugi predstavniki DPM ter pogodbeni izvedenci oziroma prevajalci, ki so navzoči pri tem, ko DPM izvaja obisk kraja odvzema prostosti.
VODJA OBISKA	Je Varuhov uslužbenec, na kogar je bil odprt spis o obisku, če nosilec področja ne določi drugače.

TORTURE	Is defined in Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
RESPONSIBLE OFFICIAL	Is a person responsible at the Ombudsman for the NPM as per the division of the Ombudsman's fields of work.
DEPRIVATION OF LIBERTY	Is defined in the second paragraph of Article 4 of the OPCAT.
PERSON	Is a person deprived of their freedom.
STAFF AT A PLACE OF DEPRIVATION OF LIBERTY	Are all individuals who deal with persons at places of deprivation of liberty while fulfilling their obligations and who themselves are not such persons.
NPM POWERS	Are defined in Article 19 of the OPCAT and are implemented through obligations granted by Article 20.
REPORT OF THE NPM FOR PUBLICATION	Is a report intended to inform the public of the NPM's findings. It is drafted by the Ombudsman's colleagues on the basis of the final report, response of the relevant authorities and possible additional opinions of the NPM.
PRELIMINARY REPORT OF THE NPM	Is a report drafted after a visit to a place of deprivation of liberty and is submitted to the head of that place by the Ombudsman's colleague referred to in the file of the visit, with a request to take a position on statements in this report within a certain period and to submit it to the Ombudsman, and if necessary with a request to provide other information required.
NGO REPRESENTATIVES	Are individuals nominated to the Ombudsman by selected contractual NGOs to conduct supervision at places of deprivation of liberty and examine the treatment of people deprived of liberty. The representatives also submit a prior written statement when conducting these duties and powers that they would comply with the Ombudsman's instructions and act according to regulations governing the protection of personal and confidential data. The same applies to the Ombudsman, her deputies and staff.
HEAD OF THE PLACE OF DEPRIVATION OF LIBERTY	Is an individual representing the place of detention or person deputising for the head in their absence or a person able to provide the necessary official information.
COMPETENT AUTHORITY	Is the state authority directly superior to the place of deprivation of liberty in the field in which it operates according to the division of national authority.
REGULAR VISIT	is a visit determined by the NPM in its annual programme of visits to places of deprivation of liberty.
THE OMBUDSMAN'S COLLEAGUES	Are expert staff appointed to work within the National Preventive Mechanism at the Ombudsman; or their participation in the NPM is appropriate according to the (sub)field of work for which they are responsible at the Ombudsman.
PARTICIPANTS OF A VISIT	Are the leader of the visit, the Ombudsman's colleagues and all other representatives of the NPM and contractual experts or interpreters who are present when the NPM conducts a visit to a place of deprivation of liberty.
LEADER OF A VISIT	Is an Ombudsman's employee referred to in the file of the visit unless determined otherwise by the responsible official.

Temelji delovanja DPM v Republiki Sloveniji

DPM v Republiki Sloveniji redno preverja ravnanje z osebami, ki jim je bila odvzeta prostost (osebe), da bi se okrepilo njihovo varstvo pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja. Ob upoštevanju ustreznih pravnih norm DPM ustreznim organom daje priporočila, da bi izboljšali razmere in ravnanje z osebami ter preprečili mučenje in druge oblike okrutnega, nečloveškega, poniževalnega ravnanja ali kaznovanja. V zvezi s tem lahko predložijo tudi predlogi in pripombe k veljavnim ali predlaganim zakonom.

DPM redno obiskuje vse kraje odvzema prostosti v Republiki Sloveniji in tako sistematično in kontinuirano zbira ter obravnava relevantne informacije, ki se nanašajo na kraje odvzema prostosti. Na tej podlagi nato o svojih ugotovitvah poroča pristojnim organom in širši javnosti, po potrebi pa ukrepa tudi še drugače, skladno z možnostmi, ki jih ima na podlagi OPCAT oziroma MOPPM. Varuh v zvezi z DPM po potrebi ukrepa tudi skladno z ZVarCP.

Znani kraji odvzema prostosti v Republiki Sloveniji so zlasti:

- zavodi za prestajanje kazni zapora z vsemi njihovimi oddelki in Prevezgojni dom Radeče,
- vzgojno-izobraževalni zavodi,
- socialnovarstveni in posebni socialnovarstveni zavodi,
- psihiatrične bolnišnice,
- prostori za policijsko pridržanje oziroma zadržanje,
- Center za tujce in Azilni dom,
- prostori za pridržanje v Slovenski vojski in
- vsi drugi kraji v smislu 4. člena Opcijskega protokola (npr. policijska intervencijska vozila ipd.).

DPM torej preverja predvsem ravnanje s priporniki, obsojenci na prestajanju kazni zapora in mladoletniškega zapora, mladoletniki na prestajanju vzgojnega ukrepa oddaje v prevzgojni dom in osebami, zoper katere se izvršuje uklonilni zapor, z otroki in mladostniki s čustvenimi in vedenjskimi motnjami v vzgojno-izobraževalnih zavodih, osebami v varovanih in drugih oddelkih socialnovarstvenih in posebnih socialnovarstvenih zavodov, kjer so osebe, ki jim je odvzeta prostost (če kraja ne morejo zapustiti po svoji volji), z osebami v oddelkih pod posebnim nadzorom psihiatričnih bolnišnic, s tistimi, ki jih pridržijo oziroma zadrži policija, s tujci in prisilci za mednarodno zaščito, ki jim je odvzeta prostost, ter z vojaškimi osebami, ki jih pridržijo vojaška policija Slovenske vojske.

O tem, ali gre za kraj odvzema prostosti, v vsakem posameznem primeru presodi DPM. Seznam krajev odvzema prostosti, ki ga od pristojnega organa pridobi DPM, slednjega ne zavezuje pri izbiri krajev, ki jih želi preveriti skladno s svojimi pooblastili. Če se za kraj, ki ga želi DPM preveriti, trdi, da ne gre za kraj odvzema prostosti, se DPM glede na okoliščine primera lahko sklicuje na to, da gre za kraj, kjer bi take osebe lahko bile in da mora biti zato na podlagi 4. člena OPCAT, v povezavi z njegovim 19. in 20. členom, DPM omogočeno, da preveri ravnanje s tam nastanjenimi osebami. Enako velja tudi za posamezne oddelke oziroma enote krajev odvzema prostosti, za katere se trdi, da jih tam nastanjene oziroma nameščene osebe lahko zapuščajo po svoji volji.

DPM informacije o krajih odvzema prostosti pridobiva na različne načine, predvsem z rednimi, izrednimi in kontrolnimi obiski teh krajev, s seznanjanjem z morebitnimi objavami drugih organov oziroma organizacij in medijev o teh krajih ali problematiki, ki zadeva področje, na katerem delujejo, z vsebinami uradnih spletnih strani teh krajev oziroma njihovimi drugimi objavami, z delavci Varuha in pobudami za začetek postopka pri Varuhu, če pri njihovi obravnavi naletijo na informacije, ki bi se lahko uporabile tudi pri izvajanju nalog in pooblastil DPM.

Namen pridobivanja informacij za potrebe DPM je čim bolj zanesljivo ugotavljanje okoliščin v krajih odvzema prostosti, odkrivanje morebitnih pomanjkljivosti in podajanje priporočil za njihovo odpravo ter za izboljšanje razmer in ravnanje z osebami, končno pa tudi za preverjanje izvedbe teh priporočil in primerjanje razmer v različnih krajih odvzema prostosti.

Bases for the functioning of the NPM in the Republic of Slovenia

The NPM in the Republic of Slovenia regularly verifies the treatment of persons deprived of their liberty in order to strengthen their protection from torture and other forms of cruel, inhuman or degrading treatment or punishment. While observing suitable legal norms, the NPM makes recommendations to relevant authorities to improve the conditions and treatment of people and prevent torture and other forms of cruel, inhuman or degrading treatment or punishment. In this regard, it may also submit proposals and comments on applicable or drafted acts.

The NPM regularly visits all places of deprivation of liberty in Slovenia and thus systematically and continuously collects and discusses relevant information referring to places of deprivation of liberty. On this basis, it reports its findings to the competent authorities and general broader public and takes other measures if necessary in accordance with the possibilities provided by the OPCAT or the MOPPM. In relation to the NPM, the Ombudsman also takes action according to the ZVarCP.

Official places of deprivation of liberty in the Republic of Slovenia include in particular:

- prisons and all their units and Radeče Juvenile Correctional Facility,
- educational institutions,
- social care and special social care institutions,
- psychiatric hospitals,
- police detention rooms,
- the Aliens Centre and the Asylum Centre,
- detention rooms operated by the Slovenian Armed Forces,
- all other locations as per Article 4 of the Optional Protocol (for example, police intervention vehicles, etc.).

The NPM thus particularly examines the treatment of detainees, prisoners in prisons and juvenile facilities, minors in correctional facilities and persons imprisoned for the non-payment of fines, children and adolescents with emotional and behavioural disorders in educational institutions, persons in secure and other wards of social care and special social care institutions that accommodate people deprived of their liberty (if not permitted to leave the facility of their own accord), persons in wards under special supervision in psychiatric hospitals, persons detained by the police, aliens and applicants for international protection who have been deprived of their liberty and military persons detained by the military police of the Slovenian Armed Forces.

The NPM determines a place of deprivation of liberty in each individual case. The list of places of deprivation of liberty obtained by the NPM from the relevant authority does not bind the NPM in the selection of facilities it wishes to examine in accordance with its powers. If a place which the NPM wishes to examine is not considered a place of deprivation of liberty, the NPM may as per the circumstances of the case claim that it is a place where such persons may be accommodated and should therefore, on the basis of Article 4 of the OPCAT and in connection with Articles 19 and 20, be enabled to examine the treatment of people thus accommodated. The same applies to individual departments or units of places of deprivation of liberty regarding which it is claimed that persons accommodated there are free to leave.

The NPM obtains information about places of deprivation of liberty in different ways, particularly by regular, extraordinary and control visits of these places, possible publications of other bodies or organisations and media about such places or issues relating to this field, contents of official websites of such places or their other publications, the Ombudsman's staff and complaint procedures at the Ombudsman if information is gathered during their discussion which may be used to implement the duties and powers of the NPM.

The purpose of obtaining information is to establish circumstances at places of deprivation of liberty as accurately as possible, to reveal possible deficiencies and to provide recommendations for their elimination and improvement of conditions and the treatment of people, and also to examine the implementation of these recommendations and compare conditions in different places of deprivation of liberty.

Pri zahtevi za izpolnitev svojih nalog in pooblastil iz 20. člena OPCAT se DPM sklicuje na ta člen. Če predstojnik oziroma osebje kraja odvzema prostosti ne izpolnjujejo zavez(e) iz tega člena, se v najkrajšem možnem času o tem pisno obvesti pristojni nadrejeni organ, v primeru nesodelovanja tega organa pa ministrstvo, ki skrbi za izvajanje protokola (tj. Ministrstvo za pravosodje). Varuh lahko po potrebi ukrepa tudi v okviru možnosti, ki jih ima skladno z določbami 40. in 46. člena ZVarCP.

Za pomanjkljivost se štejeta vsaka neskladnost dejanskega stanja z veljavnimi normami oziroma standardi in okoliščina, ki bi jo bilo tako s pravnega kot dejanskega vidika dopustno in smiselno izboljšati. Naloga DPM ni le preprečevanje mučenja in drugih oblik okrutnega, nečloveškega, poniževalnega ravnanja ali kaznovanja, temveč tudi ustvarjanje humanih razmer za osebe. Pri tem je treba upoštevati tudi razloge, ki morebiti dopuščajo omejitev pravic oseb oziroma posege vanje.

Predstavniki DPM so pri izvajanju svojih nalog in pooblastil v komunikaciji z osebami, predstojniki oziroma osebjem krajev odvzemov prostosti, pristojnimi organi, drugimi organi in drugimi predstavniki DPM oziroma udeleženci obiska, ki ga izvaja DPM, profesionalno spoštljivi in upoštevajo metodologijo izvajanja nalog in pooblastil DPM. Prav tako se vselej trudijo dajati vtis nepristranskosti, zavračajo obravnavo česar koli, kar ne more biti predmet pooblastil DPM, in si prizadevajo, da drugi ne bi utemeljeno gojili nerealnih pričakovanj do DPM oziroma do njih samih kot predstavnikov DPM.

DPM pridobiva in preverja informacije, potrebne za njegovo delovanje, predvsem pri predstojniku oziroma osebju kraja odvzema prostosti, pri pristojnem organu in osebah. Predstavniki DPM je pri svojem delu posebno pozoren na eni strani tudi na normativno ureditev oziroma informacije, ki jih navedejo predstojnik kraja odvzema prostosti, tamkajšnje osebje ali pristojni organ, na drugi strani pa na ugotovljeno dejansko stanje, poleg tega dosledno razišče tudi vse morebitne tovrstne neskladnosti. Vsekakor preverja pomanjkljivosti, za katere je izvedel že od drugih, vendar si zaradi tega nič manj ne prizadeva samoiniciativno zaznati tudi morebitne druge pomanjkljivosti.

Vse razumne očitke oseb, ki jim je odvzeta prostost, DPM preveri, kolikor je to mogoče. Glede očitkov, ki naj bi bili podlaga za konkretno priporočilo DPM, po možnosti pridobi tudi stališče tistega, na kogar se nanaša zadevni očitek.

Nosilec področja po opravljeni večini rednih obiskov na začetku koledarskega leta organizira delovno srečanje s pogodbenimi NVO in nanj povabi tudi morebitne pogodbene izvedence in prevajalce. Namen delovnega srečanja so medsebojna izmenjava izkušenj, zbiranje predlogov za izboljšanje dela DPM in izdelava letnega programa obiskov DPM za prihodnje leto. Nosilec področja lahko po potrebi skliče tudi več delovnih srečanj v letu. Predloge za delovno srečanje v zvezi z DPM lahko Varuhu podajo tudi pogodbene NVO.

Predstavniki DPM

Predstavniki DPM so: nosilec področja, sodelavci Varuha in predstavniki pogodbenih NVO (pogodbene NVO Varuhu posebej sporočijo, kdo je njihova kontaktna oseba za področje DPM).

Varuh lahko za opravo zadevnih storitev sklene tudi pogodbo z izvedencem katere od strok in prevajalcem. To lahko nosilcu področja predlaga vsak predstavnik DPM v zvezi z opravo zadevne naloge DPM. Pogodbenega izvedenca in prevajalca se angažira, ko se pričakuje, da bodo njune storitve potrebne za ustrezno izvedbo dela oziroma katere od nalog DPM in bi bilo to glede na pomen pričakovanih opravljenih storitev tudi ekonomično.

Predstavniki DPM so poznavalci pooblastil DPM in so dobro seznanjeni s CAT, OPCAT in MOPPM ter drugimi, v tej zvezi relevantnimi normami OZN. Prav tako so ustrezno usposobljeni in imajo strokovna znanja, ki jih na zahtevo ali s soglasjem nosilca področja tudi stalno dopolnjujejo z dodatnimi izobraževanji in izpopolnjevanji.

When fulfilling its duties and powers under Article 20 of the OPCAT, the NPM refers to this Article. If the head or the staff of the place of deprivation of liberty fail to fulfil the commitments under this Article, the relevant superior authority is informed thereof in writing as soon as possible, and in the case of non-cooperation of this authority, the ministry responsible for the implementation of this protocol (i.e. the Ministry of Justice) is informed. The Ombudsman may also take action within its jurisdiction if necessary as per the provisions of Articles 40 and 46 of the ZVarCP.

Deficiencies include any case of non-compliance of the actual situation with applicable norms or standards or circumstances which should be improved as appropriate from the legal and actual viewpoint. The duty of the NPM is not only to prevent torture and other forms of cruel, inhuman or degrading treatment or punishment, but to ensure humane conditions for detained persons. Whereby the reasons which may allow the limitation of people's rights or their violation must also be observed.

When conducting their duties and powers during communication with persons, heads or staff of places of deprivation of liberty, competent authorities, other authorities and other NPM's representatives or participants during visits conducted by the NPM, the representatives of the NPM are professional and respectful, and observe the methodology for implementing the duties and powers of the NPM. They also try to be objective at all times and refuse to discuss any matters not subject to the NPM's powers, and they try not to give an impression due to which other people might have unrealistic expectations of the NPM or themselves as the NPM's representatives.

The NPM obtains and examines the information necessary for its work particularly from the head or staff of the place of deprivation of liberty, the competent authorities and the persons deprived of their liberty. In its work, the NPM's representative pays attention to the regulatory framework or information provided by the head of the place of deprivation of liberty, its staff or competent authorities, and also to the actual situation established. The representative further consistently examines all possible failures to comply. The representative verifies deficiencies which were reported, but also endeavours to detect any other deficiencies on their own initiative.

All reasonable complaints by detainees are examined to the greatest degree possible. The opinion of the person to whom the complaint refers and which is supposed to serve as the basis for a concrete recommendation from the NPM is also obtained if possible.

After the majority of regular visits have been conducted, the responsible official organises a working meeting with contractual NGOs at the beginning of a calendar year and also invites possible contractual experts and interpreters. The purpose of the working meeting is to exchange experience, collect proposals for the improvement of the NPM's work and draft an annual programme of the NPM's visits for the following year. If necessary, the responsible official may convene several working meetings per year. The contractual NGOs may also submit proposals to the Ombudsman for a working meeting about the NPM.

Representatives of the NPM

The NPM's representatives include: the responsible official, the Ombudsman's colleagues and representatives of contractual NGOs (contractual NGOs inform the Ombudsman of their contact persons for the NPM).

The Ombudsman may also conclude a contract with an expert or an interpreter for the implementation of relevant services. This may be proposed to the responsible official by every NPM representative concerning a relevant duty of the NPM. A contractual expert and interpreter are engaged when it is expected that their services will be needed for the suitable implementation of work or any of the duties of the NPM, and when this is also considered cost-efficient relating to the significance of the expected work performed.

The NPM's representatives are familiar with the NPM's powers and are also well-acquainted with the CAT, the OPCAT and the MOPPM and other relevant UN regulatory frameworks. They are also suitably trained and have professional knowledge which is continuously upgraded with additional training and education at the request of, or with the consent of, the responsible official.

Neposredno izvajanje nalog in pooblastil DPM

Obiski krajev odvzema prostosti

Namen vsakega obiska DPM je ugotoviti dejanske okoliščine na kraju odvzema prostosti, v katerih osebe živijo, vključno z bivalnimi razmerami, odnosom, ki so ga deležne od osebja, in pravicami, ki so jim zagotovljene na podlagi ustave, zakonov in drugih aktov. Te se praviloma ugotavljajo in preverjajo z neposrednimi pogovori z osebami in osebjem in v komunikaciji s pristojnimi organi. Po ugotovitvi vseh okoliščin je naslednja naloga DPM prizadevanje za odpravo ugotovljenih nepravilnosti in izboljšanje razmer. V ta namen v končnem poročilu o obisku pripravi konkretna priporočila. DPM opravlja obiske krajev odvzema prostosti v treh oblikah, in sicer kot redne, izredne in kontrolne obiske.

Za vsak obisk nosilec področja določi vodjo obiska, ki nato ukrene vse, kar je potrebno, da se obisk učinkovito opravi.

Vsi obiski so praviloma nenapovedani pri kraju odvzema prostosti, ki ga bo DPM obiskal. Če nosilec področja presodi, da bi nenapovedan obisk v kraju odvzema prostosti povzročil obremenitve v njegovem delovanju, ki bi bile precej večje od koristi dejavnika presenečenja, lahko odloči, da se ta obisk napove. Enako se ravna, če se pričakuje, da bo mogoče katero pomembno nalogo ob obisku ustrezno izvesti le, če bo takrat tam navzoč predstojnik ali kateri drug predstavnik osebja kraja odvzema prostosti.

Obisk napove vodja obiska (praviloma največ) tri dni pred obiskom, sicer pa toliko prej, kot je najmanj treba, da ima najava obiska še smisel. Pri tem pojasni tudi, katere informacije bo DPM potreboval, in zaprosi, naj bodo zato pripravljene, če je to mogoče, in že posredovane še pred obiskom.

Poseben način napovedovanja obiskov je lahko tudi s predhodnimi vprašalniki.

Uro za začetek rednega obiska se določi najpozneje sedem dni pred njegovo izvedbo.

Takoj ko so znane vse potrebne informacije za izvedbo obiska DPM (kraj odvzema prostosti, datum obiska in predvideni čas začetka obiska na lokaciji), vodja obiska o tem obvesti koordinatorja NVO in pri tem tudi določi rok, do kdaj mu mora ta sporočiti, kdo od predstavnikov zadevne NVO se bo udeležil obiska in kako se ga ima namen udeležiti. Koordinator NVO mu lahko sporoči tudi morebitna do takrat še ne izpostavljena vprašanja oziroma predloge NVO v zvezi z obiskom.

Število udeležencev obiska določi vodja obiska, in sicer po posvetu z nosilcem področja in ob upoštevanju velikosti obiskane ustanove. O izbiri obvesti koordinatorja NVO.

Vodja obiska nato pripravi sklep, s katerim določi udeležence obiska DPM, po obisku pa tudi izjavo o opravljenem obisku in po potrebi še potrdilo o udeležbi posameznega udeleženca, skupaj s spremnim dopisom za NVO, ki se ji pošlje potrdilo.

Izredni ali kontrolni obisk se pripravi in opravi smiselno enako kot redni obisk, pri tem pa se upoštevajo značilni razlogi, zaradi katerih je takšen obisk potreben.

Izdelava letnega programa obiskov

Letni program rednih obiskov DPM za prihodnje leto sestavi in izda Varuh na podlagi dogovora, sprejetega na rednem letnem delovnem srečanju s pogodbenimi NVO pred koncem tekočega leta.

V letni program rednih obiskov se vpišejo datumi načrtovanih obiskov DPM oziroma kraji odvzema prostosti, ki so načrtovani v prihodnjem letu.

Direct implementation of the duties and powers of the NPM

Visits to places of deprivation of liberty

The purpose of any visit of the NPM is to establish the actual circumstances in a place of deprivation of liberty where persons live, including their living conditions, relations between them and the staff, and the rights which are provided to them on the basis of the Constitution, acts and other regulations. These are usually established and examined during direct interviews with detainees and staff and during communication with competent authorities. After the establishment of all circumstances, the next task of the NPM is to endeavour to eliminate the established irregularities and improve the conditions. For this purpose, concrete recommendations are included in the final report on the visit. The NPM conducts three types of visit to places of deprivation of liberty, i.e. regular, extraordinary and control visits.

The responsible official appoints a leader of the visit for each visit, who then takes the necessary action to conduct the visit efficiently.

Places of deprivation of liberty which the NPM intends to visit are usually not notified in advance. If the responsible official assesses that an unannounced visit to a place of deprivation of liberty would encumber the place's operations to a greater extent than the benefit of the surprise factor, the responsible official may decide to announce such a visit. The same applies if it is expected that an important task during the visit may be implemented only if the head or another representative of the staff is present.

The leader of the visit announces the visit (no more than) three days beforehand, or within the shortest reasonable time. At which point, they also communicate which information the NPM will need and requests that such information be prepared if possible and submitted before the visit.

The visits may also be announced with the submission of prior questionnaires.

The time of a regular visit is determined no later than seven days prior to its implementation.

As soon as all information necessary for the visit of the NPM are known (place of deprivation of liberty, date of visit and anticipated start of the visit at the location), the leader of the visit informs the NGO coordinator of this and also determines the deadline by which the coordinator must inform the leader about which representatives of relevant NGOs will participate in the visit and who intends to attend it. The NGO coordinator may also submit questions or proposals from NGOs relating to the visit which had not been raised before.

The number of participants in a visit are determined by the leader of the visit after consulting with the responsible official and by observing the size of the institution being visited. The NGO coordinator is informed about the selection of participants.

The leader of the visit then prepares a decision appointing participants in the NPM visit and a statement after the visit and, if necessary, a statement on the participation of individual participants, including a letter for the NGOs which is submitted to them for confirmation.

Extraordinary or control visits are prepared and conducted *mutatis mutandis* in the same manner as a regular visit, whereby particular reasons for such visits are observed.

Drafting the annual programme of visits

The annual programme of regular visits of the NPM for the following year is drafted and issued by the Ombudsman on the basis of an agreement reached at the regular annual working meeting with contractual NGOs before the end of the current year.

Dates of planned NPM visits or places of deprivation of liberty are entered in the annual programme of regular visits planned in the following year.

Praviloma se za vsak mesec v letu predvidi obisk najmanj enega od zadevnih krajev odvzema prostosti z vsakega področja, razen če razmere na tem področju kažejo, da je smiselna drugačna razporeditev. Pri tem se upoštevajo število krajev odvzema prostosti na nekem področju, potreba po periodičnosti rednih obiskov posameznega kraja odvzema prostosti, morebitne možnosti glede izvedbe obiskov več krajev odvzema prostosti na nekem področju v enem dnevu, vsebina in obseg pričakovane problematike ob rednem obisku ter s tem povezano predvideno trajanje obiska, število udeležencev obiska ter letni čas predvidenega rednega obiska in vse s tem povezane razmere.

Nosilec področja, sodelavci Varuha, pogodbene NVO in pogodbeni izvedenci skrbijo za to, da se z letnim programom obiskov ne seznanijo osebe, ki niso člani DPM, še posebej pa ne krajev odvzema prostosti.

Priprave na izvedbo obiska

Vsakdo se od trenutka, ko mu je znano, da bo udeleženec nekega obiska, predvsem samostojno pripravlja na njegovo izvedbo. Seznanjeni se z relevantno pravno podlago in morebitnimi poročili DPM o tem in drugih krajih odvzema prostosti z istega področja, ki so dostopna na Varuhovi uradni spletni strani, ter z vsebino morebitne uradne spletne strani tega kraja in njegovimi internimi akti. Če je mogoče, se seznanijo tudi z morebitnimi publikacijami organov oziroma organizacij in medijskim poročanjem, ki se nanašajo na kraj odvzema prostosti in problematiko, ki jo lahko tam pričakuje. Udeleženci obiska DPM si izmenjujejo relevantne informacije o kraju odvzema prostosti, s katerimi se vsak sam seznanijo med pripravami na izvedbo obiska.

Vodja obiska DPM lahko na svojo pobudo ali na predlog katerega od predvidenih udeležencev obiska organizira predhodno srečanje praviloma z vsemi, lahko pa tudi le z nekaterimi udeleženci, če presodi, da bi bilo to potrebno za uspešn(ejš)o izvedbo obiska.

Vodja obiska udeležence obiska pred obiskom razvrsti v skupine z najmanj dvema udeležencema. Pred obiskom in po potrebi tudi med njim določi naloge vsake od skupin in skrbi za njihovo usklajeno delovanje. Le izjemoma in če tako v skladu s smotrnostjo obiska določi vodja obiska, lahko neko nalogo opravi posamezen udeleženec.

Na področjih, kjer je to smiselno, Varuh oziroma od njega pooblaščen oseba v zadnjem mesecu tekočega leta predstojnikom krajev odvzema prostosti, predvidenih za redni obisk DPM v naslednjem letu, pošlje predhodni vprašalnik z zahtevo, naj izpolnjenega vrnejo Varuhu najpozneje do 14. januarja v prihodnjem letu.

Na podlagi dosedanjih Varuhovih izkušenj v vlogi DPM je smiselna uporaba predhodnih vprašalnikov predvsem v socialnovarstvenih in posebnih socialnovarstvenih zavodih ter psihiatričnih bolnišnicah.

Predhodni vprašalnik poleg vprašanj vsebuje tudi uvod, v katerem se predstojniku kraja odvzema prostosti pojasnijo namen delovanja DPM, pravna podlaga za izvedbo obiska in pooblastila DPM, opomni pa se ga tudi na s tem povezane zaveze kraja odvzema prostosti.

Predhodne vprašalnike v sodelovanju z nosilcem področja sestavijo in nato na podlagi svojih izkušenj dopolnjujejo sodelavci Varuha, ki obiskujejo kraje odvzema prostosti na posameznih področjih, za katera je uporaba teh vprašalnikov predvidena. Ob oblikovanju in dopolnjevanju vprašalnika se upoštevajo tudi predlogi udeležencev NVO, ki sodelujejo ob obiskih DPM.

Vodja obiska preostale udeležence obiska še pred njim seznanijo z informacijami, pridobljenimi s predhodnim vprašalnikom. Informacije, pridobljene na podlagi predhodnega vprašalnika, je treba preveriti tudi neposredno na dan obiska.

Udeleženci obiska lahko uporabljajo tudi opomnike z naborom vprašanj z namenom, da bi pridobili vse informacije, ki omogočajo smiselno analizo razmer na krajih odvzema prostosti nekega področja.

Opomnike v sodelovanju z nosilcem področja sestavijo in nato na podlagi svojih izkušenj dopolnjujejo sodelavci Varuha v sodelovanju z udeleženci NVO, ki obiskujejo kraje odvzema prostosti. Opomnik se lahko izdelava za vsako od področij krajev odvzema prostosti posebej, vsak udeleženec obiska pa si ga za vsak obisk posebej skrbno pripravi tudi pred obiskom DPM, ki se ga bo udeležil.

As a rule, at least one visit to relevant places of deprivation of liberty in each region is anticipated per month unless conditions in this field show that different arrangements are suitable. Whereby the number of places of deprivation of liberty in a certain region, the need for periodicity of regular visits to an individual place of detention, possible opportunities to conduct several visits in a region in one day, the content and scope of expected issues at a regular visit and thus related length of the visit, the number of participants in the visit, the season of the anticipated regular visit and all thus related conditions are observed.

The responsible official, the Ombudsman's colleagues, contractual NGOs and experts ensure that persons who are not members of the NPM are not informed of the annual programme of regular visits, and particularly the places of deprivation of liberty.

Preparations for conducting a visit

From the time a person is informed that they will be participating in a visit, each participant prepares for it independently. They are familiarised with the relevant legal basis and possible NPM reports on this and other places of deprivation of liberty in the region which are accessible on the Ombudsman's official website and the content of the official website of the place and its internal regulations. If possible, they also read publications of bodies or organisations and media news referring to the place of deprivation of liberty and the expected issues. The participants in the NPM visit exchange relevant information on the place of deprivation of liberty which they find on their own during the preparation for the visit.

At their own initiative or at the proposal of an anticipated participant, the leader of the NPM visit organises a preliminary meeting usually with all but also with only a few participants if it is deemed necessary for a more successful visit.

The leader of the visit divides the participants into groups of at least two participants. Prior to the visit, and if necessary, the leader also determines the tasks of each group and supervises their harmonised operations. Only exceptionally, and if accordance with the expedience of the visit, the leader may decide that a certain participant should do a certain task.

Where appropriate, the Ombudsman or her authorised person submits a preliminary questionnaire to the heads of places of deprivation of liberty, the visit of which is anticipated by the NPM in the next year, by the end of the current year and requests that it be returned no later than by 14 January of the following year.

On the basis of current experience, the use of preliminary questionnaires is particularly useful in social care and special social care institutions and psychiatric hospitals.

In addition to questions, the questionnaire also includes an introduction explaining to the head of the place of deprivation of liberty the purpose of the NPM operations, the legal bases for the visit and the NPM's powers. The duties of the place of deprivation of liberty in this connection are also stressed.

Preliminary questionnaires are prepared in cooperation with the responsible official and are further supplemented on the basis of their experience by the Ombudsman's colleagues who visit places of deprivation of liberty in the regions for which the questionnaires are intended. Proposals by NGOs participating in NPM visits are also observed when drafting and supplementing questionnaires.

Before the visit, the leader of the visit informs other participants about information obtained from the preliminary questionnaire. Information thus obtained must also be verified directly on the day of the visit.

The participants may use reminders with a selection of questions in order to obtain all information, enabling a suitable analysis of conditions at the place of deprivation of liberty in a certain area.

The reminders are drafted in cooperation with the responsible official and then supplemented on the basis of their experience by the Ombudsman's colleagues together with NGO representatives visiting places of deprivation of liberty. A reminder may be drafted for each area of places of deprivation of liberty and each participant may carefully prepare it also prior to the NPM visit which they will be attending.

Vodja obiska mora poskrbeti, da pridobi odgovore praviloma na vsa vprašanja, ki so opredeljena v opomniku področja (kategorije oseb, zmogljivosti in njihova zasedenost, bivalne razmere, obravnava oseb, zdravstveno varstvo, kadrovska zasedba, stiki z zunanjim svetom in pritožbene možnosti), vsak udeleženec obiska DPM pa mora poskrbeti, da bo prejel potrebne informacije v skladu s svojim opomnikom. Opomnik sicer ne sme odvracati pozornosti od pomembnih informacij in okoliščin, ki jih predstavniki DPM prejmejo in zaznajo neposredno ob obisku.

Izvedba obiska

Obisk DPM mora biti izveden tako, da se spoštujejo interni akti kraja odvzema prostosti (npr. hišni in dnevni red), če to ne preprečuje izvedbe nalog in pooblastil DPM. Med obiskom kraja odvzema prostosti vsak udeleženec obiska čim bolj skrbno zapiše vsako pomembno okoliščino, ki jo zazna, in vsako prejeto informacijo, kot da bi bil edini udeleženec obiska. Tako se poveča možnost za naknadno primerljivost oziroma preverljivost tistega, kar so si o obisku zapisali udeleženci obiska.

Udeleženci nenajavljenega obiska DPM pridejo na kraj odvzema prostosti ob istem času.

Ob vstopu na kraj odvzema prostosti vodja obiska predstavi udeležence obiska in namen izvedbe obiska, nato se pogovorijo s predstojnikom.

Redni obisk praviloma tvorijo naslednje zaporedne faze: uvodni pogovor s predstojnikom kraja odvzema prostosti, ogled bivalnih prostorov oseb in drugih prostorov ter opreme v objektih kraja odvzema prostosti, pogovori z osebami in osebjem, pregled dokumentacije in sklepni pogovor s predstojnikom.

Vodja obiska lahko za katero od navedenih faz tudi odloči, da se izpusti, če ne bi bila smiselna ali mogoča, oziroma da se opravi v drugačnem vrstnem redu ali sočasno po posameznih skupinah udeležencev obiska, sestavljenih tako, kot je glede na število udeležencev obiska in njihovo usposobljenost najbolj smiselno. Kadar je za izvedbo naloge primerno, vodja obiska upošteva tudi spol udeležencev obiska (npr. pogovori udeleženk obiska s prošilkami za mednarodno zaščito v odsotnosti njihovega moža ipd.).

Namen uvodnega pogovora je pridobitev ažurnih uradnih informacij o vseh poglobljenih okoliščinah kraja odvzema prostosti. Uvodni pogovor praviloma vodi vodja obiska. Najprej predstojniku pojasni, da gre za obisk DPM in predstavi posamezne udeležence obiska. Nato predstavi predviden potek obiska, kolikor to ni v nasprotju z namenom obiska. Za tem poskuša na podlagi opomnika od predstojnika in drugih odgovornih oseb prejeti vse potrebne informacije. Kadar so ob uvodnem pogovoru navzoči tudi drugi udeleženci obiska, ti pri tem aktivno sodelujejo.

Če vodja obiska načrtuje zbiranje informacij med obiskom tudi s fotoaparatom, diktafonom ali katerim drugim tehničnim sredstvom, s tem predstojnika kraja odvzema prostosti seznaniti že v uvodnem pogovoru. Pri tem predstojniku tudi pojasni, da se bodo fotografirali le prostori in oprema, ne pa tudi osebe, razen če bi to same izrecno želele in bi udeleženec obiska to tudi presodil za smiselno.

Pri odpiranju vrat bivalnega prostora osebe udeleženec obiska najprej na kratko pojasni, da gre za obisk DPM. Nato obzirno vpraša, ali sme (skupina) vstopiti. Tako se poskuša zmanjšati občutek vdora v osebno področje oseb. Ko z dovoljenjem osebe vstopi v (njen) bivalni prostor, se vrata tudi zaprejo ali vsaj priprejo, da se vzpostavi zadovoljiva mera zasebnosti in zaupnosti pogovora. Ob tem predstavnik DPM (po)skrbi za svojo varnost.

V bivalnem prostoru se osebami na kratko pojasni namen obiska DPM in se jih povabi k pripovedovanju o tistem, kar jih v kraju odvzema prostosti moti. Ob tem se poskuša čim bolj objektivno ugotoviti primernost bivalnega prostora, predvsem glede na število oseb, ki morajo v njem skupaj bivati, v povezavi z njegovo površino in urejenostjo, osvetlitvijo in prezračevnostjo, higienskimi razmerami, pohištvo, ležišči in drugo opremo v njem (tudi z vidika vzdrževanosti). Upoštevajo se tudi možnosti, ki jih imajo osebe za dajanje osebne note bivalnemu prostoru, v katerem so nastanjene.

The leader of the visit must acquire replies to all questions defined in the reminder (categories of persons, capacity and their occupancy, living conditions, treatment of persons, health care, staff, contacts with the outside world and possibilities for complaint). All participants in the NPM visit must ensure that they receive the necessary information as per their reminder. The reminder must not distract attention from important information and circumstances which the NPM representatives receive and discover during the visit.

Implementation of a visit

NPM visits must be conducted in such way as to respect the internal rules of the place of deprivation of liberty (e.g. house and daily rules) if this does not prevent the implementation of NPM duties and powers. During the visit, all participants carefully note all important circumstances discovered and information received as if they were the only participant in the visit. This increases the possibility of further comparing or verifying the content noted by participants.

Participants in a unannounced NPM visit arrive at the place of deprivation of liberty simultaneously.

Upon entering the place of deprivation of liberty, the leader of the visit introduces the participants and the purpose of the visit; they then speak to the head of the place of deprivation of liberty.

Regular visits usually include the following consecutive phases: introductory discussion with the head of the place of deprivation of liberty, review of detainees' living conditions, other premises and equipment at the facilities of the place of deprivation of liberty, interviews with detainees and staff, examination of documentation, and concluding discussion with the head of the place of deprivation of liberty.

The leader of the visit may decide to omit any of the phases if this is suitable or possible, or to conduct the visit in a different order or simultaneously with individual groups of participants composed in a way most suitable as per the number of participants and their qualifications. When appropriate, the leader of the visit also considers the gender of the participants (e.g. interviews held by female participants with female applicants for international protection in the absence of their husbands and similar).

The purpose of the introductory discussion is to acquire the latest information on all the key circumstances of the place of deprivation of liberty. The introductory discussion is usually conducted by the leader of the visit. First, the head of the place of deprivation of liberty receives an explanation of the NPM visit and individual participants are introduced. The leader of the visit then presents the anticipated course of the visit if this is not contrary to its purpose. On the basis of the reminder, the leader of the visit attempts to obtain all the necessary information from the head of the place of deprivation of liberty and other responsible persons. If other participants at the visit are also present at the introductory discussion, they actively participate in the discussion.

If the leader of the visit intends to collect information during the visit with a camera, dictating machine or any other technical means, the head of the place of deprivation of liberty must be informed thereof during the introductory discussion. The leader of the visit also explains that only premises and equipment will be photographed, not persons, unless they explicitly want to be, and if the participant assesses this as suitable.

When opening doors to living quarters, the participant first briefly explains the NPM visit to the person living there, then asks considerately if (the group) may enter. In this way, the sense of intrusion into the person's private space is reduced. After entering living quarters with the permission of the person, the doors are closed, or at least left ajar to establish a sufficient level of privacy and confidentiality of conversation. The NPM representatives are responsible for their own safety.

The persons receive a brief explanation of the purpose of the NPM visit and invited to provide their opinion on things that bother them at the place of deprivation of liberty. The suitability of living quarters are established as objectively as possible, particularly relating to the number of people sharing the quarters in terms of their size and arrangement, lighting and ventilation, sanitary conditions, furniture, beds and other equipment (also from the aspect of their maintenance). The option to give the living quarters a personal touch by the persons accommodated there is also observed.

Pri vsakem pogovoru se poskuša pridobiti sogovornikovo zaupanje. Poudari se zaupnost pogovora, predvsem pa se trudi, da sogovornik čim bolj pravilno razume namen pogovora z DPM in da sodelovanja v njem v nobenem trenutku ne more utemeljeno dojemati kot neprostoovoljnega.

Praviloma se dopušča, da pogovor poteka spontano. Predvsem je treba upoštevati, da se sogovornik morebiti niti ne zaveda, da so mu kratene pravice ali da se pojavljajo druge nepravilnosti pri njegovi obravnavi. Zato ga je pomembno napeljevati predvsem na pripovedno izpovedovanje (npr. da s svojimi besedami opiše tipičen dan, kot ga preživlja, kako dejansko poteka dejavnost, ki jo omenja, kako se je lahko udeležuje ipd.). Če sogovornik izpostavlja okoliščine, ki niso predmet obravnave DPM, se mu to pojasni. Čeprav je morebiti o neki okoliščini pred njim že pripovedovalo več drugih, se sogovornika, ki bi tudi sam utegnil kaj vedeti o njej, o tem tudi povpraša. Tako se preverjajo morebitne različne izkušnje sogovornikov o istih okoliščinah.

Če se izkaže, da bo mogoče katero navedbo preveriti le z razkritjem sogovornikove identitete osebu oziroma predstojniku kraja odvzema prostosti, ga je treba najprej prositi za njegovo soglasje o tem. Če takega soglasja ne da, se mu pojasni, da morda prejete informacije ne bo mogoče preveriti oziroma da bo prejeta informacija morda netočna. Pogovori lahko potekajo z eno ali več osebami hkrati, odvisno od okoliščin in namena obiska DPM oziroma od želje posamezne osebe. Pogovor praviloma traja do 20 minut, če se izkaže za smiselno, pa lahko tudi dlje.

Skupni pogovori se praviloma opravijo ob ogledu prostorov, kolikor je tako smiselno pridobivati informacije od oseb glede splošnih razmer bivanja in obravnave na kraju odvzema prostosti.

Če je mogoče individualni pogovor opraviti v bivalnem prostoru osebe, se izvede tam, sicer pa se zahteva, da se zagotovi primeren prostor za zaupen pogovor oseb(e) z DPM. Osebe, s katerimi se bo opravil individualni pogovor, se določijo na podlagi njihovih morebitnih želja in na podlagi lastne, lahko tudi povsem naključne izbire. To se lahko opravi ob ogledu prostorov ali na podlagi seznama oseb, ki se predhodno pridobi od predstojnika oziroma osebja kraja odvzema prostosti. Samo izjemoma se individualni pogovori opravijo le s tistimi osebami, ki za to same izrazijo željo. Tako se poskuša čim bolj zmanjšati verjetnost, da katera od oseb ne bi imela priložnosti govoriti z DPM le zato, ker o možnosti pogovora ni bila ustrezno seznanjena ali bi se ji zaradi nekega pritiska, lahko tudi od drugih oseb, izrecno ali kako drugače odrekla.

Udeleženci obiska DPM govorijo tudi z osebjem. Pomembno je, da ti pogovori ne potekajo ob navzočnosti predstojnika in da so čim manj formalni. Namen teh pogovorov je pridobiti nove informacije in preveriti že prejete informacije ter tako zaznati morebitna neskladja.

Ob obisku se smiselno pregleda tudi dokumentacija: izbrani spisi, ki se vodijo o osebah, pravni akti, na podlagi katerih so osebe na kraju odvzema prostosti, in morebitne evidence, ki jih vodi oziroma bi jih moral voditi kraj odvzema prostosti. Če DPM presodi, da je to smiselno, lahko v končnem poročilu obrazloženo predlaga, naj kraj odvzema prostosti uvede tudi kakšno evidenco, ki je sicer ni zavezan voditi, a bi pomembno pripomogla k izboljšanju razmer.

Pred sklepnim pogovorom s predstojnikom kraja odvzema prostosti se, razen če vodja skupine odloči drugače, udeleženci obiska DPM brez navzočnosti drugih sestanejo in izmenjajo poglobljene pridobljene informacije, predloge in mnenja. Po potrebi obisk nadaljujejo (npr. zaradi dodatnega preverjanja katerih od okoliščin).

Sklepni pogovor se opravi (vsaj) s predstojnikom kraja odvzema prostosti. Vodi ga vodja obiska, ki tudi druge udeležence obiska DPM povabi, naj predstavijo poglobljene ugotovitve o kraju odvzema prostosti. Ob tem opozori na morebitne pomanjkljivosti, ki morajo biti odpravljene takoj, in izpostavi očitke ter pohvalne vidike ugotovljenih razmer. Po potrebi zahteva še dodatna pojasnila. Končno vodja obiska pojasni tudi, da bo o obisku izdelano predhodno oziroma končno poročilo in pove, komu bo poslano.

Če ob obisku kraja odvzema prostosti DPM ni bilo mogoče pridobiti vseh potrebnih informacij, jih vodja obiska posebej zahteva v predhodnem poročilu.

An effort is made to gain the person's trust during every interview. The confidentiality of discussions is stressed and special efforts are made to ensure that the person correctly understands the purpose of speaking with the NPM and that cooperation cannot at any time be justifiably understood as involuntary.

As a rule, this conversation is conducted spontaneously. It must also be observed that a person may not even be aware that their rights are being violated or that other irregularities are occurring while they are being deprived of their liberty. It is thus important to lead the conversation in a way that allows the person to give a narrative account (e.g. describe in their own words a typical day, the course of the activity they are involved in and how can they be involved in it, etc.). If a person highlights circumstances which are not the subject of the NPM discussion, this is explained. Even if several people have already spoken about a certain circumstance, any person who may also know something about it, is also asked about this. In this way, possibly different experiences of identical circumstances are verified.

If it is established that a certain statement may only be verified by revealing a person's identity to the staff or the head of the place of deprivation of liberty, the person must first be asked to consent. If the person is unwilling to consent, it is explained that information received cannot be verified or that the information may be inaccurate. Interviews may be conducted with one or several persons simultaneously, depending on the circumstances and the purpose of the NPM visit or the wishes of the individual person. The interviews usually take up to 20 minutes or more if considered suitable.

Group interviews are usually conducted after viewing the premises if they are suitable for obtaining information from persons relating to general living conditions and treatment at the place of deprivation of liberty.

If possible, an individual interview is conducted in the living quarters of the person, or suitable premises are requested for a confidential discussion of the person with the NPM. Persons with whom individual interviews are to be conducted are determined on the basis of their possible requests and the NPM's own selection or also on completely random selection. The interviews may be held during the viewing of premises or on the basis of a list of persons previously obtained from the head or the staff of the place of deprivation of liberty. Only exceptionally are individual interviews conducted only with persons who expressed such a wish. This reduces the probability of any persons not having the opportunity to speak to the NPM only because they were not suitably informed of this possibility, or having them waive this right explicitly or in another way due to certain pressure also from other persons.

The participants of the NPM visit also speak to staff. It is important that these interviews are not conducted in the presence of the head and that they are as informal as possible. The purpose of these discussions is to obtain new information and verify information and thus discover possible non-compliance.

The visit is also an opportunity to review suitable documentation: selected files on persons, legal acts on the basis of which persons are detained, and possible records kept or which should be kept at the place of deprivation of liberty. If the NPM deems it appropriate, the final report may include a proposal that the place of deprivation of liberty introduce a record, which it is not obliged to keep, but which may significantly contribute to improving conditions.

Prior to the concluding discussion with the head of the place of deprivation of liberty, the participants of the NPM visit meet and exchange the main information, proposals and opinions obtained unless decided otherwise by the leader of the visit. If necessary, they continue the visit (e.g. to further examine certain circumstances).

The concluding discussion is conducted (at least) with the head of the place of deprivation of liberty. The discussion is led by the leader of the visit, who also invites other participants of the NPM visit to present their main findings about the place of deprivation of liberty. The leader of the visit points to possible deficiencies which must be eliminated immediately and highlights complaints and commendable aspects of the conditions established. The leader of the visit also requests further clarifications if necessary, and explains that a preliminary or final report will be drafted on the basis of the visit and to whom it will be submitted.

If the group is unable to obtain all the necessary information upon the visit to the place of deprivation of liberty, the leader of the visit requests for this information in the preliminary report.

Aktivnosti DPM po izvedenem obisku

Razdelitev nalog DPM po izvedenem obisku določi vodja obiska, praviloma sporazumno z drugimi udeleženci obiska.

Če vodja obiska presodi, da je to potrebno oziroma smiselno, določi datum, uro in kraj (praviloma sedež Varuha) posebnega srečanja udeležencev obiska po že izvedenem obisku, da se podrobneje izmenjajo vse izkušnje, primerjajo prejeta pojasnila, zavzamejo skupna stališča in opredelijo morebitna ločena mnenja ter da se določijo naloge udeležencev obiska po opravljenem obisku.

Izdelava poročila DPM o obisku

Vsak udeleženec po izvedenem obisku v osmih dneh vodi obiska pisno posreduje svoje ugotovitve o obisku ter predloge za izboljšanje razmer in ravnanje z osebami v obiskani ustanovi.

O izdelavi poročila DPM o obisku se dogovori pred obiskom. Vodja obiska lahko določi udeleženca obiska iz NVO za izdelavo poročila v celoti ali pa določi določene udeležence obiska za izdelavo posameznih delov poročila. Pri tem določi tudi rok, kdaj naj mu bo poročilo (oziroma njegov del) posredovano.

Če je za izdelavo poročila določen eden od udeležencev in gre za delavca Varuha, ta pripravi poročilo v poglavitnem delu, nato pa ga pošlje preostalim udeležencem, in sicer s predlogom, naj mu v zadevnem roku sporočijo morebitne pripombe in predloge, povezane z njim. Morebitni odzivni predlogi morajo biti v obliki, ki omogoča neposredno vključitev v poročilo.

Če je za pripravo poročila določen eden od udeležencev obiska in gre za udeleženca NVO, ta pripravi poročilo v obliki, ustrejni za odpremo, in ga pošlje v pregled vodji obiska, lahko pa tudi drugim udeležencem. Vodja obiska nato s tem poročilom ravna, kot je določeno za primer, ko ga napiše sam.

Če je udeleženec obiska opravil nalogo, pri kateri udeleženec, ki mora izdelati poročilo, ni bil navzoč, mora temu oziroma vodji obiska posredovati besedilo v zvezi s to nalogo, in sicer v obliki, ki omogoča neposredno vključitev v poročilo.

Pred odpremo poročila le-tega preveri in potrdi nosilec področja.

Poročilo DPM o obisku kraja odvzema prostosti mora biti jasno, v njem mora biti uporabljena ustrežna terminologija in vsebovati mora vse poglavitne ugotovitve in priporočila za odpravo nepravilnosti ter za izboljšanje razmer in ravnanje z osebami. V poročilu se lahko uporabljajo tudi fotografije, vendar mora biti opis okoliščine, ki jo prikazuje fotografija, takšen, da bi bil zadosten v vseh pogledih, tudi če fotografije ne bi bilo.

Pogodbeni izvedenec izdelava svoje mnenje ločeno od poročila o obisku. Njegovo mnenje mora biti pripravljeno v takšni obliki, da se lahko neposredno vključi v poročilo o obisku kot njegov sestavni del.

Predhodno oziroma končno poročilo DPM o obisku mora biti izdelano praviloma najpozneje v 30 dneh po opravljenem obisku oziroma prejemu odzivnega poročila na predhodno poročilo.

Vodja obiska izdelano poročilo DPM o obisku posreduje vsem udeležencem obiska in pri tem določi tudi rok, v katerem morajo bodisi predlagati spremembe v poročilu bodisi sporočiti, da nimajo pripomb nanj. V zapisu o izdelavi na koncu poročila se navedejo udeleženci obiska, ki so k temu prispevali.

Vsak predstavnik NVO, ki se je udeležil zadevnega obiska DPM, lahko zahteva, da se v imenu pogodbene NVO, ki ji pripada, izpostavi drugačno stališče, kot ga zavzemajo predstavniki Varuha oziroma drugih pogodbenih NVO. Vodja obiska pa lahko tudi odloči, da se za neko stališče v poročilu DPM posebej navede, da gre za ugotovitev, stališče oziroma predlog katere od pogodbenih NVO.

Končno poročilo, ki ga potrdi vodja področja, se pošlje v Varuhovem imenu.

Kraju odvzema prostosti se praviloma postavi rok 21 dni za odgovor na predhodno poročilo, če vodja obiska tako presodi, pa lahko tudi rok do 30 dni. Pristojnemu organu se določi rok za odgovor 30 dni. Po potrebi se poročilo pošlje v obravnavo tudi drugim pristojnim organom (sodišču, zdravstveni instituciji, ministrstvu ipd.).

NPM activities after conducting a visit

The leader of the visit determines the NPM tasks after the visit in agreement with other participants of the visit.

If deemed necessary or suitable, the leader of the visit determines the date, time and place (usually the Ombudsman's head office) for an additional meeting of the participants after the conducted visit in order to further exchange experience, compare received clarifications, take joint positions, determine possible differing opinions and define the tasks of the participants after the visit.

Drafting the NPM report on the visit

After a visit, every participant submits their findings on the visit and proposals for the improvement of conditions and treatment of persons at the visited facility within eight days to the leader of the visit.

The drafting of the NPM report is agreed on prior to the visit. The leader of the visit may appoint a participant of the visit from an NGO to draft the full report or appoints certain participants to draft individual sections of the report. The leader of the visit also determines the deadline by which the report (or its section) is to be submitted.

If one participant, who is the Ombudsman's colleague, is appointed to draft the report, they prepare the majority of the report and then forward it to other participants with a proposal to submit possible comments and suggestions in due time. These comments and suggestions have to be in a format enabling direct inclusion in the report.

If one participant, who is a representative of a NGO, is appointed to draft the report, they prepare the report in a format suitable for submission and forward it for review to the leader of the visit. They can also forward it to other participants. The leader of the visit treats the report in the same way as determined in the case when they write the report themselves.

If a participant is appointed to conduct a task at which the participant responsible for drafting the report was not present, the former must submit the text relating to the task to the latter or to the leader of the visit in a format which enables direct inclusion in the report.

The responsible official verifies and confirms the report before its submission.

The NPM report on a visit to a place of deprivation of liberty must be clear and contain suitable terminology and all key findings and recommendations for the elimination of irregularities and for the improvement of conditions and treatment of persons. The report may also contain photographs; however, the description of the circumstance shown in the photograph must be sufficient in all regards even if a photograph is not provided.

Contractual experts prepare their opinions independently of the report on the visit. Their opinion must be in a format permitting its direct inclusion in the report on the visit as an integral part.

The preliminary or final NPM report on the visit must be drafted no later than 30 days after the visit or the receipt of a response report on the preliminary report.

The leader of the visit submits the drafted NPM report to all participants of the visit and also determines the deadline by which they must submit amendments to the report or communicate that they have no comments. The participants contributing to the drafting of the report are listed at the end of the report.

All NGO representatives present at the relevant NPM visit may demand that an opinion different than that of the Ombudsman's representatives or other contractual NGOs be provided on behalf of the contractual NGO to which they belong. The leader of the visit may also state explicitly that a certain opinion in the NPM report is a finding, opinion or proposal by a contractual NGO.

The final report approved by the responsible official is submitted on behalf of the Ombudsman.

The place of deprivation of liberty usually has 21 days to reply to the preliminary report, or 30 days if the leader of the visit so decides. The competent authorities have 30 days to respond to the report. If necessary, the report is also submitted to other competent authorities (court, health-care institutions, ministries etc.).

Po prejemu odziva na poročilo o obisku vodja obiska udeležence obiska seznanji z odzivnim poročilom in jih po potrebi zaprosi tudi za njihova stališča.

Sodelavec Varuha, na kogar je odprt spis o obisku, tega konča v dogovoru z nosilcem področja. Spis o obisku se lahko konča potem, ko so jasno izražene vse ugotovitve DPM v zvezi z zadevnim obiskom. Že končan spis se izroči sodelavcu Varuha, ki je določen za izdelavo poročil(a) DPM za objavo.

Poročilo DPM za objavo

Nosilec področja določi sodelavca Varuha za izdelavo poročil(a) DPM za objavo.

Sodelavec za izdelavo poročila DPM za objavo izdelava poročilo za objavo praviloma v 30 dneh, odkar je prejel končan spis o obisku, in ga predloži nosilcu področja v potrditev. V primeru morebitnih vsebinskih nejasnosti ali potrebe po dodatnih pojasnilih sodelavcu za izdelavo poročil DPM za objavo to pomaga pojasniti vodja obiska oziroma sodelavec, na kogar je bil odprt spis o obisku.

Poročilo se objavi na Varuhovi uradni spletni strani. Lahko se prevede tudi v tuji jezik, če je to smotno. Poročila DPM za objavo, ki so v angleškem jeziku, se objavijo na Varuhovi uradni spletni strani, po potrebi pa se pošljejo tudi predstavnikom drugih organov oziroma organizacij, katerih dejavnost je kakor koli povezana s CAT.

Objavljanje informacij o DPM

V Varuhovem letnem poročilu se kot posebno poglavje objavi poglavje Varuh kot državni preventivni mehanizem. O izvrševanju nalog in pooblastil DPM izda tudi posebno publikacijo. V njej se za vsako leto predstavijo poglobljene ugotovitve na tem področju Varuhovega dela in se napoti bralca na poročila DPM za objavo na Varuhovi spletni strani.

Varuh ima v okviru svoje uradne spletne strani organizirano podstran Varuh kot državni preventivni mehanizem, kjer je predstavljeno to področje Varuhovega dela. V ta namen so tam predstavljeni pravna podlaga za delovanje DPM, trenutne pogodbene NVO, vsa poročila DPM za objavo, povezava neposredno do poglavja Varuhovega letnega poročila Varuh kot državni preventivni mehanizem in shema DPM v Republiki Sloveniji. Vsebina te podstrani je z izjemo poročil DPM za objavo prevedena v angleški jezik, pa tudi v madžarski in italijanski jezik.

Ugotovitve DPM oziroma njegovo delo se po potrebi predstavijo tudi na novinarski konferenci, ki jo organizira Varuh.

After receiving the reply to the report on the visit, the leader of the visit informs the participants on the response report and requests their opinions if necessary.

The Ombudsman's colleague referred to in the file of the visit completes their work in agreement with the responsible official. The file on the visit is closed once all findings of the NPM relating to the relevant visit have been clearly stated. The closed file is then submitted to the Ombudsman's colleague responsible for preparing NPM report(s) for publication.

NPM report for publication

The responsible official appoints an Ombudsman's colleague to prepare the NPM report(s) for publication.

The colleague is obliged to prepare the NPM report for publication within 30 days of receiving the closed file on the visit and to submit it to the responsible official for approval. In the case of possible substantive ambiguities or need for additional clarifications, the leader of the visit or the colleague referred to in the file of the visit help with further clarifications.

The report is published on the Ombudsman's official website. It may also be translated into a foreign language if necessary. The NPM reports for publication which are in English are published on the Ombudsman's official website and, if necessary, submitted to representatives of other bodies or organisations whose activity is in any way related to the CAT.

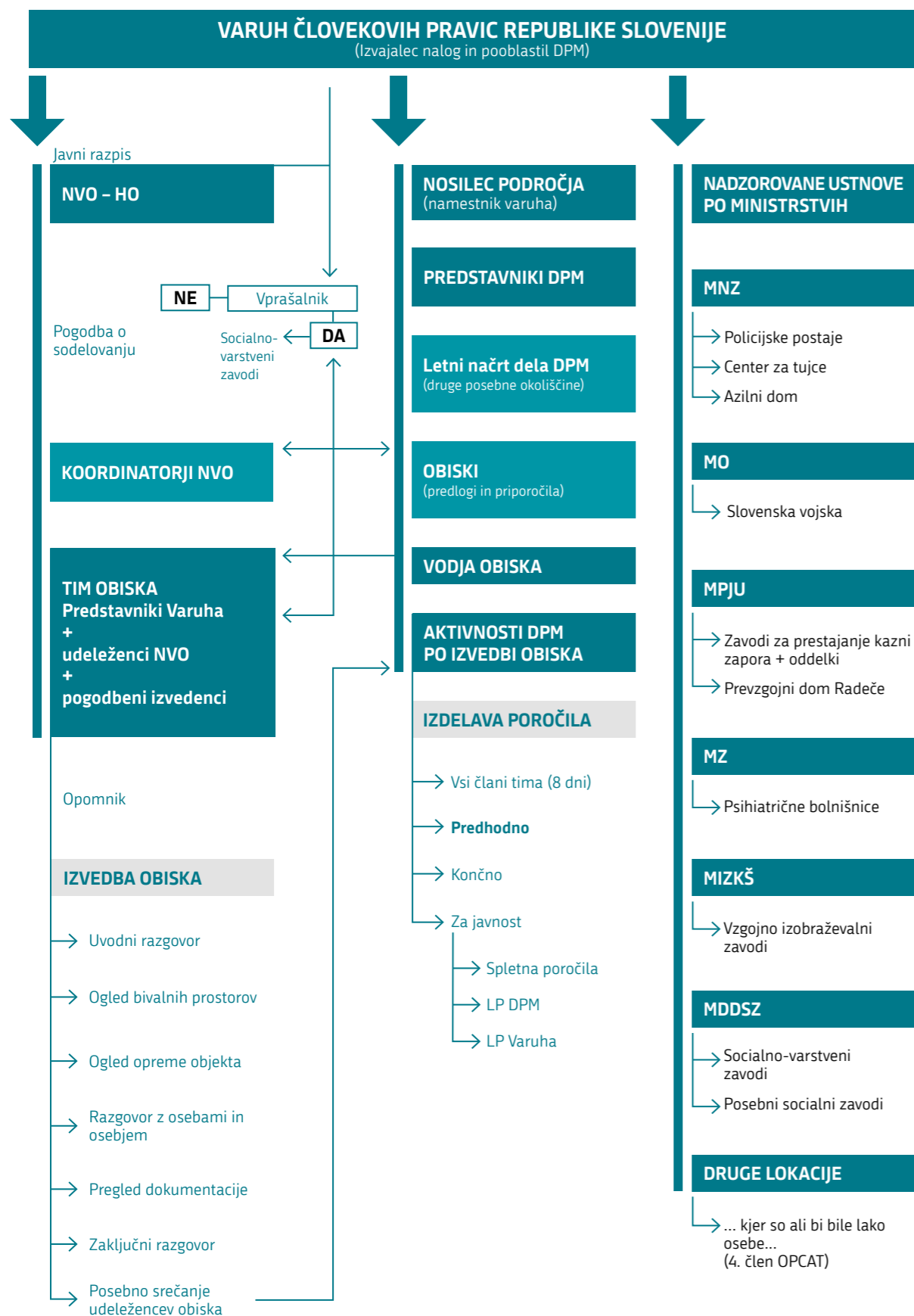
Publication of information on the NPM

The special chapter, Ombudsman as the National Preventive Mechanism, is published in the annual report of the Ombudsman. A special publication is also published on the implementation of duties and powers of the NPM. The key findings in this field of the Ombudsman's work are presented in the publication annually and the reader is advised to read the NPM reports published on the Ombudsman's website.

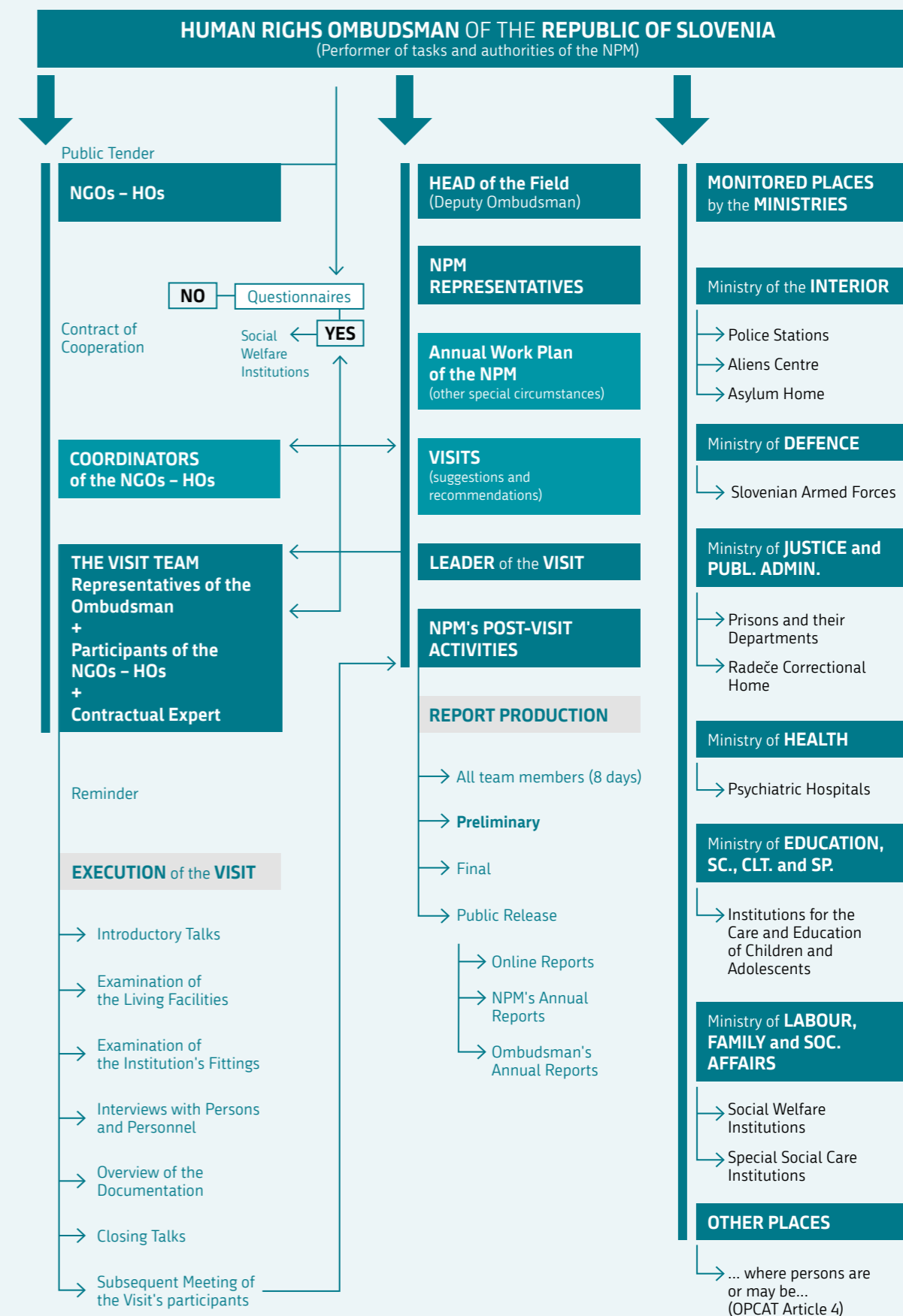
On its official website, a special sub-section, Ombudsman as the National Preventive Mechanism, presents this field of the Ombudsman's work, which also includes the legal basis for the NPM, current contractual NGOs, all NPM reports prepared for publication, direct links to the chapter, Ombudsman as the National Preventive Mechanism, in the Ombudsman's annual report, and the NPM scheme in the Republic of Slovenia. The content of this sub-section is translated into English, Hungarian and Italian, except for the NPM reports.

When necessary, the NPM findings or its work are also presented at press conferences organised by the Ombudsman.

1.12 Shema delovanja DPM



1.12 Diagram of Slovenian NPM's Operation



2

KONVENCIJA IN PROTOKOL



2.1 Konvencija OZN proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju

Sprejeta ter na voljo za podpis, ratifikacijo in pristop, dne 10. decembra 1984, z resolucijo Generalne skupščine Združenih narodov 39/46. Datum začetka veljavnosti konvencije: 26. junij 1987 - v skladu s 27(1) členom konvencije. Objavljena v Uradnem listu Republike Slovenije - Mednarodne pogodbe št. 7/93.

Države članice te konvencije,

- menijo, da je v skladu z načeli ustanovne listine Združenih narodov priznavanje enakih in neodtujljivih pravic vseh članov človeške družine temelj svobode, pravice in miru v svetu,
- menijo, da te pravice izhajajo iz dostojanstva, neločljivega od človekove osebnosti,
- menijo, da morajo države na podlagi ustanovne listine, predvsem pa njenega 55. člena, spodbujati splošno in dejansko spoštovanje človekovih pravic in temeljnih svoboščin,
- upoštevajo 5. člen splošne deklaracije o človekovih pravicah in 7. člen mednarodnega pakta o državljanskih in političnih pravicah, po katerih nihče ne sme biti izpostavljen mučenju in ne krutim, nečloveškim ali poniževalnim kaznim ali ravnanju,
- upoštevajo tudi deklaracijo o varstvu vseh oseb pred mučenjem in drugimi krutimi, nečloveškimi ali poniževalnimi kaznimi ali ravnanju, ki jo je Generalna skupščina sprejela 9. decembra 1975,
- želijo povečati učinkovitost boja proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju v vsem svetu, in
- **so se zedinile o naslednjem:**

I. DEL

1. člen

1. V tej konvenciji pomeni izraz »mučenje« vsako dejanje, ki osebi namenoma prizadene hudo bolečino ali trpljenje, bodisi telesno ali duševno, da bi se od nje ali koga drugega dobila obvestila ali priznanja ali da bi se kaznovala za dejanje, ki ga je storila sama ali kdo drug ali je zanj osumljena sama ali kdo drug, da bi se ustražovala ali nanjo izvajal pritisk ali da bi se ustražoval kdo drug ali nanj izvajal pritisk, ali iz kateregakoli drugega razloga, ki temelji na katerikoli obliki diskriminacije, če to bolečino ali trpljenje prizadeva uradna oseba ali kdo drug, ki nastopa kot oseba z uradnim statusom ali na njeno pobudo ali z njeno izrecno privolitvijo ali privolitvijo molče. Ta izraz se ne nanaša na bolečino ali trpljenje, ki je posledica izključno zakonitih sankcij, ki ni ločljivo od teh sankcij ali ga te sankcije povzročajo.

2

CONVENTION AND PROTOCOL



2.1 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987, in accordance with article 27 (1). Published in Uradni list RS - Mednarodne pogodbe, No. 7/93 (Official Gazette of the Republic of Slovenia - International Treaties).

The States Parties to this Convention,

- Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,
- Recognizing that those rights derive from the inherent dignity of the human person,
- Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,
- Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,
- Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,
- Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,
- **Have agreed as follows:**

PART I

Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. Ta člen ne vpliva na noben mednarodni instrument ali nacionalni zakon, ki vsebuje ali utegne vsebovati določbe širšega pomena.

2. člen

1. Vsaka država članica izvaja zakonske, upravne, sodne ali druge učinkovite ukrepe, da bi na ozemlju pod svojo jurisdikcijo preprečila mučenje.

2. Kot opravičilo za mučenje se ne more navesti nikakršna izredna okoliščina - bodisi da gre za vojno stanje ali vojno nevarnost, notranjo politično nestabilnost ali kako drugo izredno stanje.

3. Kot opravičilo za mučenje se ne more navesti odredba kake nadrejene osebe ali organa oblasti.

3. člen

1. Nobena država članica ne bo pregnala, izgnala in ne izročila osebe drugi državi, če so resni razlogi za sum, da utegne biti mučena.

2. Da bi ugotovili, ali so taki razlogi, bodo pristojni organi upoštevali vse relevantne okoliščine, med drugim tudi to, ali obstaja v zadevni državi vrsta sistematičnih resnih, očitnih ali množičnih kršitev človekovih pravic.

4. člen

1. Vsaka država članica si prizadeva, da se po njenem kazenskem pravu vsa dejanja mučenja štejejo za kazniva dejanja. To velja tudi za poskuse mučenja ali kakega drugega dejanja, ki ga kdo stori, pomeni pa soudeležbo ali udeležbo pri dejanju mučenja.

2. Vsaka država članica določi za ta kazniva dejanja ustrezne kazni, ki upoštevajo njihovo težo.

5. člen

1. Vsaka država članica sprejme potrebne ukrepe, da bi določila svojo pristojnost za kazniva dejanja iz 4. člena v naslednjih primerih:

- a) kadar je kaznivo dejanje storjeno na ozemlju pod njeno jurisdikcijo ali na letalih ali ladjah, vpisanih v njeni državi;
- b) kadar je domnevni storilec kaznivega dejanja njen državljan;
- c) kadar je žrtev njen državljan, če meni, da je to potrebno.

2. Vsaka država članica prav tako sprejme potrebne ukrepe, da bi določila svojo pristojnost za omenjena kazniva dejanja, če je domnevni storilec teh dejanj na ozemlju pod njeno jurisdikcijo in če ga v skladu z 8. členom ne izroči kaki državi iz prvega odstavka tega člena.

3. Ta konvencija ne izključuje nobene kazenske pristojnosti, ki temelji na nacionalni zakonodaji.

6. člen

1. Če meni, da okoliščine to opravičujejo, in po poprejšnji obravnavi obvestil, s katerimi razpolaga, poskrbi vsaka država članica, na ozemlju katere je oseba, za katero se sumi, da je storila kaznivo dejanje iz 4. člena, da se zadevna oseba aretira, ali pa izvede vse potrebne zakonske ukrepe, da bi zagotovila njeno navzočnost. Ta aretacija in ti ukrepi morajo biti v skladu z zakonodajo omenjene države, toda izvajajo se lahko samo toliko časa, kolikor je potrebno za začetek kazenskega pregona ali postopka za izročitev.

2. Omenjena država takoj opravi predhodno preiskavo, da bi ugotovila dejstva.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

- (a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
- (b) When the alleged offender is a national of that State;
- (c) When the victim is a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. Vsaka oseba, aretirana v skladu s prvim odstavkom tega člena, lahko takoj stopi v stik z najbližjim pooblaščenim predstavnikom države, katere državljanstvo ima, ali, če gre za apatrida, s predstavnikom države, v kateri ima običajno prebivališče.

4. Če je kaka država aretirala osebo v skladu s tem členom, mora o tej aretaciji in okoliščinah, ki jo opravičujejo, takoj obvestiti države iz prvega odstavka 5. člena. Država, ki izvaja predhodno preiskavo iz drugega odstavka tega člena, mora svoje ugotovitve takoj sporočiti omenjenim državam in jih obvestiti, ali namerava izvršiti jurisdikcijo.

7. člen

1. Država članica, na katere ozemlju pod njeno jurisdikcijo je odkrit domnevni storilec kaznivega dejanja iz 4. člena, če ga ne izroči, predloži v primerih iz 5. člena zadevo pristojnim organom, da bi izvedli kazenski postopek.

2. Ti organi odločajo pod enakimi pogoji kot za vsako hudo kaznivo dejanje splošnega prava v skladu s pravnimi predpisi zadevne države. V primerih iz drugega odstavka 5. člena dokazna pravila, ki se uporabljajo za pregon in obsodbo, nikakor ne smejo biti manj stroga od pravil, ki se uporabljajo v primerih iz prvega odstavka 5. člena.

3. Vsaki osebi, ki se preganja za katerokoli kaznivo dejanje iz 4. člena, je zajamčeno pravično ravnanje v vseh fazah postopka.

8. člen

1. Kazniva dejanja iz 4. člena so avtomatično vključena v vsako pogodbo o izročitvi, že sklenjeno med državami članicami. Države članice prevzemajo obveznost, da bodo omenjena kazniva dejanja vključile v vsako pogodbo o izročitvi, ki jo bodo sklenile med seboj.

2. Če dobi država članica, ki za izročitev postavlja kot pogoj pogodbo, od druge države članice, s katero ni vezana s pogodbo o izročitvi, zahtevo za izročitev, lahko šteje to konvencijo kot pravno podlago za izročitev glede omenjenih kaznivih dejanj. Izročitev je odvisna od drugih pogojev, določenih s pravom zaprosene države.

3. Države članice, ki za izročitev ne postavljajo kot pogoj pogodbe, medsebojno priznavajo omenjena kazniva dejanja kot primere za izročitev pod pogoj, predvidenimi s pravom zaprosene države.

4. Med državami članicami se za omenjena kazniva dejanja za namene izročitve šteje, kot da so bila storjena ne le v kraju, kjer so se zgodila, temveč tudi na ozemljih držav, ki morajo določiti svojo pristojnost po prvem odstavku 5. člena.

9. člen

1. Države članice dajejo druga drugi kar največjo pravno pomoč v vsakem kazenskem postopku v zvezi s kaznivimi dejanji iz 4. člena, vstevši tudi pošiljanje vseh razpoložljivih dokaznih elementov, ki so potrebni za postopek.

2. Države članice izpolnjujejo svoje obveznosti v skladu s prvim odstavkom tega člena smiselno vsaki morebitni medsebojni pogodbi o pravni pomoči.

3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

10. člen

1. Vsaka država članica bo zagotovila, da bosta seznanjanje s prepovedjo mučenja in informiranje o njej sestavni del izobraževanja civilnega ali vojaškega osebja, zadolženega za uporabo zakonov, medicinskega osebja, vršilcev javnih funkcij in drugih oseb, ki utegnejo kakorkoli sodelovati pri straženju aretirane, priprte ali zaprte osebe, pri njenem zaslišanju ali ravnanju z njo.

2. Vsaka država članica vključi omenjeno prepoved v pravila ali navodila v zvezi z obveznostmi in dolžnostmi teh oseb.

11. člen

Vsaka država članica sistematično nadzoruje pravila, navodila, metode in prakso zasliševanja ter določbe v zvezi s straženjem kakorkoli aretiranih, priprtih ali zaprtih oseb na kakem ozemlju pod njeno jurisdikcijo ter ravnanjem z njimi, da bi preprečila kakršnokoli mučenje.

12. člen

Vsaka država članica skrbi za to, da pristojni organi takoj opravijo nepristransko preiskavo vsakič, ko so upravičeni razlogi za sum, da je bilo dejanje mučenja storjeno, na kakem ozemlju pod njeno jurisdikcijo.

13. člen

Vsaka država članica zagotovi vsaki osebi, ki trdi, da je bila mučena na kakem ozemlju pod njeno jurisdikcijo, pravico, da se pritoži pristojnim organom omenjene države, ki takoj in nepristransko preučijo primer. Sprejeti bodo ukrepi, da se oseba, ki se je pritožila, in priče zavarujejo pred kakršnimkoli grdim ravnanjem ali ustrahovanjem zaradi vložene pritožbe ali dane izjave.

14. člen

1. Vsaka država članica v svojem pravnem sistemu jamči žrtvi dejanja mučenja odstranitev krivice ter pravico do pravične in ustrezne odškodnine, všteti sredstva, potrebna za njeno čim popolnejšo rehabilitacijo. V primeru smrti žrtve dejanja mučenja imajo imetniki pravic te žrtve pravico do odškodnine.

2. Ta člen ne izključuje nobene pravice do odškodnine, ki bi jo imela žrtev ali kdo drug v skladu z nacionalno zakonodajo.

15. člen

Vsaka država članica skrbi za to, da se izjava, za katero se dokaže, da je bila dobljena z mučenjem, ne more navesti kot dokazni element v kakem postopku, razen zoper osebo, obtoženo za mučenje, da bi se ugotovilo, da je bila izjava dana.

16. člen

1. Vsaka država članica prevzema obveznost, da bo na ozemlju pod svojo jurisdikcijo preprečila druga dejanja krutih, nečloveških ali poniževalnih kazni ali ravnanja, ki niso dejanja mučenja, kot jih opredeljuje 1. člen, kadar takšna dejanja stori predstavnik javne funkcije ali kdo drug, ki nastopa kot oseba z uradnim statusom ali na njeno spodbudo ali z njeno izrecno privolitvijo ali privolitvijo molče. Zlasti obveznosti, navedene v 10., 11., 12. in 13. členu, se uporabljajo s tem, da se pojem mučenja nadomesti s pojmom drugih oblik krutih, nečloveških ali poniževalnih kazni ali ravnanja.

Article 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

2. Določbe te konvencije ne vplivajo na določbe kateregakoli mednarodnega instrumenta ali nacionalnega zakona, ki prepoveduje krute, nečloveške ali poniževalne kazni ali ravnanja ali ki se nanaša na izročitev ali izgon.

II. DEL

17. člen

1. Ustanovi se komite proti mučenju (v nadaljnjem besedilu: komite), katerega funkcije so tu določene. Komite sestavlja deset izvedencev z visokimi moralnimi kvalitetai, katerih kompetentnost na področju človekovih pravic je priznana in ki zasedajo v osebnem statusu. Izvedence volijo države članice, pri tem pa upoštevajo pravično zemljepisno zastopanost in da je pomembno, da pri delu komiteja sodelujejo osebe s pravnimi izkušnjami.

2. Člani komiteja se volijo s tajnim glasovanjem z liste kandidatov, ki jih določijo države članice. Vsaka država članica določi enega kandidata izmed svojih državljanov. Države članice upoštevajo, kako pomembno je, da so določeni kandidati hkrati člani komiteja za človekove pravice, ustanovljenega v skladu z mednarodnim paktom o državljanskih in političnih pravicah, in da so pripravljeni biti člani komiteja proti mučenju.

3. Člani komiteja se volijo na sestanku držav članic, ki ga sklicuje generalni sekretar Organizacije združenih narodov in ki je vsako drugo leto. Na tem sestanku, ki je sklepčen, če so navzoči predstavniki dveh tretjin držav članic, so za člane komiteja izvoljeni kandidati, ki dobijo največ glasov in absolutno večino glasov predstavnikov držav članic, ki so navzoči in glasujejo.

4. Prve volitve se izvedejo najpozneje šest mesecev po uveljavitvi te konvencije. Najmanj štiri mesece pred vsakimi volitvami pošlje generalni sekretar Organizacije združenih narodov pismo državam članicam in jih pozove, naj predložijo svoje candidature v treh mesecih. Generalni sekretar sestavi abecedni seznam vseh tako določenih kandidatov z navedbo držav članic, ki so jih določile, in ga pošlje državam članicam.

5. Člani komiteja se volijo za štiri leta. Lahko so ponovno izvoljeni, če so znova kandidirani. Vendar mandat petih članov, izvoljenih na prvih volitvah, preneha po dveh letih. Neposredno po prvih volitvah izžreba imena teh petih članov predsednik sestanka, navedenega v tretjem odstavku tega člena.

6. Če član komiteja umre, odstopi ali iz kakršnegakoli razloga ne more več opravljati svojih funkcij v komiteju, imenuje država članica, ki ga je določila, drugega izvedenca - svojega državljana, ki ostane v komiteju preostali čas mandata, če to odobri večina držav članic. Šteje se, da je privolitev dana, razen če polovica ali več kot polovica držav članic ne izrazi nasprotnega mnenja v šestih tednih od trenutka, ko jih generalni sekretar Organizacije združenih narodov obvesti o predlaganem imenovanju.

7. Države članice plačajo stroške članov komiteja, dokler opravljajo funkcije v komiteju.

18. člen

1. Komite voli svoj biro za dve leti. Člani biroja se lahko ponovno volijo.

2. Komite sam določi svoj poslovnik. Ta poslovnik mora imeti predvsem naslednji določbi:

- za sklepčnost je potrebna navzočnost šestih članov;
- sklepi komiteja se sprejemajo z večino glasov navzočih članov.

3. Generalni sekretar Organizacije združenih narodov da komiteju na razpolago osebje in prostore, ki jih ta potrebuje za učinkovito opravljanje del, ki so mu zaupana v skladu s to konvencijo.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

PART II

Article 17

1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and who are willing to serve on the Committee against Torture.

3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.

6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 18

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:

- Six members shall constitute a quorum;
- Decisions of the Committee shall be made by a majority vote of the members present.

3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.

4. Generalni sekretar Organizacije združenih narodov skliče prvi sestanek članov komiteja. Po svojem prvem sestanku se komite sestaja ob priložnostih, določenih z njegovim poslovníkom.

5. Države članice plačajo stroške sestankov držav članic in komiteja, vštévši plačilo vseh stroškov Organizaciji združenih narodov, kot so stroški za plačilo osebja in prostorov, ki jih organizacija angažira v skladu s tretjim odstavkom tega člena.

19. člen

1. Države članice predložijo komiteju s posredovanjem generalnega sekretarja Organizacije združenih narodov poročilo o ukrepih, ki so jih izvedle, da bi izpolnile svoje obveznosti v skladu s to konvencijo, in sicer v enem letu po uveljavitvi konvencije za zadevno državo članico. Države članice nato vsako četrto leto predložijo dodatno poročilo o vseh novih ukrepih in druga poročila, ki jih komite zahteva.

2. Generalni sekretar Organizacije združenih narodov pošlje poročila vsem državam članicam.

3. Komite obravnava vsako poročilo in lahko da o njem splošne komentarje, ki so po njegovem mnenju potrebni, omenjene komentarje pa pošlje zainteresirani državi članici. Ta država članica lahko pošlje komiteju kot odgovor vse pripombe, ki so po njenem mnenju koristne.

4. Komite lahko sklène, da v letnem poročilu, ki ga sestavi po 24. členu, ponovi vse komentarje, ki jih je dal v skladu s tretjim odstavkom tega člena, skupaj s pripombami, ki jih je v zvezi s tem vprašanjem dobil od zainteresirane države članice. Če zainteresirana država članica to zahteva, lahko komite priloži tudi poročilo, predloženo na podlagi prvega odstavka tega člena.

20. člen

1. Če komite prejme verodostojna obvestila, za katera se mu zdi, da vsebujejo zanesljiva obvestila o tem, da se mučenje sistematično izvaja na ozemlju kake države članice, pozove zadevno državo, da sodeluje pri obravnavanju teh obvestil in da ga v ta namen obvesti o svojih ugotovitvah v zvezi s tem vprašanjem.

2. Upoštevajoč vse morebitne pripombe zainteresirane države članice in druga ustrezna obvestila, s katerimi razpolaga, lahko komite, če je to po njegovem mnenju upravičeno, naloži enemu ali več svojim članom, da začnejo zaupno preiskavo in da mu o tem takoj predložijo poročilo.

3. Če se izvaja preiskava v skladu z drugim odstavkom tega člena, zaprosi komite za sodelovanje zainteresirano državo članico. V dogovoru z omenjeno državo članico lahko taka preiskava zajema obisk na njeno ozemlje.

4. Po obravnavi ugotovitev, ki mu jih predloži član ali člani v skladu z drugim odstavkom tega člena, pošlje komite te ugotovitve zainteresirani državi članici in tudi vse komentarje in sugestije, za katere meni, da so primerne glede na dano stanje.

5. Celotna dejavnost komiteja, navedena v prvem do četrtem odstavku tega člena, je zaupna, v vseh etapah tega dela pa se teži vzpostaviti sodelovanje z državo članico. Komite lahko po končanem delu v zvezi s preiskavo, ki je bila vodena v skladu z drugim odstavkom, po posvetovanju z zainteresirano državo članico odloči, da se v letno poročilo, ki ga izdela v skladu s 24. členom, vključi kratko poročilo o rezultatih dela.

4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

Article 19

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.

3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.

4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph 1 of this article.

Article 20

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.

3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.

4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.

5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

21. člen

1. Država članica te konvencije lahko v skladu s tem členom kadarkoli izjavi, da prizna, da je komite pristojen prejemati in obravnavati poročila, v katerih ena država članica trdi, da kakšna druga država članica ne izpolnjuje svojih obveznosti na podlagi te konvencije. Ta sporočila se lahko prejemajo in obravnavajo v skladu s tem členom samo, če prihajajo iz države članice, ki je dala izjavo, da prizna pristojnost komiteja. Komite ne obravnava nobenega sporočila, ki se nanaša na državo članico, ki ni dala take izjave. Za sporočila, prejeta po tem členu, velja takle postopek:

- a) če država članica te konvencije meni, da kakšna druga država, ki je tudi članica konvencije, ne uporablja določb konvencije, lahko pisno opozori zadevno državo na to vprašanje. Država, ki ji je poslano sporočilo, pošlje v treh mesecih po njegovem prejemu državi, ki ji je poslala sporočilo, pojasnilo ali kakršnokoli drugo pisno izjavo, ki pojasnjuje vprašanje in ki naj bi vsebovala čim več in čim koristnejša obvestila o pravih postopkih in o pravnih sredstvih, bodisi da so že uporabljena ali se uporabljajo ali se šele utegnejo uporabiti;
- b) če v šestih mesecih od dneva, ko je prejema država dobila začetno sporočilo, vprašanje ni zadovoljivo rešeno za obe zainteresirani državi članici, imata obe pravico predložiti to vprašanje komiteju, pri čemer se pošlje sporočilo komiteju in drugi zainteresirani državi;
- c) komite je lahko pristojen za zadevo, ki jo dobi v skladu s tem členom, šele ko se prepriča, da so bila vsa razpoložljiva interna pravna sredstva izkoriščena in izčrpana v skladu s splošno priznanimi načeli mednarodnega prava. To pravilo se ne uporablja v primerih, ko pritožbeni postopki presegajo razumne roke ali ni pričakovati, da bodo dejansko učinkoviti za osebo, ki je žrtev kršenja te konvencije;
- d) komite obravnava sporočila, predvidena s tem členom, na zaprtih sejah;
- e) s pridržkom določb pod c) ponudi komite svoje dobre usluge zainteresiranima državam članicama, da bi mimo rešili vprašanje ob spoštovanju obveznosti iz te konvencije. Če komite meni, da je potrebno, lahko v ta namen ustanovi ad hoc pravno komisijo;
- f) v vsaki zadevi, ki mu je predložena v skladu s tem členom, lahko komite zahteva od zainteresiranih držav članic iz pododstavka b), da mu pošljeta vsa ustrezna obvestila;
- g) zainteresirani državi članici, navedeni v pododstavku b), imata pravico biti zastopani, ko komite obravnava zadevo, in dajati ustne in/ali pisne pripombe;
- h) komite mora predložiti poročilo v dvanajstih mesecih od dneva, ko je prejel sporočilo, navedeno v pododstavku b);
- i) če je bilo mogoče najti rešitev v skladu z določbo pod e), se komite v svojem poročilu omeji na kratko navedbo dejstev in dosežene rešitve;
- ii) če rešitve ni bilo mogoče najti v skladu z določbo pod e), se komite v svojem poročilu omeji na kratko navedbo dejstev, besedilo pisnih pripomb in zapisnik o ustnih pripombah, ki sta jih navedli zainteresirani državi članici, se dodata k poročilu. Za vsako zadevo se pošlje poročilo zainteresiranima državam članicama.

2. Določbe tega člena začnejo veljati, ko pet držav članic te konvencije da izjavo, predvideno v prvem odstavku tega člena. To izjavo deponira država članica pri generalnem sekretarju Organizacije združenih narodov, ki pošlje kopijo drugim državam članicam. Izjava se lahko umakne kadarkoli s sporočilom, poslanim generalnemu sekretarju. Ta umik ne vpliva na obravnavo kakršnegakoli vprašanja, ki je predmet že poslanega sporočila v skladu s tem členom: nobeno nadaljnje sporočilo katerekoli države članice ne bo sprejeto v skladu s tem členom, ko generalni sekretar prejme sporočilo o umiku izjave, razen če zainteresirana država članica ne da nove izjave.

22. člen

1. Država članica te konvencije lahko v skladu s tem členom kadarkoli izjavi, da prizna, da je komite pristojen sprejemati in obravnavati sporočila, ki jih dobi od posameznikov ali v imenu posameznikov, ki so pod njeno jurisdikcijo in trdijo, da so žrtve kršenja določb konvencije s strani kakšne države članice. Komite ne sprejme nobenega sporočila, ki se nanaša na posamezno državo članico, ki ni dala take izjave.

Article 21

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure;

- (a) If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;
- (b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;
- (c) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;
- (d) The Committee shall hold closed meetings when examining communications under this article;
- (e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission;
- (f) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;
- (g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;
- (h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:
 - (i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
 - (ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 22

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Za komite bo nesprejemljivo vsako sporočilo, dano v skladu s tem členom, ki je anonimno ali za katerega meni, da pomeni zlorabo pravice do takih sporočil ali da je nezdružljivo z določbami te konvencije.

3. Ob pridržku drugega odstavka pošlje komite vsako sporočilo, dano v skladu s tem členom, državi članici te konvencije, ki je dala izjavo v skladu s prvim odstavkom in se zanjo trdi, da je kršila katerokoli določbo konvencije. Navedena država v naslednjih šestih mesecih pošlje komiteju pisna pojasnila ali izjave, ki pojasnjujejo vprašanje in morebitne ukrepe, ki jih je že sprejela za izboljšanje položaja.

4. Komite obravnava sporočila, ki jih je prejel v skladu s tem členom, ob upoštevanju vseh informacij, ki jih je dobil od posameznikov ali v njihovem imenu in od zainteresirane države članice.

5. Komite ne obravnava nobenega sporočila posameznika v skladu s tem členom, ne da bi se poprej prepričal o naslednjem:

- a) da navedeno vprašanje ni bilo obravnavano in ni v obravnavi pred kakšno drugo mednarodno instanco, pristojno za preiskavo ali reševanje spora;
- b) da je posameznik izkoristil vsa interna razpoložljiva sredstva. To pravilo se ne uporablja, če pritožbeni postopki presegajo razumne roke ali ni pričakovati, da bodo dejansko učinkoviti za posameznika, ki je žrtev kršenja te konvencije.

6. Komite obravnava sporočila, predvidena v tem členu, na zaprtih sejah.

7. Komite sporoči svoje ugotovitve zainteresirani državi članici in posamezniku.

8. Določbe tega člena začnejo veljati, ko pet držav članic te konvencije da izjavo, predvideno v prvem odstavku tega člena. Država članica deponira to izjavo pri generalnem sekretarju Organizacije združenih narodov, ki pošlje kopijo drugim državam članicam. Izjava se lahko kadarkoli umakne s sporočilom, poslanim generalnemu sekretarju. Ta umik ne vpliva na obravnavo kakršnegakoli vprašanja, ki je predmet že poslanega sporočila v skladu s tem členom; nobeno nadaljnje sporočilo, ki ga je poslal posameznik ali je bilo poslano zanj, ne bo sprejeto v skladu s tem členom, ko generalni sekretar prejme sporočilo o umiku izjave, razen če zainteresirana država članica ni dala nove izjave.

23. člen

Člani komiteja in člani ad hoc pravne komisije, ki utegnejo biti imenovani v skladu s prvim odstavkom pod e) 21. člena, imajo pravico do olajšav, privilegijev in imunitet, ki so priznane izvedencem v službi Organizacije združenih narodov tako, kot so navedene v ustreznih delih konvencije o privilegijih in imunitetah Združenih narodov.

24. člen

Komite predloži državam članicam in generalni skupščini Organizacije združenih narodov letno poročilo o svojih dejavnostih po tej konvenciji.

2. The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.

3. Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.

5. The Committee shall not consider any communications from an individual under this article unless it has ascertained that:

- (a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;
- (b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.

6. The Committee shall hold closed meetings when examining communications under this article.

7. The Committee shall forward its views to the State Party concerned and to the individual.

8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

Article 23

The members of the Committee and of the ad hoc conciliation commissions which may be appointed under article 21, paragraph 1 (e), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 24

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

III. DEL**25. člen**

1. Ta konvencija je odprta za podpis vsem državam.
2. Ta konvencija se mora ratificirati. Ratifikacijske listine bodo deponirane pri generalnem sekretarju Organizacije združenih narodov.

26. člen

Vse države lahko pristopijo k tej konvenciji. Pristop se uveljavi tako, da se pristopna listina deponira pri generalnem sekretarju Organizacije združenih narodov.

27. člen

1. Ta konvencija začne veljati trideseti dan potem, ko je dvajseta listina o ratifikaciji ali pristopu deponirana pri generalnem sekretarju Organizacije združenih narodov.
2. Za vsako državo, ki bo to konvencijo ratificirala ali k njej pristopila po deponiranju dvajsete listine o ratifikaciji ali pristopu, začne konvencija veljati trideseti dan potem, ko je deponirala svojo listino o ratifikaciji ali pristopu.

28. člen

1. Vsaka država lahko ob podpisu ali ratifikaciji ali pristopu izjavi, da ne prizna pristojnosti, ki jo ima komite v skladu z 20. členom konvencije.
2. Vsaka država članica, ki bo imela pridržek v skladu s prvim odstavkom tega člena, lahko kadarkoli umakne ta pridržek tako, da pošlje sporočilo generalnemu sekretarju Organizacije združenih narodov.

29. člen

1. Vsaka država članica te konvencije lahko predlaga amandma in da svoj predlog generalnemu sekretarju Organizacije združenih narodov. Generalni sekretar sporoči predlog amandmaja državam članicam, pri čemer od njih zahteva, da mu sporočijo, ali so za to, da se organizira konferenca držav članic, da bi se predlog obravnaval in dal na glasovanje. Če se v štirih mesecih od dneva, ko je bilo dano tako sporočilo, vsaj tretjina držav članic izjavi za konferenco, jo generalni sekretar organizira pod pokroviteljstvom Organizacije združenih narodov. Vsak amandma, ki ga sprejme večina držav članic, ki so navzoče na konferenci in glasujejo, predloži generalni sekretar v sprejetje vsem državam članicam.
2. Amandma, sprejet po prvem odstavku tega člena, začne veljati, ko dve tretjini držav članic te konvencije obvestijo generalnega sekretarja Organizacije združenih narodov, da so ga sprejele v skladu s postopkom, predvidenim z njihovo ustavo.
3. Ko začnejo amandmaji veljati, so obvezni za vse države članice, ki so jih sprejele, za druge države članice pa veljajo določbe te konvencije in vsi prejšnji amandmaji, ki so jih sprejele.

PART III**Article 25**

1. This Convention is open for signature by all States.
2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 26

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 27

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.
2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 29

1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.
2. An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.
3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

30. člen

1. Vsak spor med dvema ali več državami članicami v zvezi z razlago ali uporabo te konvencije, ki ga ni mogoče rešiti s pogajanjem, se predloži v arbitražo na zahtevo ene izmed teh držav. Če v šestih mesecih po dani zahtevi za arbitražo strani ne dosežejo sporazuma o organiziranju arbitraže, lahko vsaka med njimi predloži spor Mednarodnemu sodišču z zahtevo v skladu s statutom sodišča.

2. Vsaka država lahko ob podpisu ali ratifikaciji ali pristopu h konvenciji izjavi, da zanjo ne velja prvi odstavek tega člena. Za druge države članice ne velja navedena določba glede na vsako državo članico, ki izrazi tak pridržek.

3. Vsaka država članica, ki izrazi pridržek v skladu z drugim odstavkom tega člena, ga lahko kadarkoli umakne tako, da pošlje sporočilo generalnemu sekretarju Organizacije združenih narodov.

31. člen

1. Država članica lahko odpove to konvencijo s pisnim sporočilom, poslanim generalnemu sekretarju Organizacije združenih narodov. Odpoved začne veljati eno leto potem, ko je generalni sekretar prejel sporočilo.

2. Zaradi take odpovedi država članica ni oproščena obveznosti, ki jih ima v skladu s to konvencijo v zvezi z vsakim dejanjem ali vsako opustitvijo pred dnem, ko začne odpoved veljati. Odpoved tudi ni ovira za nadaljnjo obravnavo vsakega vprašanja, ki je bilo že predloženo komiteju na dan, ko je začela odpoved veljati.

3. Po dnevu, ko začne veljati odpoved posamezne države članice, komite ne obravnava več nobenega novega vprašanja v zvezi z zadevno državo.

32. člen

Generalni sekretar Organizacije združenih narodov sporoči vsem državam članicam Organizacije združenih narodov in vsem državam, ki bodo podpisale to konvencijo ali pristopile k njej:

- a) podpise, ratifikacije in pristope, prejete na podlagi 25. in 26. člena;
- b) datum, ko začne konvencija veljati na podlagi 27. člena, in datum, ko začne veljati vsak amandma po 29. členu;
- c) odpovedi, prejete na podlagi 31. člena.

33. člen

1. Ta konvencija, katere besedila v arabskem, angleškem, francoskem, kitajskem, ruskem in španskem jeziku so enako verodostojna, bo deponirana pri generalnem sekretarju Organizacije združenih narodov.

2. Generalni sekretar Organizacije združenih narodov pošlje vsem državam overjene kopije te konvencije.

Article 30

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a reservation.

3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 31

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

Article 32

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

- (a) Signatures, ratifications and accessions under articles 25 and 26;
- (b) The date of entry into force of this Convention under article 27 and the date of the entry into force of any amendments under article 29;
- (c) Denunciations under article 31.

Article 33

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.



2.2 Opcijski protokol h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju

(Uradni list RS, št. 114/2006 – Mednarodne pogodbe, št. 20 z dne 9. 11. 2006)

ZAKON O RATIFIKACIJI

OPCIJSKEGA PROTOKOLA H KONVENCIJI PROTI MUČENJU IN DRUGIM KRUTIM,
NEČLOVEŠKIM ALI PONIŽEVALNIM KAZNIM ALI RAVNANJU (MOPPM)
(Uradni list RSM, št. 20-117/2006 z dne 9. 11. 2006)

1. člen

Ratificira se Opcijski protokol h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju, sprejet na 57. zasedanju Generalne skupščine Združenih narodov 18. decembra 2002.

2. člen

Besedilo protokola se v izvorniku v angleškem jeziku ter v prevodu v slovenskem jeziku glasi:

PREAMBULA

Države pogodbenice tega protokola

ponovno potrjujejo, da so mučenje in druge oblike okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja prepovedane in pomenijo resno kršenje človekovih pravic,

so prepričane, da so potrebni nadaljnji ukrepi, da bi lahko uresničili cilje Konvencije proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju (v nadaljevanju: konvencija) in okrepili varstvo oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja,

se sklicujejo na 2. in 16. člen konvencije, ki zavezujeta vse države pogodbenice, da učinkovito ukrepajo, da bi preprečile mučenje in druge oblike okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja na katerem koli ozemlju pod njihovo jurisdikcijo,

ugotavljajo, da so predvsem države odgovorne za izvajanje teh dveh členov, da je skupna odgovornost vseh držav okrepiti varstvo oseb, ki jim je bila odvzeta prostost, in v celoti spoštovati njihove človekove pravice, in da mednarodni organi izvajanja dopolnjujejo in krepijo državne ukrepe,

se sklicujejo na to, da sta za učinkovito preprečevanje mučenja in drugega okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja potrebni izobraževanje in povezovanje zakonodajnih, upravnih, sodnih in drugih ukrepov,

se sklicujejo na to, da so na Svetovni konferenci o človekovih pravicah odločno izjavile, da je treba prizadevanja za odpravo mučenja usmeriti predvsem na preprečevanje, in pozvale k sprejetju opsijskega protokola h konvenciji, ki naj bi vzpostavil preventivni sistem rednih obiskov na krajih odvzema prostosti,



2.2 Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

ACT OF RATIFICATION

OF THE OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL,
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
(Official Gazette RS no. 114/06 – International Treaties no. 20/06)

Article 1

The Optional Protocol to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted at the 57th session of the General Assembly of the United Nations 18 December 2002 is hereby ratified.

Article 2

The text of the Protocol in the original in the English language and in translation into the Slovene language reads as follows:

PREAMBLE

The States Parties to the present Protocol,

Reaffirming that torture and other cruel, inhuman or degrading treatment or punishment are prohibited and constitute serious violations of human rights,

Convinced that further measures are necessary to achieve the purposes of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Convention) and to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that articles 2 and 16 of the Convention oblige each State Party to take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction,

Recognizing that States have the primary responsibility for implementing those articles, that strengthening the protection of people deprived of their liberty and the full respect for their human rights is a common responsibility shared by all and that international implementing bodies complement and strengthen national measures,

Recalling that the effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires education and a combination of various legislative, administrative, judicial and other measures,

Recalling also that the World Conference on Human Rights firmly declared that efforts to eradicate torture should first and foremost be concentrated on prevention and called for the adoption of an optional protocol to the Convention, intended to establish a preventive system of regular visits to places of detention,

so prepričane, da se lahko varstvo oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja okrepi z nesodnimi preventivnimi sredstvi, ki temeljijo na rednih obiskih na krajih odvzema prostosti,

in so se dogovorile:

I. DEL

Splošna načela

1. člen

Namen tega protokola je vzpostaviti sistem rednih obiskov neodvisnih mednarodnih in državnih organov na krajih, kjer je ljudem odvzeta prostost, da bi preprečili mučenje in druge oblike okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja.

2. člen

1. Ustanovi se Pododbor za preprečevanje mučenja in drugega okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja Odbora proti mučenju (v nadaljevanju: pododbor za preprečevanje), ki opravlja naloge, določene s tem protokolom.

2. Pododbor za preprečevanje opravlja svoje delo v okviru Ustanovne listine Združenih narodov in spoštuje njene cilje in načela ter norme Združenih narodov glede ravnanja z ljudmi, ki jim je bila odvzeta prostost.

3. Pododbor za preprečevanje spoštuje tudi načela zaupnosti, nepristranskosti, nerazlikovanja, univerzalnosti in objektivnosti.

4. Pododbor za preprečevanje in države pogodbenice sodelujejo pri izvajanju tega protokola.

3. člen

Vsaka država pogodbenica na državni ravni ustanovi, določi ali vzdržuje enega ali več organov za obiskovanje zaradi preprečevanja mučenja in drugega okrutnega, nečloveškega ali ponižujočega ravnanja ali kaznovanja (v nadaljevanju: državni preventivni mehanizem).

4. člen

1. Vsaka država pogodbenica v skladu s tem protokolom dovoli obiske organov iz 2. in 3. člena na katerem koli kraju, ki je v njeni pristojnosti in pod njenim nadzorom, kjer so ali bi lahko bile osebe, ki jim je bila odvzeta prostost na podlagi odredbe javne oblasti ali na njihovo pobudo ali z njihovo izrecno ali tiho privolitvijo (v nadaljevanju: kraji odvzema prostosti). Namen teh obiskov je, če je potrebno, okrepiti varstvo teh oseb pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja.

2. V tem protokolu pomeni odvzem prostosti vsako obliko pridržanja ali zapore ali namestitve osebe v javni ali zasebni zavod, ki ga ta oseba po odredbi sodne, upravne ali katere koli druge oblasti ne sme zapustiti po svoji volji.

Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention,

Have agreed as follows:

PART I

General principles

Article 1

The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Article 2

1. A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (hereinafter referred to as the Subcommittee on Prevention) shall be established and shall carry out the functions laid down in the present Protocol.

2. The Subcommittee on Prevention shall carry out its work within the framework of the Charter of the United Nations and shall be guided by the purposes and principles thereof, as well as the norms of the United Nations concerning the treatment of people deprived of their liberty.

3. Equally, the Subcommittee on Prevention shall be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.

4. The Subcommittee on Prevention and the States Parties shall cooperate in the implementation of the present Protocol.

Article 3

Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism).

Article 4

1. Each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.

2. For the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

II. DEL**Pododbor za preprečevanje****5. člen**

1. Pododbor za preprečevanje sestavlja 10 članov. Po petdeseti ratifikaciji ali pristopu k temu protokolu se število članov v pododboru za preprečevanje poveča na 25.
2. Člani pododбора so izbrani med osebami, ki imajo visok moralni ugled, morajo imeti poklicne izkušnje na področju pravosodja, zlasti kazenskega prava, upravljanja zaporov ali policijske uprave ali na različnih področjih, povezanih z ravnanjem z osebami, ki jim je bila odvzeta prostost.
3. Pri sestavi pododбора za preprečevanje se upoštevata pravična geografska zastopanost in zastopanost različnih oblik civilizacij in pravnih sistemov držav pogodbenic.
4. V tej sestavi se upošteva tudi uravnotežena zastopanost spolov na podlagi načel enakosti in nediskriminacije.
5. Vsak član pododбора mora biti državljan druge države.
6. Člani pododбора za preprečevanje opravljajo svoje delo kot posamezniki, morajo biti neodvisni in nepristranski ter morajo biti pododboru na razpolago za učinkovito opravljanje dela.

6. člen

1. Vsaka država pogodbenica lahko v skladu z drugim odstavkom tega člena predlaga največ dva kandidata, ki sta ustrezno usposobljena in izpolnjujeta zahteve iz 5. člena, pri čemer mora predložiti podrobne podatke o njuni usposobljenosti.
2. (a) Kandidati morajo biti državljani držav pogodbenic tega protokola.
 (b) Vsaj eden od obeh kandidatov mora biti državljan države pogodbenice, ki ga je predlagala.
 (c) Posamezna država pogodbenica lahko predlaga največ dva svoja državljana.
 (d) Preden država pogodbenica predlaga državljan druge države pogodbenice, zaprosi za njeno soglasje in ga pridobi.
3. Generalni sekretar Združenih narodov vsaj pet mesecev pred dnevom sestanka držav pogodbenic, na katerem bodo potekale volitve, pošlje pismo državam pogodbenicam, s katerim jih pozove, naj v treh mesecih predlagajo svoje kandidate. Generalni sekretar nato predloži abecedni seznam vseh predlaganih oseb z navedbo držav pogodbenic, ki so jih predlagale.

7. člen

1. Člani pododбора za preprečevanje se izvolijo po naslednjem postopku:
 - a) najprej se upošteva izpolnjevanje zahtev in meril iz 5. člena tega protokola;
 - b) prve volitve potekajo najpozneje šest mesecev po začetku veljavnosti tega protokola;
 - c) države pogodbenice izvolijo člane pododбора s tajnim glasovanjem;
 - d) volitve članov pododбора potekajo vsaki dve leti na sestankih držav pogodbenic, ki jih skliče generalni sekretar Združenih narodov. Na sestankih, na katerih je za sklepčnost potrebna navzočnost dveh tretjin držav pogodbenic, so v pododbor izvoljene tiste osebe, ki dobijo največ glasov in absolutno večino glasov predstavnikov držav pogodbenic, ki so navzoči in glasujejo.

PART II**Subcommittee on Prevention****Article 5**

1. The Subcommittee on Prevention shall consist of ten members. After the fiftieth ratification of or accession to the present Protocol, the number of the members of the Subcommittee on Prevention shall increase to twenty-five.
2. The members of the Subcommittee on Prevention shall be chosen from among persons of high moral character, having proven professional experience in the field of the administration of justice, in particular criminal law, prison or police administration, or in the various fields relevant to the treatment of persons deprived of their liberty.
3. In the composition of the Subcommittee on Prevention due consideration shall be given to equitable geographic distribution and to the representation of different forms of civilization and legal systems of the States Parties.
4. In this composition consideration shall also be given to balanced gender representation on the basis of the principles of equality and non-discrimination.
5. No two members of the Subcommittee on Prevention may be nationals of the same State.
6. The members of the Subcommittee on Prevention shall serve in their individual capacity, shall be independent and impartial and shall be available to serve the Subcommittee on Prevention efficiently.

Article 6

1. Each State Party may nominate, in accordance with paragraph 2 of the present article, up to two candidates possessing the qualifications and meeting the requirements set out in article 5, and in doing so shall provide detailed information on the qualifications of the nominees.
2. (a) The nominees shall have the nationality of a State Party to the present Protocol;
 (b) At least one of the two candidates shall have the nationality of the nominating State Party;
 (c) No more than two nationals of a State Party shall be nominated;
 (d) Before a State Party nominates a national of another State Party, it shall seek and obtain the consent of that State Party.
3. At least five months before the date of the meeting of the States Parties during which the elections will be held, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall submit a list, in alphabetical order, of all persons thus nominated, indicating the States Parties that have nominated them.

Article 7

1. The members of the Subcommittee on Prevention shall be elected in the following manner:
 - (a) Primary consideration shall be given to the fulfilment of the requirements and criteria of article 5 of the present Protocol;
 - (b) The initial election shall be held no later than six months after the entry into force of the present Protocol;
 - (c) The States Parties shall elect the members of the Subcommittee on Prevention by secret ballot;
 - (d) Elections of the members of the Subcommittee on Prevention shall be held at biennial meetings of the States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Subcommittee on Prevention shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties present and voting.

2. Če na volitvah dva državljana države pogodbenice dobita dovolj glasov za članstvo v pododboru za preprečevanje, postane član pododbora tisti kandidat, ki dobi več glasov. Če sta državljana dobila enako število glasov, velja naslednji postopek:

- a) če je le enega od obeh kandidatov predlagala država pogodbenica, katere državljan je, postane ta kandidat član pododbora za preprečevanje;
- b) če je oba kandidata predlagala država pogodbenica, katere državljan sta, poteka ločeno tajno glasovanje, s katerim se odloči, kateri državljan bo član pododbora,
- c) če nobenega kandidata ne predlaga država pogodbenica, katere državljan sta, poteka ločeno tajno glasovanje, s katerim se odloči, kateri kandidat bo član pododbora.

8. člen

Če član pododbora umre, odstopi ali zaradi kakršnega koli razloga ne more več opravljati svojih dolžnosti, država pogodbenica, ki je tega člana predlagala, predlaga drugo osebo, ki je ustrezno usposobljena in izpolnjuje zahteve iz 5. člena, ob upoštevanju potrebe po uravnoteženi zastopanosti različnih področij, in bo opravljala delo do naslednjega sestanka držav pogodbenic, če se s tem strinja večina držav pogodbenic. Šteje se, da se države pogodbenice strinjajo, razen če polovica ali več držav pogodbenic odgovori negativno v šestih tednih, potem ko jih je generalni sekretar Združenih narodov obvestil o predlaganem imenovanju.

9. člen

Člani pododbora za preprečevanje so izvoljeni za štiri leta. Enkrat so lahko ponovno izvoljeni, če so ponovno predlagani. Polovici članov, izvoljenih na prvih volitvah, se mandat izteče po dveh letih; imena teh članov neposredno po prvih volitvah z žrebom določi predsedujoči sestanka iz točke d prvega odstavka 7. člena.

10. člen

1. Pododbor za preprečevanje izvoli svoje vodstvo za dve leti. Lahko je ponovno izvoljeno.

2. Pododbor za preprečevanje sprejme svoj poslovnik. Ta med drugim določa, da:

- a) je za sklepčnost potrebna več kot polovica članov;
- b) se odločitve pododbora za preprečevanje sprejmejo z večino navzočih članov;
- c) se pododbor za preprečevanje sestaja brez navzočnosti javnosti.

3. Prvi sestanek pododbora za preprečevanje skliče generalni sekretar Združenih narodov. Po prvem sestanku se pododbor sestaja, kot to določa poslovnik. Pododbor za preprečevanje in odbor proti mučenju zasedata hkrati vsaj enkrat letno.

2. If during the election process two nationals of a State Party have become eligible to serve as members of the Subcommittee on Prevention, the candidate receiving the higher number of votes shall serve as the member of the Subcommittee on Prevention. Where nationals have received the same number of votes, the following procedure applies:

- (a) Where only one has been nominated by the State Party of which he or she is a national, that national shall serve as the member of the Subcommittee on Prevention;
- (b) Where both candidates have been nominated by the State Party of which they are nationals, a separate vote by secret ballot shall be held to determine which national shall become the member;
- (c) Where neither candidate has been nominated by the State Party of which he or she is a national, a separate vote by secret ballot shall be held to determine which candidate shall be the member.

Article 8

If a member of the Subcommittee on Prevention dies or resigns, or for any cause can no longer perform his or her duties, the State Party that nominated the member shall nominate another eligible person possessing the qualifications and meeting the requirements set out in article 5, taking into account the need for a proper balance among the various fields of competence, to serve until the next meeting of the States Parties, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

Article 9

The members of the Subcommittee on Prevention shall be elected for a term of four years. They shall be eligible for re-election once if renominated. The term of half the members elected at the first election shall expire at the end of two years; immediately after the first election the names of those members shall be chosen by lot by the Chairman of the meeting referred to in article 7, paragraph 1 (d).

Article 10

1. The Subcommittee on Prevention shall elect its officers for a term of two years. They may be re-elected.

2. The Subcommittee on Prevention shall establish its own rules of procedure. These rules shall provide, inter alia, that:

- (a) Half the members plus one shall constitute a quorum;
- (b) Decisions of the Subcommittee on Prevention shall be made by a majority vote of the members present;
- (c) The Subcommittee on Prevention shall meet in camera.

3. The Secretary-General of the United Nations shall convene the initial meeting of the Subcommittee on Prevention. After its initial meeting, the Subcommittee on Prevention shall meet at such times as shall be provided by its rules of procedure. The Subcommittee on Prevention and the Committee against Torture shall hold their sessions simultaneously at least once a year.

III. DEL**Naloge in pooblastila pododbora za preprečevanje****11. člen**

Pododbor za preprečevanje:

- a) obiskuje kraje iz 4. člena in daje priporočila državam pogodbenicam glede varstva oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja;
- b) v zvezi z državnimi preventivnimi mehanizmi:
 - i) svetuje in pomaga državam pogodbenicam pri njihovi vzpostavitvi, če je potrebno;
 - ii) vzdržuje neposredne, in če je potrebno, zaupne stike z državnimi preventivnimi mehanizmi in jim omogoča usposabljanje in strokovno pomoč, da bi okrepili svoje zmogljivosti;
 - iii) jim svetuje in pomaga pri oceni potreb in sredstev, potrebnih za krepitev varstva oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja;
 - iv) daje priporočila in pripombe državam pogodbenicam, da bi okrepile zmogljivosti, naloge in pooblastila državnih preventivnih mehanizmov za preprečevanje mučenja in drugih oblik okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja;
- c) za preprečevanje mučenja na splošno sodeluje z ustreznimi organi in mehanizmi Združenih narodov in mednarodnimi, regionalnimi in državnimi institucijami ali organizacijami, ki si prizadevajo za okrepitev varstva oseb pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja.

12. člen

Da bi pododboru za preprečevanje omogočili uresničevanje njegovih nalog in pooblastil iz 11. člena, se države pogodbenice zavezujejo, da bodo:

- a) sprejele pododbor za preprečevanje na svojem ozemlju in mu dovolile dostop do krajev odvzema prostosti, kot je opredeljeno v 4. členu tega protokola;
- b) priskrbele pododboru za preprečevanje vse ustrezne informacije, ki bi jih od njih zahteval, da bi lahko ocenil potrebe in ukrepe, ki bi jih bilo treba sprejeti za okrepitev varstva oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja;
- c) spodbujale in omogočale stike med pododborom za preprečevanje in državnimi preventivnimi mehanizmi;
- d) obravnavale priporočila pododbora za preprečevanje in vzpostavile dialog z njim o mogočih ukrepih za izvajanje.

13. člen

1. Pododbor za preprečevanje najprej z žrebom sestavi program rednih obiskov v državah pogodbenicah, da izpolni naloge in pooblastila iz 11. člena.

2. Po posvetovanjih pododbor za preprečevanje uradno obvesti države pogodbenice o svojem programu, tako da se lahko nemudoma dogovorijo o potrebnih praktičnih podrobnostih glede obiskov, ki naj se opravijo.

3. Obiske opravita vsaj dva člana pododbora za preprečevanje. Če je potrebno, člane spremljajo strokovnjaki z dokazanimi strokovnimi izkušnjami in znanjem na področjih, ki jih vključuje ta protokol, in so izbrani s seznama strokovnjakov, pripravljenega na podlagi predlogov držav pogodbenic, Urada visokega komisarja Združenih narodov za človekove pravice in Centra Združenih narodov za mednarodno preprečevanje kriminala. Pri pripravi seznama države pogodbenice predlagajo največ pet nacionalnih strokovnjakov. Država pogodbenica lahko nasprotuje, da je posamezen strokovnjak navzoč pri obisku, nato pododbor za preprečevanje predlaga drugega strokovnjaka.

PART III**Mandate of the Subcommittee on Prevention****Article 11**

The Subcommittee on Prevention shall:

- (a) Visit the places referred to in article 4 and make recommendations to States Parties concerning the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
- (b) In regard to the national preventive mechanisms:
 - (i) Advise and assist States Parties, when necessary, in their establishment;
 - (ii) Maintain direct, and if necessary confidential, contact with the national preventive mechanisms and offer them training and technical assistance with a view to strengthening their capacities;
 - (iii) Advise and assist them in the evaluation of the needs and the means necessary to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
 - (iv) Make recommendations and observations to the States Parties with a view to strengthening the capacity and the mandate of the national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;
- (c) Cooperate, for the prevention of torture in general, with the relevant United Nations organs and mechanisms as well as with the international, regional and national institutions or organizations working towards the strengthening of the protection of all persons against torture and other cruel, inhuman or degrading treatment or punishment.

Article 12

In order to enable the Subcommittee on Prevention to comply with its mandate as laid down in article 11, the States Parties undertake:

- (a) To receive the Subcommittee on Prevention in their territory and grant it access to the places of detention as defined in article 4 of the present Protocol;
- (b) To provide all relevant information the Subcommittee on Prevention may request to evaluate the needs and measures that should be adopted to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
- (c) To encourage and facilitate contacts between the Subcommittee on Prevention and the national preventive mechanisms;
- (d) To examine the recommendations of the Subcommittee on Prevention and enter into dialogue with it on possible implementation measures.

Article 13

1. The Subcommittee on Prevention shall establish, at first by lot, a programme of regular visits to the States Parties in order to fulfil its mandate as established in article 11.

2. After consultations, the Subcommittee on Prevention shall notify the States Parties of its programme in order that they may, without delay, make the necessary practical arrangements for the visits to be conducted.

3. The visits shall be conducted by at least two members of the Subcommittee on Prevention. These members may be accompanied, if needed, by experts of demonstrated professional experience and knowledge in the fields covered by the present Protocol who shall be selected from a roster of experts prepared on the basis of proposals made by the States Parties, the Office of the United Nations High Commissioner for Human Rights and the United Nations Centre for International Crime Prevention. In preparing the roster, the States Parties concerned shall propose no more than five national experts. The State Party concerned may oppose the inclusion of a specific expert in the visit, whereupon the Subcommittee on Prevention shall propose another expert.

4. Če se pododboru za preprečevanje zdi primerno, lahko po rednem obisku predlaga še kratek dopolnilni obisk.

14. člen

1. Da bi pododboru za preprečevanje omogočili izpolnjevanje nalog in pooblastil, se države pogodbenice tega protokola zavezujejo, da mu bodo zagotovile:

- a) neomejen dostop do vseh informacij o številu oseb, ki jim je bila odvzeta prostost, na krajih odvzema prostosti, kot je opredeljeno v 4. členu, in o številu krajev in njihovih lokacijah;
- b) neomejen dostop do vseh informacij o ravnanju s temi osebami in njihovimi pogoji odvzema prostosti;
- c) neomejen dostop do vseh krajev odvzema prostosti ter njihovih objektov in opreme ob upoštevanju drugega odstavka;
- d) možnost zaupnih pogovorov z osebami, ki jim je bila odvzeta prostost, brez prič, osebno ali s prevajalcem, če je potrebno, in s katero koli osebo, za katero pododbor za preprečevanje meni, da lahko priskrbi ustrezne informacije;
- e) svobodno izbiro krajev, ki jih želi obiskati, in oseb, s katerimi želi govoriti.

2. Obisku določenega kraja odvzema prostosti se lahko nasprotuje le iz nujnih in tehtnih razlogov zaradi državne obrambe, javne varnosti, naravne nesreče ali hudega nereda na kraju, ki naj bi ga obiskali, in ki trenutno preprečujejo izvedbo takega obiska. Država pogodbenica se ne sme sklicevati na obstoj razglašenega izrednega stanja kot na razlog za nasprotovanje obisku.

15. člen

Nobena oblast ali uradna oseba ne sme odrediti, uporabiti, dovoliti ali dopustiti kakršne koli sankcije proti nobeni osebi ali organizaciji, ker je pododboru ali njegovim delegatom dala resnične ali neresnične informacije, in nobene osebe ali organizacije se zaradi tega ne sme kako drugače oškodovati.

16. člen

1. Pododbor za preprečevanje svoja priporočila in pripombe zaupno sporoči državi pogodbenici, in če je potrebno, državnemu preventivnemu mehanizmu.

2. Pododbor za preprečevanje objavi svoje poročilo z morebitnimi pripombami prizadete države pogodbenice, kadar to zahteva. Če država pogodbenica objavi del poročila, lahko pododbor za preprečevanje objavi poročilo v celoti ali delno. Osebni podatki pa se ne smejo objaviti brez izrecne privolitve prizadete osebe.

3. Pododbor za preprečevanje mora Odboru za mučenje predložiti javno letno poročilo o svojih dejavnostih.

4. Če država pogodbenica v skladu z 12. in 14. členom zavrne svoje sodelovanje s pododborom za preprečevanje ali ukrepanje, ki bi glede na priporočila pododbora izboljšalo stanje, lahko Odbor proti mučenju na prošnjo pododbora za preprečevanje z večino svojih članov odloči, da bo dal javno izjavo o zadevi ali objavil poročilo pododbora, potem ko je imela država pogodbenica možnost predstaviti svoja stališča.

4. If the Subcommittee on Prevention considers it appropriate, it may propose a short follow-up visit after a regular visit.

Article 14

1. In order to enable the Subcommittee on Prevention to fulfil its mandate, the States Parties to the present Protocol undertake to grant it:

- (a) Unrestricted access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
- (b) Unrestricted access to all information referring to the treatment of those persons as well as their conditions of detention;
- (c) Subject to paragraph 2 below, unrestricted access to all places of detention and their installations and facilities;
- (d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the Subcommittee on Prevention believes may supply relevant information;
- (e) The liberty to choose the places it wants to visit and the persons it wants to interview.

2. Objection to a visit to a particular place of detention may be made only on urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder in the place to be visited that temporarily prevent the carrying out of such a visit. The existence of a declared state of emergency as such shall not be invoked by a State Party as a reason to object to a visit.

Article 15

No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Subcommittee on Prevention or to its delegates any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

Article 16

1. The Subcommittee on Prevention shall communicate its recommendations and observations confidentially to the State Party and, if relevant, to the national preventive mechanism.

2. The Subcommittee on Prevention shall publish its report, together with any comments of the State Party concerned, whenever requested to do so by that State Party. If the State Party makes part of the report public, the Subcommittee on Prevention may publish the report in whole or in part. However, no personal data shall be published without the express consent of the person concerned.

3. The Subcommittee on Prevention shall present a public annual report on its activities to the Committee against Torture.

4. If the State Party refuses to cooperate with the Subcommittee on Prevention according to articles 12 and 14, or to take steps to improve the situation in the light of the recommendations of the Subcommittee on Prevention, the Committee against Torture may, at the request of the Subcommittee on Prevention, decide, by a majority of its members, after the State Party has had an opportunity to make its views known, to make a public statement on the matter or to publish the report of the Subcommittee on Prevention.

IV. DEL**Državni preventivni mehanizmi****17. člen**

Vsaka država pogodbenica najpozneje leto po začetku veljavnosti tega protokola, njegovi ratifikaciji ali pristopu k njemu vzpostavi, določi ali ustanovi enega ali več neodvisnih državnih preventivnih mehanizmov za preprečevanje mučenja. Mehanizmi, ki so jih vzpostavile decentralizirane enote, se lahko za namene tega protokola določijo za državne preventivne mehanizme, če so v skladu z njegovimi določbami.

18. člen

1. Države pogodbenice zagotavljajo neodvisnost delovanja državnih preventivnih mehanizmov in neodvisnost njihovega osebja.
2. Države pogodbenice ukrenejo vse potrebno, da zagotovijo, da so strokovnjaki državnega preventivnega mehanizma ustrezno usposobljeni in imajo strokovno znanje. Prizadevajo si za uravnoteženo zastopanost spolov in ustrezno zastopanost etničnih skupin in manjšin v državi.
3. Države pogodbenice se zavezujejo, da bodo dale na voljo potrebna sredstva za delovanje državnih preventivnih mehanizmov.
4. Pri vzpostavitvi državnih preventivnih mehanizmov države pogodbenice ustrezno upoštevajo načela glede statusa in delovanja nacionalnih institucij za spodbujanje in varstvo človekovih pravic.

19. člen

Državni preventivni mehanizmi imajo vsaj naslednja pooblastila, da:

- a) na krajih odvzema prostosti, kot so opredeljeni v 4. členu, redno preverjajo ravnanje z osebami, ki jim je bila odvzeta prostost, da bi okrepili njihovo varstvo pred mučenjem, in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja, če je potrebno;
- b) ob upoštevanju ustreznih norm Združenih narodov dajejo priporočila ustreznim organom, da bi izboljšali razmere in ravnanje z osebami, ki jim je bila odvzeta prostost, in preprečili mučenje in druge oblike okrutnega, nečloveškega, poniževalnega ravnanja ali kaznovanja;
- c) predložijo predloge in pripombe k veljavnim ali predlaganim zakonom.

20. člen

Da bi državni preventivni mehanizmi lahko izpolnili svoje naloge in pooblastila, se države pogodbenice tega protokola zavezujejo, da jim bodo zagotovile:

- a) dostop do vseh informacij o številu oseb, ki jim je bila odvzeta prostost, na krajih odvzema prostosti, kot so opredeljeni v 4. členu, in o številu krajev in njihovi lokaciji;
- b) dostop do vseh informacij o ravnanju s temi osebami in njihovih pogojih odvzema prostosti;
- c) dostop do vseh krajev odvzema prostosti ter njihovih objektov in opreme;
- d) možnost zaupnih pogovorov z osebami, ki jim je bila odvzeta prostost, brez prič, osebno ali s prevajalcem, če se zdi potrebno, in s katero koli osebo, za katero državni preventivni mehanizem meni, da lahko priskrbi ustrezne informacije;
- e) svobodno izbiro krajev, ki jih želijo obiskati, in oseb, s katerimi želijo govoriti;
- f) pravico do stikov s pododborom za preprečevanje, pošiljanja informacij pododboru in do srečanj z njim.

PART IV**National preventive mechanisms****Article 17**

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

Article 18

1. The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel.
2. The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country.
3. The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms.
4. When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights.

Article 19

The national preventive mechanisms shall be granted at a minimum the power:

- (a) To regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;
- (b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;
- (c) To submit proposals and observations concerning existing or draft legislation.

Article 20

In order to enable the national preventive mechanisms to fulfil their mandate, the States Parties to the present Protocol undertake to grant them:

- (a) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
- (b) Access to all information referring to the treatment of those persons as well as their conditions of detention;
- (c) Access to all places of detention and their installations and facilities;
- (d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the national preventive mechanism believes may supply relevant information;
- (e) The liberty to choose the places they want to visit and the persons they want to interview;
- (f) The right to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.

21. člen

1. Nobena oblast ali uradna oseba ne sme odrediti, uporabiti, dovoliti ali dopustiti kakršne koli sankcije proti nobeni osebi ali organizaciji, ker je državnemu preventivnemu mehanizmu dala resnične ali neresnične informacije, in nobene osebe ali organizacije se zaradi tega ne sme kako drugače oškodovati.

2. Zaupne informacije, ki jih zbere državni preventivni mehanizem, so zavarovane kot take. Osebni podatki pa se ne smejo objaviti brez izrecne privolitve prizadete osebe.

22. člen

Pristojni organi prizadete države pogodbenice obravnavajo priporočila državnega preventivnega mehanizma in z njim vzpostavijo dialog o mogočih ukrepih za izvajanje.

23. člen

Države pogodbenice tega protokola se zavezujejo, da bodo objavile in razširjale letna poročila državnih preventivnih organov.

V. DEL**Izjava****24. člen**

1. Ob ratifikaciji lahko države pogodbenice izjavijo, da bodo odložile izpolnjevanje svojih obveznosti iz III. ali IV. dela tega protokola.

2. Odložitev obveznosti velja največ tri leta. Odbor proti mučenju lahko podaljša to obdobje za dodatni dve leti ob utemeljenih navedbah države pogodbenice in po posvetovanjih s pododborom za preprečevanje.

VI. DEL**Finančne določbe****25. člen**

1. Stroške pododbora za preprečevanje, ki nastanejo pri izvajanju tega protokola, krijejo Združeni narodi.

2. Generalni sekretar Združenih narodov zagotovi ustrezno osebje in prostore za učinkovito opravljanje nalog pododbora za preprečevanje po tem protokolu.

26. člen

1. V skladu z ustreznimi postopki Generalne skupščine se ustanovi poseben sklad, za pomoč pri financiranju izvajanja priporočil, ki jih je pododbor za preprečevanje dal po obisku v državi pogodbenici, in za izobraževalne programe državnih preventivnih mehanizmov, ki ga je treba upravljati v skladu s finančnimi predpisi in pravili Združenih narodov.

Article 21

1. No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

2. Confidential information collected by the national preventive mechanism shall be privileged. No personal data shall be published without the express consent of the person concerned.

Article 22

The competent authorities of the State Party concerned shall examine the recommendations of the national preventive mechanism and enter into a dialogue with it on possible implementation measures.

Article 23

The States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms.

PART V**Declaration****Article 24**

1. Upon ratification, States Parties may make a declaration postponing the implementation of their obligations under either part III or part IV of the present Protocol.

2. This postponement shall be valid for a maximum of three years. After due representations made by the State Party and after consultation with the Subcommittee on Prevention, the Committee against Torture may extend that period for an additional two years.

PART VI**Financial provisions****Article 25**

1. The expenditure incurred by the Subcommittee on Prevention in the implementation of the present Protocol shall be borne by the United Nations.

2. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Subcommittee on Prevention under the present Protocol.

Article 26

1. A Special Fund shall be set up in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, to help finance the implementation of the recommendations made by the Subcommittee on Prevention after a visit to a State Party, as well as education programmes of the national preventive mechanisms.

2. Poseben sklad se lahko financira s prostovoljnimi prispevki vlad, medvladnih in nevladnih organizacij in drugih zasebnih ali javnih subjektov.

VII. DEL

Končne določbe

27. člen

1. Protokol je na voljo za podpis vsem državam, ki so podpisale konvencijo.
2. Protokol lahko ratificira vsaka država, ki je ratificirala konvencijo ali k njej pristopila. Listine o ratifikaciji se deponirajo pri generalnem sekretarju Združenih narodov.
3. Protokol je na voljo za pristop vsem državam, ki so ratificirale konvencijo ali k njej pristopile.
4. Pristop se opravi z deponiranjem listine o pristopu pri generalnem sekretarju Združenih narodov.
5. Generalni sekretar Združenih narodov o deponiranju vsake listine o ratifikaciji ali pristopu obvesti vse države, ki so podpisale ta protokol ali k njemu pristopile.

28. člen

1. Protokol začne veljati trideseti dan po dnevu, ko se pri generalnem sekretarju Združenih narodov deponira dvajseta listina o ratifikaciji ali pristopu.
2. Za vsako državo, ki ratificira protokol ali k njemu pristopi po deponiranju dvajsete listine o ratifikaciji ali pristopu pri generalnem sekretarju Združenih narodov, začne protokol veljati trideseti dan po dnevu deponiranja njene listine o ratifikaciji ali pristopu.

29. člen

Določbe tega protokola veljajo za vse dele zveznih držav brez omejitev ali izjem.

30. člen

K temu protokolu niso dopustni pridržki.

31. člen

Določbe tega protokola ne vplivajo na obveznosti držav pogodbenic po regionalnih konvencijah, ki uvajajo sistem obiskov na krajih odvzema prostosti. Pododbor za preprečevanje in organi, ustanovljeni na podlagi takih regionalnih konvencij, pa se spodbujajo k posvetovanju in sodelovanju, da bi se izognili podvajanju in učinkovito podpirali cilje tega protokola.

2. The Special Fund may be financed through voluntary contributions made by Governments, intergovernmental and non-governmental organizations and other private or public entities.

PART VII

Final provisions

Article 27

1. The present Protocol is open for signature by any State that has signed the Convention.
2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 28

1. The present Protocol shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession, the present Protocol shall enter into force on the thirtieth day after the date of deposit of its own instrument of ratification or accession.

Article 29

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 30

No reservations shall be made to the present Protocol.

Article 31

The provisions of the present Protocol shall not affect the obligations of States Parties under any regional convention instituting a system of visits to places of detention. The Subcommittee on Prevention and the bodies established under such regional conventions are encouraged to consult and cooperate with a view to avoiding duplication and promoting effectively the objectives of the present Protocol.

32. člen

Določbe tega protokola ne vplivajo na obveznosti držav pogodbenic štirih Ženevskih konvencij z dne 12. avgusta 1949 in dopolnilnih protokolov k Ženevskim konvencijam z dne 8. junija 1977, niti na možnost katere koli države pogodbenice, da pooblasti Mednarodni odbor Rdečega križa, da obišče kraje odvzema prostosti v razmerah, ki jih ne zajema mednarodno humanitarno pravo.

33. člen

1. Vsaka država pogodbenica lahko kadar koli odpove ta protokol s pisnim uradnim obvestilom, naslovljenim na generalnega sekretarja Združenih narodov, ki obvesti druge države pogodbenice tega protokola in konvencije. Odpoved začne veljati eno leto po dnevu, ko generalni sekretar prejme uradno obvestilo.

2. Odpoved države pogodbenice ne odvezuje obveznosti po tem protokolu glede katerega koli dejanja ali razmer, ki lahko nastanejo pred dnevom, ko začne odpoved veljati, ali ukrepov, za katere se je pododbor za preprečevanje odločil ali se lahko odloči, da jih sprejme glede te države pogodbenice; odpoved prav tako na noben način ne vpliva na nadaljnje obravnavanje katere koli zadeve, ki je pri pododboru za preprečevanje že v obravnavi pred dnevom, ko začne veljati odpoved.

3. Po datumu, ko začne veljati odpoved države pogodbenice, pododbor za preprečevanje ne začne obravnavati nobene nove zadeve, povezane s to državo.

34. člen

1. Vsaka država pogodbenica tega protokola lahko predlaga spremembo in jo predloži generalnemu sekretarju Združenih narodov. Generalni sekretar sporoči predlagano spremembo državam pogodbenicam tega protokola in jih zaprosi, da ga obvestijo, ali se strinjajo s konferenco držav pogodbenic zaradi obravnavanja in glasovanja o predlogu. Če se v štirih mesecih od dneva tega sporočila vsaj tretjina držav pogodbenic strinja s to konferenco, generalni sekretar skliče konferenco pod pokroviteljstvom Združenih narodov. Generalni sekretar Združenih narodov pošlje vsem državam pogodbenicam v sprejetje vsako spremembo, ki jo z dvetretjinsko večino sprejmejo države pogodbenice, ki so navzoče in glasujejo na konferenci.

2. Sprememba, sprejeta v skladu s prvim odstavkom tega člena, začne veljati, ko jo sprejmejo države pogodbenice tega protokola z dvetretjinsko večino v skladu z njihovimi ustavnimi postopki.

3. Ko začnejo spremembe veljati, so zavezujoče za vse tiste države pogodbenice, ki so jih sprejele, za druge države pogodbenice pa še naprej veljajo določbe tega protokola in katera koli prejšnja sprememba, ki so jo sprejele.

35. člen

Člani pododborja za preprečevanje in državnih preventivnih mehanizmov uživajo take privilegije in imunitete, ki so potrebni za neodvisno izvajanje njihovih nalog. Člani pododborja za preprečevanje uživajo privilegije in imunitete iz 22. člena Konvencije Združenih narodov o privilegijih in imunitetah z dne 13. februarja 1946 ob upoštevanju določb 23. člena te konvencije.

Article 32

The provisions of the present Protocol shall not affect the obligations of States Parties to the four Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, nor the opportunity available to any State Party to authorize the International Committee of the Red Cross to visit places of detention in situations not covered by international humanitarian law.

Article 33

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the present Protocol and the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act or situation that may occur prior to the date on which the denunciation becomes effective, or to the actions that the Subcommittee on Prevention has decided or may decide to take with respect to the State Party concerned, nor shall denunciation prejudice in any way the continued consideration of any matter already under consideration by the Subcommittee on Prevention prior to the date on which the denunciation becomes effective.

3. Following the date on which the denunciation of the State Party becomes effective, the Subcommittee on Prevention shall not commence consideration of any new matter regarding that State.

Article 34

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General of the United Nations to all States Parties for acceptance.

2. An amendment adopted in accordance with paragraph 1 of the present article shall come into force when it has been accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment that they have accepted.

Article 35

Members of the Subcommittee on Prevention and of the national preventive mechanisms shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions. Members of the Subcommittee on Prevention shall be accorded the privileges and immunities specified in section 22 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, subject to the provisions of section 23 of that Convention.

36. člen

Člani pododбора za preprečevanje ob obisku v državi pogodbenici uživajo privilegije in imunitete, ne da bi posegali v določbe in namene tega protokola, in sicer:

- (a) spoštujejo zakone in predpise države, ki jo obiščejo;
- (b) se vzdržijo katerega koli ukrepa ali dejavnosti, ki ni v skladu z nepristransko in mednarodno naravo njihovih nalog.

37. člen

1. Ta protokol, katerega besedilo v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem besedilu je enako verodostojno, se deponira pri generalnem sekretarju Združenih narodov.

2. Generalni sekretar Združenih narodov pošlje overjene kopije tega protokola vsem državam.

3. člen

Za izvajanje protokola skrbi Ministrstvo za pravosodje.

4. člen

Republika Slovenija daje v zvezi s 17. členom Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju naslednjo izjavo: »Pristojnosti in naloge državnega preventivnega mehanizma po opcijskem protokolu, skladno s 17. členom, izvršuje Varuh človekovih pravic, v dogovoru z njim pa tudi nevladne organizacije, registrirane v Republiki Sloveniji, ter organizacije, ki so pridobile status humanitarne organizacije v Republiki Sloveniji.«

5. člen

1. Naloge in pooblastila državnega preventivnega mehanizma po tem protokolu izvršuje Varuh človekovih pravic. Pri opravljanju nadzora na krajih odvzema prostosti ter preverjanja ravnanja z osebami, ki jim je bila odvzeta prostost, lahko z Varuhom pri izvrševanju nalog in pooblastil Varuha po tem protokolu sodelujejo nevladne organizacije, registrirane v Republiki Sloveniji, ter organizacije, ki so pridobile status humanitarne organizacije v Republiki Sloveniji, ki se ukvarjajo z varstvom človekovih pravic ali temeljnih svoboščin, zlasti s področja preprečevanja mučenja in drugih krutih, nečloveških ali poniževalnih kazni ali ravnanj.

2. Organizacije, ki bodo sodelovale pri izvajanju nalog in pooblastil po določbah prejšnjega odstavka, se izberejo na podlagi javnega razpisa, katerega izvede Varuh, ki tudi odloči o izbiri organizacije. Vsebina javnega razpisa mora biti v skladu s 4. členom tega zakona ter podzakonskih aktov, izdanih na podlagi četrtega odstavka.

Article 36

When visiting a State Party, the members of the Subcommittee on Prevention shall, without prejudice to the provisions and purposes of the present Protocol and such privileges and immunities as they may enjoy:

- (a) Respect the laws and regulations of the visited State;
- (b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

Article 37

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.

Article 3

The Ministry of Justice shall be responsible for the implementation of the Protocol.

Article 4

In connection with Article 17 of the Optional Protocol to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment the Republic of Slovenia hereby makes the following statement: "The competences and tasks of national preventive mechanism under the Optional Protocol, in compliance with Article 17 shall be carried out by the Human Rights Ombudsman, and with his agreement also non-governmental organisations registered in the Republic of Slovenia and organisations that have obtained the status of humanitarian organisations in the Republic of Slovenia."

Article 5

1. The tasks and authorities of national preventive mechanism under this protocol shall be performed by the Human Rights Ombudsman. In carrying out monitoring at places of detention and checking the treatment of persons who have been deprived of their liberty, non-governmental organisations registered in the Republic of Slovenia and organisations that have obtained the status of humanitarian organisations in the Republic of Slovenia, which deal with the protection of human rights or fundamental freedoms, especially in the field of preventing torture and other cruel, inhuman or degrading treatment of punishment, may cooperate with the Ombudsman in carrying out the tasks and authorities of the Ombudsman under this protocol.

2. Organisations that will cooperate in the implementation of tasks and authorities under the provisions of the previous paragraph shall be chosen on the basis of public tender, which will be held by the Ombudsman, who will also decide on the choice of organisations. The content of the public tender must be in compliance with Article 4 of this Act and statutory regulations issued on the basis of the fourth paragraph.

3. Osebe iz izbranih organizacij, ki bodo sodelovale pri izvajanju nalog in pooblastil državnega preventivnega mehanizma po tem protokolu, podajo predhodno pisno izjavo, da bodo pri opravljanju teh nalog in pooblastil delovale po navodilih Varuha človekovih pravic in delovale po predpisih o varovanju tajnosti osebnih in tajnih podatkov, tako kot to velja za Varuha, njegove namestnike in uslužbence.

4. Potrebne stroške in nagrade osebam iz organizacij, ki opravljajo naloge oziroma izvršujejo pooblastila po prvem odstavku, izplača Varuh človekovih pravic iz proračunskih postavk Varuha, po pravilniku, ki ga izda Varuh po predhodnem soglasju ministra, pristojnega za finance. Pravilnik se objavi v Uradnem listu Republike Slovenije.

6. člen

Ta zakon začne veljati 1. januarja 2007.

Št. 713-03/91-4/4

Ljubljana, dne 29. septembra 2006

EPA 1008-IV

Predsednik

Državnega zbora

Republike Slovenije

France Cukjati, dr. med., l.r.

3. Persons from the selected organisations who will cooperate in implementing the tasks and authorities of national preventive mechanism under this Protocol shall provide a prior written declaration that in performing these tasks and authorities they will work according to the instructions of the Human Rights Ombudsman and work according to regulations on the protection of the confidentiality of personal and confidential information, as these apply for the Ombudsman and his deputies and staff.

4. Necessary costs and rewards of persons from organisations that perform tasks or implement authorities under the first paragraph shall be paid by the Human Rights Ombudsman from budget headings of the Ombudsman, according to rules which the Ombudsman shall issue after the prior approval of the minister responsible for finance. The rules shall be published in the Official Gazette of the Republic of Slovenia.

Article 6

This Act shall take effect on 1 January 2007.

No. 713-03/91-4/4

Ljubljana, 29 September 2006

EPA 1008-IV

President

National Assembly

of the Republic of Slovenia

France Cukjati, M.D., l.r.

Državni preventivni mehanizem v Republiki Sloveniji po Opcijskem protokolu h Konvenciji OZN proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju
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