

Državni preventivni mehanizem

po Opcijskem protokolu h Konvenciji OZN proti mučenju in drugim
krutim, nečloveškim ali poniževalnim kaznim ali ravnanju

Poročilo 2012 Report

National Preventive Mechanism

under the Optional Protocol to the UN Convention against Torture
and Other Cruel, Inhuman or Degrading Treatment or Punishment





VARUH
ČLOVEKOVIH
PRAVIC

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I. POROČILO VARUHA ČLOVEKOVIH PRAVIC
REPUBLIKE SLOVENIJE 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 2012

Ljubljana, maj 2013

I. REPORT OF THE HUMAN RIGHTS OMBUDSMAN
OF THE REPUBLIC OF SLOVENIA
ON THE IMPLEMENTATION 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 2012

Ljubljana, May 2013

POROČILO VARUHA ČLOVEKOVIH PRAVIC REPUBLIKE SLOVENIJE O IZVAJANJU NALOG IN POOBLASTIL DRŽAVNEGA PREVENTIVNEGA MEHANIZMA ZA LETO 2012

Uvod

Izvajanje nalog in pooblastil državnega preventivnega mehanizma

Po Zakonu o ratifikaciji Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju (Uradni list RS, št. 114/06 – Mednarodne pogodbe, št. 20/06 – opcijski protokol), Varuh človekovih pravic RS (Varuh) izvaja tudi naloge in pooblastila državnega preventivnega mehanizma (DPM), v dogovoru z njim pa tudi izbrane nevladne organizacije, registrirane v Republiki Sloveniji, ter organizacije, ki so pridobile status humanitarne organizacije v Republiki Sloveniji, in se ukvarjajo z varstvom človekovih pravic ali temeljnih svoboščin.

DPM v izvajanju svojih nalog in pooblastil obiskuje 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. DPM ob upoštevanju pravnih norm ustreznim organom daje priporočila, da bi izboljšali razmere in ravnanje z osebami ter preprečili mučenje in druge oblike okrutnega, nečloveškega, poniževalnega ravnanja ali kaznovanja. Lahko predloži tudi predloge in pripombe k veljavnim oziroma predlaganim zakonom.

Znani kraji odvzema prostosti v Republiki Sloveniji so zlasti:

- zavodi za prestajanje kazni zapora z vsemi njihovimi oddelki in Prevzgojni 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 (na primer policijska intervencijska vozila ipd.).

Na podlagi javnega razpisa, objavljenega v Uradnem listu RS, št. 103/2011 z dne 16. 12. 2011 so bile za sodelovanje v letu 2012 in 2013 (z možnostjo podaljšanja sodelovanja še za eno leto) izbrane organizacije: Pravno informacijski center nevladnih organizacij – PIC (PIC), Rdeči križ Slovenije (RKS) in Inštitut Primus (Primus) – vse te tri znova, na novo pa Zveza društev upokojencev Slovenije (ZDUS) in Novi paradoks (NP).

V letu 2012 smo opravili 46 obiskov (37 nenapovedanih in 9 napovedanih) in tako v celoti uresničili vse načrtovane obiske iz vnaprej pripravljenega programa. Tako smo obiskali 9 ustanov, kjer so nameščene osebe, ki so na prestajanju kazni zapora, oziroma priporniki (8 ZPKZ in prevzgojni dom), 20 policijskih postaj, Azilni dom v Ljubljani in Center za tujce v Postojni, 2 psihiatrični ustanovi, 2 posebna socialnovarstvena zavoda, 6 domov za starejše, 4 vzgojne zavode in prostore za pridržanje v Slovenski vojski. Od tega je bilo 43 obiskov enodnevnih, trije obiski pa so bili dvodnevni (ZPKZ Dob pri Mirni, ZPKZ Maribor in ZPKZ Ljubljana). V pomladnem času smo obiskali 16 ustanov, 7 poleti, 13 jeseni in 10 v zimskem času.

IMPLEMENTATION OF THE DUTIES AND POWERS OF THE NATIONAL PREVENTIVE MECHANISM IN 2012

Introduction

Under the Act Ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (Official Gazette of the Republic of Slovenia, No. 114/06, International Treaties, No. 20/6 - the Optional Protocol), the Human Rights Ombudsman of the Republic of Slovenia ("the Ombudsman") carries out duties and has powers under the National Preventive Mechanism ("the NPM"), and, in agreement with the Ombudsman, this is also done by selected non-governmental organisations registered in the Republic in Slovenia and organisations with the status of humanitarian organisations in the Republic of Slovenia which are concerned with the protection of human rights or fundamental freedoms.

When implementing its duties and powers, the NPM visits locations in the Republic of Slovenia where persons have been deprived of their liberty and in this manner verifies the treatment of persons who have been deprived of their liberty in order to strengthen their protection against torture and other inhuman and degrading treatment or punishment. While taking into consideration legal norms, the NPM makes recommendations to relevant bodies to improve conditions and treatment of these persons and prevent torture and other inhuman and degrading treatment or punishment. It may also submit proposals and comments on the applicable or proposed laws.

In the Republic of Slovenia, the regular places for the deprivation of liberty are particularly the following:

- prisons with all their units and Radeče Correctional Facility,
- juvenile institutions,
- social care institutions (nursing homes) and special social care institutions,
- psychiatric hospitals,
- detention rooms,
- the Aliens Centre and the Asylum Centre,
- detention rooms operated by the Slovenian Armed Forces
- all other places within the meaning of Article 4 of the Optional Protocol (for example, police intervention vehicles, and similar).

Pursuant to a public call to tender, published in the Official Gazette of the Republic of Slovenia, No. 103/2011 of 16 December 2011, the following organisations were selected for cooperation in 2012 and 2013 (with the option of a renewal of the cooperation for another year): the Legal Information Centre of NGOs – PIC ("PIC"), the Slovenian Red Cross (RKS) and the Primus Institute (Primus) – all three were chosen again, while the Slovenian Federation of Pensioners' Organisations ("ZDUS") and Novi paradoks ("NP") were newly chosen.

In 2012, 46 visits were performed (of these, 37 were not announced and 9 were announced), thereby fully realising all the visits planned in the programme. 9 institutions were visited where people serving prison sentences and detainees are accommodated (8 prisons and a correctional facility), 20 police stations, the Asylum Centre in Ljubljana and the Aliens Centre in Postojna, 2 psychiatric institutions, 2 special social care institutions. 6 nursing homes, 4 juvenile facilities and detention rooms under the control of the Slovenian Armed Forces. Of this number, 43 visits were one-day visits, and three of them lasted for two days (Dob pri Mirni Prison, Maribor Prison and Ljubljana Prison). Over the year 16 institutions were visited in spring, 7 in the summer, 13 in autumn and 10 in winter.

Pri obiskih DPM v letu 2012 je sodelovalo 11 uslužbencev Varuha (med temi štejemo tudi varuhinjo, ki se je udeležila nekaterih obiskov, in pripravnico) in 19 predstavnikov pogodbenih NGO, od tega trije predstavniki NP, trije predstavniki PIC, pet predstavnikov Primusa, dva predstavnika RKS in šest predstavnikov ZDUS. Primus je s svojimi člani sodeloval pri 27 obiskih, ZDUS pri 12, PIC pri 10, RKS pri 7 in NP pri 3 obiskih.

Na podlagi posebnih pogodb o sodelovanju smo še naprej izkoristili tudi znanje in izkušnje (za zdaj) dveh zunanjih strokovnjakinj. Prva je strokovnjakinja za pedagoško in psihološko področje. Z nami je sodelovala pri obiskih vzgojnih zavodov, v katerih so nameščeni mladostniki. Po vsakem obisku je v pisni obliki podala svoje ugotovitve o ustreznosti izvajanja vzgojno-izobraževalne dejavnosti, ki jih opravljajo vzgojni zavodi, ter o ustreznosti socialnega varstva z namestitvijo otrok in mladostnikov v teh ustanovah z vidika preprečevanja mučenja in drugih oblik okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja. Druga pa je bila strokovnjakinja s področja medicine, je specialistka psihiatrije. Sodelovala je pri načrtovanih obiskih prostorov odvzema prostosti (zlasti v večjih zavodih za prestajanje kazni zapora in v Centru za tujce) ter v pisni obliki podajala svoje ugotovitve zlasti z zdravstvenega vidika o ustreznosti zdravstvenega varstva in ravnanja z osebami, ki jim je odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja.

Izbrane organizacije naloge in pooblastila pri opravljanju obiska še naprej opravljajo s svojimi osebami (PIC s 5, NP s 3, ZDUS s 7, RKS s 30 in Primus s 5), ki so usposobljene za posamezna področja nadzora, kot člani skupine, ki jo za vsak primer obiska določi Varuh za opravljanje obiska na kraju odvzema prostosti in preverjanja ravnanja z osebami, ki jim je bila odvzeta prostost.

Kraj in čas obiska ter število članov skupine za opravljanje obiska na posameznem kraju nadzora določi Varuh, z upoštevanjem programa obiskov, ki ga v ta namen sprejeme s sodelovanjem z izbranimi organizacijami, po potrebi pa pri tem upošteva tudi druge okoliščine, ki bi zahtevale takojšen obisk.

O vsakem obisku smo pripravili izčrpno (končno) poročilo o svojih ugotovitvah o obiskani ustanovi. To poročilo vsebuje tudi predloge in priporočila za odpravo ugotovljenih nepravilnosti in za izboljšanje stanja, vključno z ukrepi za zmanjšanje možnosti nepravilnega ravnanja v prihodnje. Pri pripravi končnega poročila o opravljenem obisku sodelujejo tako predstavniki Varuha kot predstavniki izbranih nevladnih ali humanitarnih organizacij. Končno poročilo DPM se pripravi na podlagi odgovora na predhodno poročilo oziroma po opravljenem obisku, če se pred tem ne izdelava predhodno poročilo. Končno poročilo se v imenu Varuha ali osebe, ki jo je za to pooblastil, pošlje pristojnemu organu, in to s predlogom, da ta v določenem roku zavzame stališče do navedb v tem poročilu in jih sporoči Varuhu.

Za izdelavo končnega poročila je praviloma odgovoren predstavnik Varuha, čeprav je lahko za njegovo izdelavo določena tudi oseba iz izbrane nevladne organizacije (v letu 2012 je tako Primus poskrbel za izdelavo štirih končnih poročil o obisku). Tako kot vsak sodelujoči pri obisku po opravljenem obisku tudi osebe iz izbranih nevladnih ali humanitarnih organizacij pripravijo kratko poročilo o lastnih ugotovitvah iz obiska s predlogi, ki so del končnega poročila o opravljenem nadzoru. Na podlagi končnega 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 spletnih straneh Varuha.

During the visits of the NPM taking place in 2012, there were 11 officials of the Ombudsman's Office (the Ombudsman herself included, who participated during some visits, and a trainee) and 19 representatives of NGOs under the contract participating in the visits; of these there were three representatives of NP, three representatives of PIS, five representatives of Primus, two representatives of RKS and six representatives of ZDUS. Primus and its members participated in 27 visits, ZDUS in 12, PIC in 10, RKS in 7 and NP in 3 visits.

On the basis of special cooperation contracts the NPM continued to make use of the expertise of two (for the time being) external experts. The first one is an expert in education and psychology. She participated in all visits to juvenile facilities in which young persons are accommodated. After each visit she submitted her findings in writing in regard to the adequacy of educational activities carried out in these institutions and in regard to the adequacy of social care for children and young persons in these institutions from the point of view of preventing torture and other forms of cruel, inhuman or degrading treatment or punishment. The second person is an expert in the field of medicine, specialising in psychiatry. She took part in the planned visits of places of incarceration (particularly in larger prisons and in the Aliens Centre) and submitted her findings in writing, specifically from the medical aspect, in regard to the health care and treatment of persons deprived of liberty, freedom from torture and other forms of cruel, inhuman or degrading treatment and punishment.

During visits, the selected organization continued to perform duties and powers with their own personnel (PIC - 5 persons, NP - 3 persons, ZDUS - 7 persons, RKS - 30 persons, and Primus - 5 persons). They are trained for individual areas of supervision and are part of a group which is determined by the Ombudsman for each visit to perform the visit at the place of the deprivation of liberty and to monitor the treatment of persons who have been deprived of liberty.

The time and place of the visit and the number of people involved in visiting a particular place of inspection is specified by the Ombudsman, taking into consideration the programme of visits adopted for this purpose in cooperation with the selected organisation. If necessary, other circumstances that might require an immediate visit are also taken into account.

An exhaustive (final) report on the findings from each institution visited was prepared about each visit. This report also includes proposals and recommendations for the elimination of irregularities discovered and the improvement of conditions, including measures to reduce the possibilities of improper treatment in the future. Both, representatives of the Ombudsman's Office as well as representatives of selected NGOs and humanitarian organisations took part in the preparation of the final report. The final report on the NPM is produced on the basis of a response to the preliminary report, or after the visit performed, if a preliminary report is not produced before that. The final report is submitted on the Ombudsman's behalf or on behalf of a person authorised by the Ombudsman for that purpose. The final report is submitted to a relevant authority, together with a proposal for the authority to take a stand in regard to the statements in the report and report them to the Ombudsman.

An Ombudsman's representative is generally responsible for the development of the final report although a person from the selected NGOs may also be selected for its production. (In 2012, it was Primus that took the responsibility for the production of four final reports on visits). Similarly to every person participating in the visit, persons from the selected NGOs or humanitarian organization prepare a short report on his/her own findings about the visit together with proposals which are a part of the final report on the inspection performed. On the basis of the final report, a response of the responsible body to it and potential additional standpoints of the NPM, a short report about each visit is prepared which is published on the Ombudsman's web site.

Uresničevanje priporočil DPM je zaveza države pogodbenice opcijskega protokola. Po 22. členu Opcijskega protokola so namreč pristojni organi države pogodbenice zavezani obravnavati priporočila DPM in z njim vzpostaviti dialog o mogočih ukrepih za izvajanje priporočil. Uspeh uresničevanja priporočil iz obiskov DPM v letu 2012 prikazujemo v nadaljevanju v sintezi svojih ugotovitev in priporočil ter odzivov pristojnih organov v zapisu o obiskih v posameznih ustanovah (to problematiko delno predstavljamo tudi v poglavju o omejitvah osebe svobode in policijskih postopkih). Ti prispevki so delo različnih avtorjev, tudi sodelavcev iz izbranih nevladnih organizacij. Tako je Katja Sodja (Primus) pripravila zapis o obiskih policijskih postaj, Miha Horvat (Varuh) o obiskih zavodov za prestajanje kazni zapora in prevzgojnega doma, Brigita Urh (Varuh) o obiskih vzgojnih zavodov, Branka Pondelek (Primus) o obiskih psihiatričnih bolnišnic, Jure Markič (Varuh) o obiskih posebnih socialnovarstvenih zavodov, Ana Canjko (ZDS) o obiskih socialnovarstvenih zavodov (ob pomoči Jureta Markiča, Simone Šemen, dr. Ingrid Russi Zagožen in Ivana Šeliha), Ivan Šelih (Varuh) o obisku Azilnega doma in Centra za tujce ter Leja Drobnak (Varuh) o obisku prostorov za pridržanje v SV.

DPM uresničevanje priporočil iz predhodnih obiskov redno preverja ob ponovnih obiskih v ustanovi, v prihodnje pa bomo temu namenili še posebno pozornost, saj smo začeli izvajati tudi t. i. kontrolne obiske. Ta se opravi, kadar je smiselno še pred rednim obiskom preveriti izvedbo priporočil DPM za odpravo pomanjkljivosti in izboljšanje razmer ter ravnanje z osebami, ki so bila podana že v zvezi z rednim ali izrednim obiskom.

Z odzivi pristojnih organov (zlasti obiskanih ustanov) na svoje ugotovitve in priporočila za izboljšanje stanja smo v glavnem zadovoljni, saj kažejo pripravljenost na sodelovanje, zlasti pa ugotavljamo, da poskušajo obiskane ustanove sprejeti vse ukrepe za potrebne izboljšave, ki so v njihovi zmožnosti. Kot primer navajamo (delni) odziv ravnatelja enega izmed obiskanih vzgojnih zavodov:

»Spoštovani!

Na vaš poziv z izrazom dolžnega spoštovanja odgovarjamo na poročilo, ki ste ga oblikovali po obisku naše ustanove dne ... Odgovor v vlogi ravnatelja povzemam po tem, ko so se delavci ustanove lahko seznanili z vašim poročilom in ga formalno obravnavali na seji učiteljskega zbora z dne 15. 5. 2012 in seji vzgojiteljskega zbora 9. 5. 2012. Nanaša se zgolj na priporočila in predloge, dane naši ustanovi, seveda pa podpiramo in se strinjamo z vsemi tistimi, ki so namenjeni drugim ustanovam v okviru dejavnosti ... Naj pred zaključkom poudarim, da smo poročilo razumeli kot naklonjeno in mu pripisali visoko vrednost, ker se posamezne trditve nanašajo na stvari in dejanja, ki imajo pomembno vlogo v našem sistemu strokovnih vrednot. V tem smislu si upamo tudi zapisati obljubo, da si bomo tudi v prihodnosti prizadevali, da našo občutljivo skrb za posamezne depriviligirane mladostnike in mladostnice ohranimo na čim višji strokovni in etični ravni. S spoštovanjem! ...«

Želimo pa še bolj poglobljeno in vsebinsko sodelovanje s pristojnimi ministrstvi (npr. z MDDSZ, MIZKŠ, MPJU, MZ), zlasti ko gre za problematiko, ki terja sistemske spremembe (npr. spremembe in dopolnitve zakonodaje). Kot primer dobre prakse odziva pristojnih organov na ugotovitve in priporočila iz našega obiska v celoti predstavljamo tudi odziv Ministrstva za obrambo, ki je Načrt odprave pomanjkljivosti, ugotovljenih ob obisku DPM v 17. BVP.

The implementation of recommendations of the NPM is a commitment of the State Party to the Optional Protocol. As a matter of fact, under Article 22 of the Optional Protocol, the competent authorities of the State Party are obliged to examine the recommendations of the NPM and enter into a dialogue with it on possible implementation measures. The performance regarding the success of the implementation of recommendations from visits by the NPM in 2012 is presented in the continuation of the text in the synthesis of our findings, and recommendations and responses by the competent authorities in a text about visits in individual institutions (this topic is partially presented in the chapter on the restriction of personal liberty and police procedures). These contributions have been made by various authors, also co-operators from the selected NGOs. Thus, it was Katja Sodja (Primus) who prepared the text on the visits to police stations, Miha Horvat (the Ombudsman's Office) on visits to prisons and a correctional facility, Brigita Urh (the Ombudsman's Office) on visits to juvenile facilities, Branka Pondelek (Primus) on visits to psychiatric hospitals, Jure Markič (the Ombudsman's Office) on visits to special social care institutions, Ana Canjko (ZDS) (assisted by Jure Markič, Simona Šemen, Dr. Ingrid Russi Zagožen and Ivana Šelih) on visits to social care institutions, Ivan Šelih (the Ombudsman's Office) on the visit to the Asylum Centre and the Aliens Centre, and Leja Drobnak (the Ombudsman's Office) on a visit to the detention rooms of the Slovenian Armed Forces.

The implementation of recommendations from previous visits is regularly monitored by the NPM during the renewed visits to the institutions. Special attention will be dedicated to this activity in the future since the performance of control visits has now begun. A control visit is carried out, when, prior to the regular visit, it makes sense to check the implementation of recommendations of the NPM to eliminate irregularities and improve conditions and treatment of persons, which have been submitted in relation to the regular or extraordinary visit.

In general, the NPM is satisfied with the responses by competent authorities (particularly institutions visited) in regard to our findings and recommendations to improve conditions, as their willingness to cooperate is demonstrated, and it has been particularly established that the institutions visited seek to adopt all measures for the necessary improvements which are within their capabilities. As an example, let us mention a (partial) response of a Principal of one of the visited juvenile facilities:

“Dear Sirs,

We are replying with due respect to your invitation with regard to the report made after the visit of our institution on the day of The response in the role of the Principal may be summarised after our Institution's employees had the opportunity to become familiar with your report and formally dealt with it at the session of the faculty on 15 May 2012 and at the session of the educators assembly on 9 May 2012. It refers only to recommendations and proposals given to our institutions. We, of course, support and agree with all those which are intended for other institutions within the activity of ...Before concluding, let me emphasize that we understood the report as positive and credited it with a high value since individual statements refer to matters and actions which have an important role in our system of professional values. Within this meaning we venture to make a written promise that now and also in the future we will seek to preserve our sensitive care for individual unprivileged young people at as high an ethical and professional level as possible. Sincerely yours, ...“

The NPM, however, desires a deeper cooperation in terms of content with competent ministries (for example, with the Ministry of Labour, Family and Social Affairs, Ministry of Education, Science and Sport, Ministry of Justice and Public Administration, Ministry of Health), particularly in cases where systemic changes are needed (for example, modifications and amendments of legislation). We present in full, as an example of best practice, a response by the Ministry of Defence to the findings and recommendations from our visit; that response is the Plan for the Elimination of Irregularities discovered during the visit of the NPM to the 17th Military Police Battalion.

Poleg obiskov so člani DPM v letu 2012 sodelovali pri drugih dogodkih (ti so razvidni iz priložene tabele aktivnosti DPM). Uvodoma ne gre prezreti ponovnega (četrtga) obiska Evropskega odbora za preprečevanja mučenja in nečloveškega ali ponižujočega ravnanja ali kaznovanja (CPT) v Sloveniji v začetku leta 2012. CPT se je ob obisku srečal in se pogovoril tudi s člani DPM (vključno z ljudmi iz izbranih nevladnih organizacij, ki sodelujejo pri obiskih DPM), navzoči pa smo bili tudi na uvodnem in sklepnem srečanju CPT s predstavniki državnih organov. Udeležili smo se številnih mednarodnih dogodkov, kjer smo predstavljali svoje delovanje in dosedanje izkušnje (v Budimpešti (Madžarska), Bukarešti (Romunija), Bakuju (Azerbajdžan), Kišinjevu (Moldavija) in v Odesi (Ukrajina)). Sodelovali smo tudi pri izmenjavi izkušenj in metod delovanja s tujimi DPM (z makedonskim, albanskim, češkim in srbskim) in se udeležili tematskih delavnic v okviru evropskega projekta DPM (v Ženevi (Švica) in Beogradu (Srbija)). Organizirali in izvedli smo študijske obiske drugih DPM (tako smo gostili DPM iz Srbije, Črne gore in s Hrvaškega). Hkrati smo organizirali pogovore s predstavniki posameznih državnih organov (tudi z ministri) in se udeležili drugih dogodkov, ki so se nanašali na področje delovanja DPM. O svojem delovanju smo poročali tudi Pododboru za preprečevanje mučenja in drugega okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja Odbora proti mučenju (SPT) 18. 6. 2012 v Ženevi. Ta je na tej podlagi pripravil tudi nekatere pripombe oziroma predloge za izboljšanje metod našega dela. Te predloge bomo vsekakor upoštevali pri nadaljnjem delu.

DPM je konec leta 2011 za strokovno mnenje v zvezi z obravnavanjem obsojencev, storilcev kaznivih dejanj zoper spolno nedotakljivost, zaprosil tudi Neodvisno zdravstveno svetovalno skupino Sveta Evrope (IMAP). Ta skupina mednarodnih izvedencev sodeluje pri Projektu NPM (izmenjava znanja in izkušenj državnih preventivnih mehanizmov) Sveta Evrope. Odgovor IMAP smo v letu 2012 tudi prejeli in z njim seznanili Upravo za izvrševanje kazenskih sankcij (UIKS). Ob upoštevanju stališč IMAP bomo tudi nadaljevali aktivnosti na tem področju.

Za namen podrobnejše opredelitve načina izvajanja nalog in pooblastil DPM smo v letu 2012 izdali tudi Metodologijo izvajanja nalog in pooblastil DPM, ki velja do morebitnih njenih sprememb ali dopolnitev oziroma na novo določene metodologije izvajanja nalog in pooblastil DPM v Republiki Sloveniji.

In 2012, in addition to visits, members of the NPM took part in other events (they are shown in the attached NPM Activity Schedule). In the introduction, a repeated (fourth) visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment ("the CPT") to Slovenia in the beginning of 2012 cannot be ignored. During the visit, the CPT met and held discussions with the members of the NPM (including persons from the selected NGOs participating in visits by the NPM), while representatives of state authorities were present at the introductory and concluding meetings. The NPM team took part in numerous international events where its activities and experience were presented (in Budapest (Hungary), Bucharest (Romania), Baku (Azerbaijan), Kishinev (Moldova) and Odessa (Ukraine)). We participated during the exchange of experiences and methods of operation with foreign NPMs (with Macedonian, Albanian, Czech and Serbian) and took part in theme workshops within the European Project of the NPM (in Geneva (Switzerland) and Belgrade (Serbia)). The NPM organised and carried out study visits of other NPMs (thus we hosted NPMs from Serbia, Montenegro and from Croatia). The NPM simultaneously organised discussions with representatives of individual state authorities (also with ministers) and took part in other events related to the area of work of the NPM. We reported about our operation to the Sub-committee for the Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment of the Committee for the Prevention of Torture ("CPT") on 18 June 2012 in Geneva. On this basis, this Sub-committee prepared some comments and proposals to improve methods of the NPM's work. These proposals will certainly be taken into account in further work.

At the end of 2011, the NPM requested an expert opinion in regard to the treatment of prisoners, sexual offenders, from the Independent Medical Advisory Panel of the Council of Europe (IMAP). This group of international experts took part in the Council of Europe's NPM Project (knowledge and experience exchange of the national NPMs). We received the answer of the IMAP in 2012 and notified the Prison Administration ("PARS"). While taking into account the standpoints of the IMAP, we will continue with activities in this field.

In order to define in detail the method of implementing duties and powers under the NPM, a Methodology of Implementing Duties and Powers under the NPM was issued in 2012. It shall apply until its potential amendments or until the newly determined methodology regarding the implementation of duties and powers of the NPM in the Republic of Slovenia are adopted.

Obiski v zavodih za prestajanje kazni zapora, mladoletniškega zapora in prevzgojnega doma

V letu 2012 smo v okviru izvajanja nalog in pooblastil DPM obiskali devet od skupno štirinajstih lokacij, na katerih so delovale dislocirane notranje organizacijske enote Uprave Republike Slovenije za izvrševanje kazenskih sankcij (URSIKS) v obliki zavodov za prestajanje kazni zapora (ZPKZ) oziroma njihovi oddelki in prevzgojni dom: Oddelek Novo mesto ZPKZ Ljubljana, ZPKZ Maribor, Odprti oddelk Ig ZPKZ Ljubljana, ZPKZ Dob pri Mirni – Zaprti del, ZPKZ Koper, Oddelek Nova Gorica ZPKZ Koper, Prevzgojni dom Radeče, Zavod za prestajanje mladoletniškega zapora in kazni zapora Celje (ZPMZKZ Celje) in ZPKZ Ljubljana.

Pred temi obiski smo šest lokacij obiskali že leto prej (Odprti oddelk Ig ZPKZ Ljubljana, ZPKZ Koper, Oddelek Nova Gorica ZPKZ Koper, Prevzgojni dom Radeče, ZPMZKZ Celje in ZPKZ Ljubljana), v treh pa smo bili nazadnje predprejšnje leto (Oddelek Novo mesto ZPKZ Ljubljana, ZPKZ Maribor in ZPKZ Dob pri Mirni – Zaprti del).

V letu 2012 je DPM izmed navedenih krajev odvzema prostosti tri obiskal spomladi (Odprti oddelk Ig ZPKZ Ljubljana 20. marca, ZPKZ Dob pri Mirni – Zaprti del 23. in 24. aprila in ZPKZ Koper 15. maja) in prav toliko pozimi (Oddelek Novo mesto ZPKZ Ljubljana 31. januarja, ZPKZ Maribor 28. in 29. februarja in ZPKZ Ljubljana 12. decembra), dva jeseni (Prevzgojni dom Radeče 23. oktobra in ZPMZKZ Celje 13. novembra) in enega – v nasprotju z lanskim letom – tudi poleti (Oddelek Nova Gorica ZPKZ Koper 19. junija). Pri tem so bili, z izjemo ZPKZ Maribor, vsi navedeni kraji odvzema prostosti obiskani v različnem letnem času kot ob prejšnjem obisku.

Pri nobenem izmed zgoraj navedenih obiskov ni sodeloval le en predstavnik Varuha, ampak sta pri šestih obiskih sodelovala po dva (Oddelek Novo mesto ZPKZ Ljubljana, ZPKZ Maribor, Odprti oddelk Ig ZPKZ Ljubljana, ZPKZ Koper, Oddelek Nova Gorica ZPKZ Koper in Prevzgojni dom Radeče), pri enem po trije (ZPKZ Ljubljana) in pri dveh po štirje (ZPKZ Dob pri Mirni in ZPMZKZ Celje); pri tem so pri treh teh obiskih sodelovali tudi po trije predstavniki nevladnih organizacij (ZPKZ Maribor, ZPKZ Dob pri Mirni in ZPKZ Ljubljana), pri štirih po dva (Odprti oddelk Ig ZPKZ Ljubljana, ZPKZ Koper, Oddelek Nova Gorica ZPKZ Koper in Prevzgojni dom Radeče), po en pa pri dveh (Oddelek Novo mesto ZPKZ Ljubljana, ZPMZKZ Celje). Pogodbena izvedenka za področje zdravstva je sodelovala pri petih obiskih, in sicer ZPKZ Maribor, ZPKZ Dob pri Mirni, ZPKZ Koper, ZPMZKZ Celje in ZPKZ Ljubljana.

V dveh tretjinah so bili obiski navedenih lokacij nenapovedani, v treh primerih pa smo jih predhodno napovedali (za ZPKZ Maribor, ZPKZ Dob pri Mirni in ZPMZKZ Celje). Trije obiski so bili opravljeni v dveh dneh (ZPKZ Maribor, ZPKZ Dob pri Mirni in ZPKZ Ljubljana), preostali pa v enem dnevu. Vsi obiski so obsegali uvodni pogovor z vodstvom, ogled prostorov zavoda in pogovore z zaprtimi osebami ter osebjem, pregled dokumentacije in sklepni pogovor.

DPM je v letu 2012 obiskom tovrstnih krajev odvzema prostosti namenil en dan več kot v letu 2011 – skupno 12 dni. V seštevku je bilo tam ob naših obiskih takrat 1.160 zaprtih oseb, od tega 845 obsojencev oziroma obsojenk (prišteti so tudi mladoletniki oziroma mladoletnice z vzgojnim ukrepom oddaje v prevzgojni dom), 291 pripornikov oziroma pripornic in 24 oseb, zoper katere se je izvajal uklonilni zapor.

Poročila o posameznih obiskih in poglobilne ugotovitve DPM v zvezi z njimi so objavljeni (v angleškem jeziku le nekateri) na uradni spletni strani Varuha, v tem poročilu pa izpostavljamo le poglobilne okoliščine v zvezi s tem področjem, ki jih je DPM ugotovil v letu 2012.

Visits to prisons, a juvenile prison and a youth detention centre

In exercising the duties and powers of the NPM, nine out of the total of fourteen locations where independent internal organisational units of the Prison Administration of the Republic of Slovenia operate (hereinafter referred to as “PARS”) were visited in 2012. These are prisons or their sub-divisions and a correctional facility: Novo mesto Unit of Ljubljana Prison, Maribor Prison, Ig Open Unit of Ljubljana Prison, Dob pri Mirni Prison – Closed Unit, Koper Prison, Nova Gorica Unit of Koper Prison, Radeče Correctional Facility, Celje Prison and Juvenile Prison and Ljubljana Prison.

Prior to making these visits, we visited six locations a year before (Ig Open Unit of Ljubljana Prison, Koper Prison, Nova Gorica Unit, Radeče Correctional Facility, Celje Prison and Juvenile Prison and Ljubljana Prison) and the following three were visited in the previous year: Novo mesto Unit of Ljubljana Prison, Maribor Prison and Dob pri Mirni Prison - Closed Unit.

Over the year of 2012, three of the above mentioned locations where persons are deprived of their liberty were visited by the NPM in spring (Ig Open Unit of Ljubljana Prison on 20th March, Dob pri Mirni Prison - Closed Unit on 23rd and 24th April and Koper Prison on 15th May), and as many in winter (Novo mesto Unit of Ljubljana Prison on 31st January, Maribor Prison on 28th and 29th February and Ljubljana Prison on 12th December), two were visited in the autumn (Radeče Correctional Facility on 23rd October and Celje Prison and Juvenile Prison on 13th November), while one facility, as opposed to the last year, also in the summer (Nova Gorica Unit of Koper Prison on 19th June). With the exception of Maribor Prison, all locations were visited during a different season than when the last visit took place.

During all of the above mentioned visits, not only did one representative of the Ombudsman’s Office take part during the visit, but there were two who participated in six visits (Novo Mesto Units of Ljubljana Prison, Maribor Prison, Ig Open Unit of Ljubljana Prison, Koper Prison, Nova Gorica Unit of Koper Prison and Radeče Correctional Facility), three in one visit (Ljubljana Prison), and four in two visits (Dob pri Mirni Prison and Celje Prison and Juvenile Prison). In addition, there were three representatives of NGOs who took part in three of these visits (Maribor Prison, Dob pri Mirni Prison and Ljubljana Prison), two in four visits (Ig Open Unit of Ljubljana Prison, Koper Prison, Nova Gorica Unit of Koper Prison and Radeče Correctional Facility), and one NGO representative in two visits (Novo mesto Unit of Ljubljana Prison, Celje Prison and Juvenile Prison). The expert under contract responsible for the field of health care participated in five visits, specifically, when visiting Maribor Prison, Dob pri Mirni Prison, Koper Prison, Celje Prison and Juvenile Prison and Ljubljana Prison.

In two thirds of these locations, visits were not announced, and in three cases, they were announced beforehand (in cases of Maribor Prison, Dob pri Mirni Prison and Celje Prison and Juvenile Prison). Three visits were carried out in two days (Maribor Prison, Dob pri Mirni Prison and Ljubljana Prison), whilst the remaining ones lasted for one day. All visits included an introductory interview with the management officers of the institution, an inspection of premises and interviews with prisoners as well as personnel, an inspection of documentation and a concluding session.

The NPM dedicated one additional day for visiting all such places of incarceration as were visited in 2011, in total 12 days were committed to it. At the time of the visits, there were out of a total of 1160 prisoners held, there were 845 convicted persons (including young persons in the correctional facility), 291 detainees and 24 persons in compliance detention.

Reports on individual visits and main findings made by the NPM in this regard have been published on the Ombudsman’s official web site (although only some in English), whilst only the most important circumstances discovered by the NPM in 2012 related to this field have been pointed out in this Report.

Spodbudno je, da smo lahko razmere ali prakso v zavodih oziroma njihovih oddelkih posebej pohvalili v 45 primerih, pri čemer so prednjačili ZPKZ Ljubljana z devetimi tovrstnimi pohvalami, ZPKZ Dob pri Mirni s sedmimi ter ZPKZ Koper in Oddelek Nova Gorica ZPKZ Koper s po šestimi. Želimo izpostaviti predvsem način izvedbe sprejema zaprte osebe v ZPKZ Koper (in izpolnitve vseh potrebnih obrazcev, vključno z obrazcem Uvodni razgovor operativnega vodje, saj to omogoča jasno preverljivost tega, ali je bila zaprta oseba ob sprejemu dejansko seznanjena s pogoji in načinom bivanja v zavodu ter s pravicami) in prakso osebja v Oddelku Novo mesto ZPKZ Ljubljana, ki ob delitvi hrane in po prevzemu pladnjev po sobah preveri, kakšen pribor je bil posamezniku izročen zraven obroka in ali je bil ta v celoti vrnjen.

Po drugi strani je treba tudi izpostaviti, da je bil ZPKZ Dob pri Mirni prav tako kraj odvzema prostosti, glede katerega je DPM podal največ predlogov oziroma priporočil za izboljšanje razmer oziroma ravnanja z osebami, ki jim je bila odvzeta prostost – 37; po tovrstnem številu so izstopali še ZPMZKZ Celje z 28, ZPKZ Maribor z 20 in ZPKZ Koper z 19 predlogi oziroma priporočili. DPM je za vse te vrste kraje odvzema prostosti v letu 2012 podal skupno 160 predlogov oziroma priporočil.

V primeru ZPKZ Dob pri Mirni smo posebej opozorili na potrebo po spoštovanju dostojanstva tudi obsojencev, ki so težje pomični in imajo resne zdravstvene težave, ter predlagali njihovo ustrezno namestitvev in pogoje bivanja za dostojno prestajanje kazni zapor – še pred primerno sistemsko rešitvijo, ki naj bi bila rezultat medresorskega usklajevanja. Podobno smo glede ZPMZKZ Celje izpostavili, da je treba tudi pripornikom, ko gre za starejše in druge gibalno ovirane osebe, omogočiti prhanje oziroma možnosti za vzdrževanje osebne higijene ter možnosti za gibanje na svežem zraku – v obstoječih razmerah pa je bilo to v času našega obiska vsaj za dva pripornika težje izvedljivo. Po našem stališču mora namreč država zagotoviti, da vsakdo prestaja odvzem prostosti v pogojih, ki ustrezajo njegovi zdravstveni zmožnosti. Če namreč država posamezniku vzame prostost, mora tudi zagotoviti, da to poteka tako, da je zagotovljeno spoštovanje človekove osebnosti in njegovega dostojanstva. Na dostojanstvo smo se sklicevali tudi glede oseb, zoper katere se je izvajal uklonilni zapor, in sicer predvsem zaradi posebej slabih bivalnih razmer, v katerih so ga morale prestajati v ZPKZ Maribor. V temu namenjenem bivalnem prostoru je bilo namreč samo staro, izrabljeno pohištvo, žimnice na starih železnih okvirih ležišč pa so že na pogled dajale občutek nesnažnosti, saj so bile umazane in z oguljenimi ali raztrganimi prevlekami. Kot smo izpostavili, je pri bivanju v takih pogojih dostojanstvo teh oseb še dodatno in brez potrebe prizadeto. Spodbudno je, da je s tem soglašal tudi generalni direktor URSIKS, ki je še dodal, da je sicer res, da je fluktuacija oseb, zoper katere se izvaja uklonilni zapor, v ZPKZ Maribor velika, ter da te osebe v pogledu odnosa do vzdrževanja čistoče nimajo usvojenih tovrstnih navad, vendar pa lahko zavod z ustreznim stalnim opozarjanjem in izvajanjem nadzora nad čistočo v bivalnih prostorih pripomore k izboljšanju tamkajšnjih tovrstnih razmer.

It is encouraging that the situation or practice in the institutions or their units deserved particular praise in 45 cases, whereby the leading position was taken by Ljubljana Prison achieving nine of such compliments, Dob pri Mirni with seven and Koper Prison and Nova Gorica Unit of Koper Prison with six approvals. The NPM particularly wishes to highlight the method of admission of a prisoner in Koper Prison (and the fulfilment of all the necessary forms, including the form "Introductory Interview" by the Operation Head since it enables a clear verification of the fact whether, upon its admission, a prisoner was actually informed of conditions and method of residence in the institution, as well as his/her rights), and the practice of the personnel in Novo mesto Unit of Ljubljana Prison who, when delivering food and fetching trays in rooms, check the cutlery that has been given to an individual next to the meal and whether it has been returned in full.

On the other hand, it also needs to be pointed out that it was Dob pri Mirni Prison the one location where the most proposals and recommendations by the NPM to improve conditions and treatment with persons deprived of their liberty were submitted, specifically, 37. In this regard, Celje Prison and Juvenile Prison also stood out with 28 of such recommendations, Maribor Prison with 20 and Koper Prison with 19 proposals and recommendations. The total of 160 proposals and recommendations were submitted by the NPM for all such places of incarceration in 2012.

In the case of Dob pri Mirni Prison, the need to respect the dignity of convicted persons having difficulties with mobility and experiencing serious health problems was particularly highlighted and suitable accommodation and conditions of residence to enable a dignified prison service were proposed, even prior to the systemic solution being available that was supposed to be a result of inter-sectoral coordination. It was similarly pointed out in regard to Celje Prison and Juvenile Prison that detainees, when they are older and other movement impaired persons, must have the ability to have a shower and be given the possibility to maintain personal hygiene and have the possibility for exercise in the fresh air – as was noticed during the visit, at least for two detainees, this was hard to achieve under the existing conditions. It is the NPM's position, in fact, that the state must make it possible that everybody serves his/her prison sentence in conditions that suit his/her medical condition. If an individual is deprived of his/her liberty by the state, the state must also ensure that the deprivation of liberty takes place in such a manner that the respect for human personality and dignity is guaranteed. A reference to dignity was also made in regard to persons in compliance detention, particularly due to the especially poor accommodation situation when serving in Maribor Prison. In accommodation rooms dedicated for compliance detention, there was only old, worn-out furniture, and mattresses on old iron frames gave a visual impression and sensation of uncleanliness, since they were dirty and covered with torn and threadbare covers. As it was pointed out, when accommodated in such conditions, the dignity of these persons is additionally and unnecessarily compromised. It is, however, encouraging that the Director General of PARS (Prison Administration) agreed with our remark. He added that, although it is true that the throughput of persons in the compliance detention is high in Maribor Prison, these persons do not have good habits in relation to their attitude towards maintaining personal hygiene but the institution may contribute to the improvement of such conditions by constantly giving appropriate warnings and supervising cleanliness in accommodation rooms.

DPM je ob obisku Oddelka Novo mesto ZPKZ Ljubljana leta 2009 ugotovil, da je moral eden izmed pripornikov zaradi prezasedenosti spati na žimnici, položeni kar na gola tla. Podobno smo tokrat žal lahko ugotovili ob obisku ZPKZ Koper; tam so bile najprej skrb vzbujajoče že izjave pripornikov, da so morali nekateri po sprejemu v zavod spati kar na žimnici, položeni na tla, čeprav naj bi imel zavod dovolj postelj. To nam je ob koncu obiska potrdila tudi v. d. direktorja, pozneje pa je generalni direktor URSIKS dodal še pojasnilo, da so se v tem zavodu spremenile uradne zmogljivosti zaradi pomembnega povečanja števila obsojencev in možnosti namestitve teh po oddelkih oziroma potrebe po razširitvi oddelka v del, ki je bil predhodno namenjen za pripor. Sicer pa se je strinjal, da se v ZPKZ Koper ne sme ponoviti, da bi moral kateri izmed pripornikov spati na žimnici, ki je položena na tla, saj dodatna postelja v bivalnem prostoru ne zavzame več prostora kot žimnica, ki se položi na tla.

Zamenjavo izrabljenih žimnic smo morali predlagati tudi še v nekaj drugih primerih (ZPKZ Maribor, ZPKZ Koper, ZPMZKZ Celje). V dveh primerih smo tudi posebej izpostavili predlog za zamenjavo starih kovinskih posteljnih ogrodij oziroma omar (Odprti oddelek Ig ZPKZ Ljubljana, Oddelek Nova Gorica ZPKZ Koper). V ZPKZ Ljubljana pa smo predvsem v pripornem delu še vedno ugotavljali, da vsaka zaprta oseba nima zagotovljene lastne omare za shranjevanje osebnih stvari in so si tako priporniki mesta v omarah dodeljevali kar sami med seboj.

Večino oziroma pet zavodov je pestila prezasedenost; v tem pogledu je bilo najhuje v ZPKZ Ljubljana, kjer je bilo obsojencev še enkrat več, kot je bilo zanje uradno določenih zmogljivosti, pri tem pa je bil tudi priporniški del prezaseden za približno 40 odstotkov. V zvezi s to problematiko smo tudi poudarili, da si morata zavod in URSIKS kljub dobrodošlemu zmanjšanju dogovorjenega maksimalnega števila zaprtih oseb z 245 na 209 nenehno prizadevati tudi za čim manjše preseganje uradne zmogljivosti. Tudi v Oddelku Novo mesto tega zavoda je bila prezasedenost precejšnja – najbolj v priporniškem delu, kjer je bila 75-odstotna, obenem pa so bile zmogljivosti presežene tudi v obsojenskem delu, in sicer za osem odstotkov. Prav toliko so bile v enakem delu presežene v ZPKZ Maribor, ob hkratni prezasedenosti priporniškega za 41 odstotkov. V ZPKZ Koper so bile priporniške zmogljivosti presežene za 50 odstotkov in obsojenske za 12. ZPMZKZ Celje se je s prezasedenostjo za približno 30 odstotkov spopadal v priporniškem delu. Tudi ZPKZ Dob pri Mirni je bil prezaseden, vendar za samo pet odstotkov, kar je precejšnje izboljšanje razmer v tem pogledu in je posledica predvsem povečanja uradnih zmogljivosti zaradi dveh novih objektov v kompleksu. V zvezi z uklonilnim zaporom velja izpostaviti 17-odstotno prezasedenost v ZPKZ Maribor in polno zasedene tovrstne zmogljivosti v Oddelku Nova Gorica ZPKZ Koper. Pri vsem navedenem gre bolj kot ne za objektivne danosti, na katere v trenutnih razmerah sami zavodi nimajo odločujočega vpliva, čeprav smo na primer v Odprtem oddelku Ig ZPKZ Ljubljana ugotovili, da bi bilo mogoče prezasedenost v matičnem zavodu vsaj malo ublažiti tudi z doslednejšim premeščanjem obsojencev, ki izpolnjujejo pogoje za bivanje v svobodnejšem režimu, v navedeni odprti oddelek. V zvezi z ZPMZKZ Celje pa smo predlagali, naj URSIKS znova prouči ustreznost uradno določenih prostorskih zmogljivosti zavoda in oceni potrebo po še boljši prilagoditvi uradne zmogljivosti, saj je bila ta v moškem delu pripora kljub tozadevnim spremembam na podlagi našega predloga iz prejšnjega leta še vedno presežena.

During the visit to Novo mesto Unit of Ljubljana Prison in 2009, the NPM discovered that, due to overcrowding, one of the detainees had to sleep on a mattress laid on the bare floor. Unfortunately, a similar situation was discovered this time during our visit to Koper Prison; statements made by detainees were raising concerns, specifically, that after the admission to the facility, some had to sleep on a mattress laid on bare floor even though the institution had enough beds at its disposal. This was confirmed by the Prison's acting director when concluding the visit, and later by the Director General of the Slovenian Prison Administration who also provided an explanation that official capacity in this institution had changed due to a significant increase in the number of convicted persons and the possibility of their accommodation in wings and the need to extend a wing into a section that would be dedicated for detention for a transitional period of time. But the Director General agreed that, in Koper Prison, detainees sleeping on a mattress laid on a bare floor must not happen again since an additional bed does not take up any more space in a room than a mattress laid on the bare floor.

The replacement of worn-out mattresses had to be proposed in some other institutions (Maribor Prison, Koper Prison, Celje Prison and Juvenile Prison). The proposal to replace old metal bed frames and cupboard was especially pointed out in two cases (Ig Open Unit of Ljubljana Prison, Nova Gorica Unit of Koper Prison) and in Ljubljana Prison, particularly in the detention wing, it was repeatedly found that not every person confined had his/her own cupboard provided for storing his/her personal belongings and that the shelves in the cupboards are allocated to and by the detainees themselves.

The majority, or precisely, five institutions were troubled by overcrowding. In this regard, the situation was the worst in Ljubljana Prison where the number of convicted persons was at one time greater than the official capacity dedicated to them, and at that time the section allocated for detainees was overcrowded by approximately 40 per cent. In regard to this issue it was pointed out that the above mentioned prison and PARS, in spite of the welcome reduction in the agreed maximum number of persons imprisoned from 245 to 209, must constantly strive to keep any breach of the official capacity to a minimum. The overcrowding of the institution was also high in the Novo mesto Unit, the highest in the detention section, where it was 75 per cent, whilst the exceeding of the official capacity in the wing for convicted prisoners reached 8 per cent. The capacity was exceeded by the same per cent in Maribor Prison, with the overcrowding of the wing for detainees by 41 per cent. In Koper Prison, the capacity for detention was exceeded by 50 per cent, and by 12 per cent those for convicted persons. Celje Prison and Juvenile Prison struggled with overcrowding by approximately 30 per cent in the section for detainees. Dob pri Mirni Prison was also overcrowded, but only by 5 per cent which is a significant improvement of conditions in this regard and it is mainly a result of an extension of official capacity due to two new facilities within this prison complex. In regard to compliance detention, a 17-per cent overcrowding of Maribor Prison and full occupation of such capacity in the Nova Gorica Unit of Koper Prison should be pointed out. As regards the above mentioned facts, they are a result of objective circumstances which, in the current situation, cannot be influenced by the institutions themselves in a more decisive manner. In the case of the Ig Open Unit of Ljubljana Prison it was discovered that the overcrowding of the main institution could have been at least slightly improved by a more consistent relocation of convicted persons fulfilling conditions for residence in a freer regime into the above mentioned open unit. In regard to Celje Prison and Juvenile Prison it was proposed that PARS should re-examine the adequacy of the Institute's officially determined spatial capacity and assess the need to better adjust its official capacity since, in the wing for male detainees, this figure was still exceeded in spite of relevant changes made on the basis of our proposal of the previous year.

Zdi se, da mora DPM še prevečkrat izpostavljati potrebo po večji samoiniciativnosti zavodov za sprotno ugotavljanje poškodb opreme v bivalnih prostorih za zaprte osebe in nato tudi saniranje tako ugotovljenih pomanjkljivosti. To smo tudi posebej izpostavili v primeru ZPKZ Maribor, ZPKZ Dob pri Mirni, ZPKZ Koper in ZPKZ Ljubljana. Tudi na potrebo po prepleskanju oziroma sanaciji ometa smo izpostavili v več primerih (na primer, glede kuhinje in jedilnice v ZPKZ Maribor ali glede jedilnice v ZPKZ Ljubljana).

Spodbuden je bil odziv generalnega direktorja URSIKS na primer na naš predlog za zamenjavo starih oken v polodprtem obsojeniškem oddelku Oddelka Nova Gorica ZPKZ Koper, saj je bilo to potem tudi izvedeno. Nekaj že zelo očitno potrebnih investicij pa bo, kot kaže, zaradi vsesplošne krize, moralo še (po)čakati – v ZPKZ Dob pri Mirni na primer zamenjava zastarelih oken v IV. oddelku, ki ne tesnijo dovolj dobro, ali pa v Oddelku Nova Gorica ZPKZ Koper prenova prostora za izločitev, za katero se tudi generalni direktor URSIKS strinja, da je potrebna.

V Odprtem oddelku Ig ZPKZ Ljubljana smo med drugim predlagali, naj se uredi odtok pred kabinami za prhanje, ker smo se lahko prepričali, da se tam zadržuje voda, zaradi česar so tla spolzka in bi lahko katera izmed zaprtih oseb padla ter se poškodovala. Podobno smo ugotovili tudi v Oddelku Nova Gorica ZPKZ Koper in smo predlagali, naj se v kabini za prhanje namesti zavesa. Sicer pa smo v ZPKZ Maribor opozorili tudi na težave z zagotavljanjem tople vode za zaprte osebe, po drugi strani pa je bila ta nevarnost končno odpravljena v ZPKZ Ljubljana.

Zelo spodbudne so bile naše ugotovitve glede (proučevanja možnosti) samooskrbe v ZPKZ Dob pri Mirni s kmetijskimi in živilskimi izdelki, saj ima velike kmetijske površine; kot je pojasnil tudi generalni direktor URSIKS, je bilo nekaj za to že storjenega, saj JGZ v okviru svojih kmetijskih dejavnosti prideluje zelenjavo oziroma živilske izdelke tudi za zavod. Glede našega nadaljnjega predloga, da se prouči tudi možnost organiziranja izdelave pohištva za potrebe zavoda in morda tudi druge naročnike, je bil generalni direktor URSIKS še nekoliko zadržan, ker bi šlo za zahtevnejšo spremembo (vlaganje v ustrezno opremo oziroma stroje, reprodukcijski material ...), je pa sklenil, da bo temu vsekakor sledil v prihodnjih letih.

Nekaj predlogov smo podali tudi glede razmer v javnih gospodarskih zavodih. Po obisku ZPKZ Maribor smo tako na primer izpostavili navedbe pripornikov o občasnem neodzivanju pravosodnih policistov v primerih, ko izrazijo potrebo oditi v toaletni prostor (v času opravljanja dela), po obisku ZPKZ Dob pri Mirni pa, da naj se za čiščenje sanitarnih prostorov čistilcu zagotovi učinkovitejše čistilo, kar je bilo tudi storjeno. Sicer pa smo okoliščine glede zagotavljanja dela zaprtim osebam izrecno problematizirali predvsem v primeru ZPMZKZ Celje in ZPKZ Ljubljana.

Večkrat smo tudi predlagali, naj se za zaprte osebe poiščejo (dodatne) možnosti za zaposlitev v prostem času – predvsem v ZPKZ Dob pri Mirni in generalnemu direktorju URSIKS smo se trudili predstaviti pomen motivacije zaprtih oseb. ZPKZ Ljubljana pa je lahko primer, kjer je bilo to področje skrb vzbujajoče predvsem glede (dela) pripornikov – velika večina teh, ki so bili nastanjeni v pritličnih prostorih zavoda, je zanikala, da bi zanje bile kakšne organizirane aktivnosti.

It seems that the NPM has to point out far too often the need for greater self-initiative by institutions in regard to the regular spotting of damaged equipment in accommodation rooms for imprisoned persons, and then also to repair the irregularities so determined. This was particularly highlighted in the cases of Maribor Prison, Dob pri Mirni Prison, Koper Prison and Ljubljana Prison. The need to repaint the rooms and fix the plaster was also pointed out in several cases (for example, in regard to the kitchen and dining hall in Maribor Prison, and Ljubljana Prison).

The reply by the Director General of PARS was encouraging, for example with regard to our proposal to change old windows in the half-open wing of the Nova Gorica Unit of Koper Prison, as that was later also implemented. Some of the obviously needed repairs, due to the general economic crisis, will have to wait – for example, in Dob pri Mirni Prison, the replacement of old windows in the IVth wing which are not properly sealed, or in Nova Gorica Unit of Koper Prison, the modernisation of the isolation rooms, which the Director General of PARS also agrees is necessary.

In Ig Open Unit of Ljubljana Prison, for example, it was proposed that the drain system in front of the shower cabins be repaired since it was very obvious that water collects there and makes the floor slippery and any one of the prisoners might fall down and hurt himself/herself. A similar situation was discovered in Nova Gorica Unit of Koper Prison so it was proposed that shower curtains be installed. In Maribor Prison, the NPM specifically drew attention to problems concerning the provision of hot water for prisoners, while such inconvenience was finally resolved in Ljubljana Prison.

Our findings about the possibility of self-sufficiency in agricultural products and livestock produce in Dob pri Mirni Prison were encouraging; the prison has a large agricultural area, as explained by the Director General of PARS, and some work in this direction had already been done since vegetables and food products are also produced by the public utility service for the prison. In regard to the NPM's further proposal to examine the possibility of organising the production of furniture for the needs of the prison and maybe also for other clients, the Director General was hesitant about the proposal to produce furniture for the use of the prison because of the complicated changes required (investment in suitable equipment and machinery and materials, etc.) but he decided to pursue this proposal in the future.

Some proposals were submitted in regard to the situation with the public utility service. After the visit to Maribor Prison, for example, attention was drawn to a statement made by detainees regarding occasional inaction by judiciary police officers in cases when a visit to the toilet (when carrying out work) is needed, and after the visit to Dob pri Mirni Prison that a more efficient cleaning fluid must be provided for the cleaner in order to clean the sanitary facilities; this was also implemented. The circumstances regarding the provision of work for prisoners were explicitly questioned particularly in the case of Celje Prison and Juvenile prison and Ljubljana Prison.

It was also proposed several times that (additional) opportunities be found for prisoners for employment during their free time – particularly in Dob pri Mirni Prison; the significance of motivation for prisoners was put to the Director General of PARS. Ljubljana Prison is a case where this field causes concern, particularly in regard to one section of the detainees – the great majority of those accommodated in the ground floor denied the fact that any activity had been organised for them.

Pričakovano so se pritožbe zaprtih oseb čez (pre)hrano pojavljale tudi v letu 2012 (precej na primer v Odpriem oddelku Ig ZPKZ Ljubljana), po drugi strani pa jih tokrat nismo več slišali v Oddelku Nova Gorica ZPKZ Koper. V PD Radeče smo predlagali, naj vodstvo preveri, ali so suhe večerje mladoletnikom dostavljene primerno, saj so nam zatrjevali, da pri tem ne dobivajo krožnikov, pladnji, na katerih se večerja prinese, pa naj bi bili umazani. V ZPMZKZ Celje smo tovrstne pritožbe prejeli predvsem od obsojencev, ki so delali, in smo zato predlagali, naj zavod preveri, ali ti dobivajo malico v skladu z normativi, ki so za to predvideni. V ZPKZ Ljubljana pa so bili v tej smeri nezadovoljni predvsem priporniki (da ni dovolj okusna, količinsko zadostna, da ob obrokih ni priloženega noža ...).

V zvezi z obiski velja izpostaviti predvsem ugotovitev v ZPKZ Maribor, da je pri tem še vedno gneča, zato smo tudi predlagali čimprejšnjo ureditev prostorov za obiske na način, ki bo zagotavljal primerno zasebnost. V primeru ZPMZKZ Celje pa smo poudarili, da bi moral za nemoten potek obiskov (po)skrbeti zavod, ne zaprte osebe in njihovi obiskovalci – zgodilo se je namreč že, da se dva obiska pripornikov za stekleno pregrado nista mogla izvesti, ker sta potekala že druga dva; zavod pa je pozval pripornike, naj se uskladijo z obiski.

Ob nekaterih obiskih smo tudi ugotavljali, da je vprašljiva dostopnost zaprtih oseb do hišnega oziroma dnevnega reda; v ZPKZ Maribor smo predlagali, naj se poskrbi za to, da bosta v vsakem bivalnem prostoru in vselej na voljo pripornikom, v ZPMZKZ Celje pa, naj se hišni red za prestajanje mladoletniškega zapora in kazni zapora ter hišni red pripora prevedeta tudi v jezike državljanov nekdanje Jugoslavije in tiste druge jezike, s katerimi se v zavodu najpogosteje srečujejo. V istem zavodu smo po drugi strani lahko pohvalili prakso glede obveščanja svojcev obsojencev (informativni dan, ko lahko svojci na stojnicah oddelka za varnost, oddelka za vzgojo, splošnega oddelka in javnega gospodarskega zavoda pridobijo informacije o vsem, kar želijo izvedeti) in jo URSIKS priporočili tudi glede preostalih zavodov. V ZPKZ Ljubljana pa smo ugotovili, da hišni in dnevni red za pripor in za izvrševanje kazenskih sankcij nista bila usklajena z ZIKS-1, zato smo predlagali, naj se notranji akti zavoda nemudoma uskladijo z veljavnimi predpisi, saj so ti ne nazadnje povezani tudi z uveljavljanjem pravic in dolžnosti zaprtih oseb. V zvezi s to problematiko želimo za konec izpostaviti tudi mnenje generalnega direktorja URSIKS, ki smo ga prejeli v odzivu na naše poročilo o obisku ZPKZ Maribor, da čeprav hišni red in dnevni red posamezni priporniki nemalokrat namenoma raztrgajo, mora zavod poskrbeti, da jim je v vsakem bivalnem prostoru na voljo ta podzakonski akt.

Complaints made by prisoners in regard to food were unsurprisingly present also in 2012 (many in Ig Open Unit of Ljubljana Prison, for example), on the other hand, this time there were no longer any from Nova Gorica Unit of Koper Prison. In Radeče Correctional Facility it was proposed that the management should check whether minors were being served with a snack lunch/dinner in an appropriate manner since they claimed that they are not provided with plates, and the trays on which the dinner is served are allegedly dirty. Such complaints were received in Celje Prison and Juvenile Prison mainly by convicted persons who worked and therefore it was proposed that the institution should check whether they receive their snack in accordance with norms envisaged for them. In Ljubljana Prison dissatisfaction in this regard was expressed by detainees (stating that food is not tasty enough, in small quantities and that there is no knife served with the food, etc.).

In regard to visits, a finding from Maribor Prison has to be particularly pointed out in that it is still crowded which is why it was proposed to arrange the room for visits as soon as possible in such a manner so as to ensure for appropriate privacy. In the case of Celje Prison and Juvenile Prison it has been emphasized that the institution should have been responsible for the smooth running of visits and not inconveniencing prisoners and their visitors – as a matter of fact, it had occurred that two visits of detainees taking place behind a glass wall could not have taken place since two others were already going on. The institution urged the detainees to coordinate timing with their visitors.

It was also discovered in some visits that prisoners' access to house rules or the daily agenda is doubtful. In Maribor Prison it was proposed that house rules and the daily agenda be provided and available for detainees in every accommodation room at all times, whilst in Celje Prison and Juvenile Prison it was desired to have the house rules regarding the serving of juvenile sentences and prison sentences as well as the house rules regarding detainees, translated into the languages of the citizens of former Yugoslavia and those other languages that are most frequently encountered there. In the same institution, on the other hand, the practice regarding the notification of relatives of convicted persons was complemented (an open day when relatives may obtain information on everything they wish to know at stands of the security department, education department, general department and public utility service): The practice was also recommended by PARS to be used by all other institutions. In Ljubljana Prison it was discovered that the house rules and daily agenda for detention and prison sentences were not harmonised with the ZIKS-1, which is why it was proposed that the institution's internal legal documents should be immediately harmonised with applicable regulations since, after all, they are linked to the implementation of rights and obligations of persons in prison. At this point it is pertinent to point out an opinion by the Director General of PARS which was received in reply to our report on the visit to Maribor Prison; although the house rules and daily agenda is often intentionally torn up by individual detainees, it is the institution that it is responsible for ensuring this implementing regulation is available in each and every accommodation room.

Na težave oziroma možnosti izboljšav smo se trudili opozarjati tudi na področju sistemizacij oziroma delovnih mest v posameznih zavodih; da vsa sistemizirana delovna mesta niso zasedena, smo opozorili glede ZPKZ Maribor, ZPKZ Koper, PD Radeče in ZPMZKZ Celje, pri čemer v zadnje navedenem primeru štirje pravosodni policisti dejansko delajo v Forenzični enoti v Mariboru – ob tem, da tja takrat ni bila premeščena nobena zaprta oseba in tako z začetkom delovanja ta zavod ni bil razbremenjen, temveč obratno. V ZPKZ Maribor smo še predlagali, da navkljub neuspešno predlagani sistemizaciji delovnega mesta psihologa URSIKS sedanjega psihologa kar najbolj razbremeni administrativnega dela, ki ga lahko opravi drugi delavec zavoda, saj je bil tedaj terapevt za obravnavo odvisnosti preobremenjen tudi zaradi birokratskega dela. Glede ZPKZ Dob pri Mirni smo URSIKS predlagali proučitev ustreznosti veljavne sistemizacije delovnih mest za pravosodne policiste, saj je bil oddelek za varnost zaradi delovanja pravosodnih policistov tudi v dveh novih objektih spet preobremenjen. V PD Radeče smo izrazili tudi pričakovanje, da bo zaradi porodniškega dopusta odsotna pedagoginja ustrezno nadomeščena. V ZPKZ Ljubljana pa smo predlagali proučitev možnosti za zaposlitev dodatnega kuharja.

Prejeli smo nekaj pritožb zaradi pravosodnih policistov, vendar na drugi strani tudi številne pohvale za njihovo delo. Predvsem mladoletniki v PD Radeče so navajali precej pritožb zaradi nespoštljivega, gospodovalnega, žaljivega ali ponižujočega odnosa pravosodnih policistov. V ZPMZKZ Celje smo predlagali, naj se preverijo razlogi za pritožbe obsojencev zoper dva konkretno imenovana pravosodna policista, saj sta bili to večkratni izjemi od siceršnjih pohval osebja. V ZPKZ Dob pri Mirni smo se ob ogledu ene izmed sob kar sami lahko prepričali, da so pravosodni policisti pri opravljanju pregleda tega prostora nekatere osebne stvari (oblačila in podobno) obsojenca dali kar na tla.

V ZPKZ Maribor smo ugotovili tudi nekaj odpovedi spremstev zaprtih oseb zaradi nezmožnosti pravočasne uskladitve vseh tovrstnih potreb glede na kadrovske stanje pravosodnih policistov. Glede ZPMZKZ Celje pa smo predlagali, naj URSIKS opozori celjsko sodišče na potrebo po pravočasnem izdajanju odredb za privedbo zaprtih oseb na sodišče, saj je direktorica zavoda izpostavila, da prejemajo take odredbe tik pred narokom in tako zmore zavod izvesti vse privedbe le zaradi hitre organizacije oddelka za varnost.

Razmeroma pogoste so bile pritožbe zaprtih oseb zaradi vzgojnih služb. Tako smo za ZPKZ Maribor vodstvu predlagali povečati nadzor nad odnosom delavcev vzgojne službe do obsojencev (neodzivanje na »priglasnice« in na težave, ki naj bi jih izpostavljali), za ZPKZ Ljubljana smo izrazili pričakovanje, da se bo vodstvo pogovorilo z zaprtimi osebami in ugotovilo razloge pritožb obsojencev glede vzgojne službe, za ZPKZ Dob pri Mirni pa smo podali predlog, naj se tudi za nova oddelka oblikujejo posebne strokovne skupine. Pripomniti še velja, da smo zvezi s tem zavodom naposled lahko pozdravili ukrep generalnega direktorja URSIKS glede ponovne vzpostavitve evidence opravljenih pogovorov direktorja zavoda z obsojenci, saj so nam ti ob obisku znova množično zatrjevali, da jih pravzaprav sploh ne obišče. Posebej gre izpostaviti, da smo za PD Radeče predlagali, naj mladoletnikom na primeren način predstavlja delo pedagogov, saj smo prejeli številne pritožbe mladoletnikov, da ti svoje delo opravljajo le krajši čas.

The NPM also tried to draw attention to issues and possibilities for improvements in the field of job classification in individual institutions; the remark about the fact that not all classified posts are occupied was made in the case of Maribor Prison, Koper Prison, Radeče Correctional Facility and Celje Prison and Juvenile Prison. In the last mentioned case, four judicial police officers actually work in the Maribor Forensics Unit – while also having the situation that no prisoner was transferred there up until then, as a result this institution was struggled when starting with its operation. In Maribor Prison it was also proposed that in spite of an unsuccessful proposed classification of the job post of a psychologist, PARS should relieve the current psychologist as far as possible of administrative tasks which may be carried out by another institute's employee since then a therapist responsible for dependency treatment was also overloaded with paperwork. In regard to Dob pri Mirni Prison, a proposal was made to PARS to examine the adequacy of the appropriate job classification for judicial police officers since also in two new facilities, owing to the functioning of judicial police officers, the safety department was again overburdened with work. An expectation was expressed in Radeče Correctional Facility that a substitute would be found for an educationalist, who is absent due to maternity leave. And in Ljubljana Prison, the evaluation of the possibility for employing an additional cook was proposed.

Some complaints against judicial police officers were received, and numerous compliments for their work were received on the other hand. Young offenders in Radeče Correctional Facility in particular, complained about disrespectful, dictatorial, insulting or humiliating treatment by judicial officers. In Celje Prison and Juvenile Centre it was proposed that reasons for complaints made by convicted persons against two specifically named judicial police officers be checked since they were exceptions and mentioned several times whereas, normally, compliments had been made about these personnel. In Dob pri Mirni Prison, when inspecting one of the rooms, it was clear to see that judicial police officers, when inspecting the room, had put some personal belongings of a convicted person (clothes and similar) straight onto the floor.

In Maribor Prison it was discovered that the escort of prisoners had been cancelled several times due to the lack of timely coordination of all necessary requirements and considering the number of available judicial police officers. In regard to Celje Prison and Juvenile Prison it was proposed that PARS should point out to Celje Court the need to issue decisions with suitable notice to bring prisoners to the court, since the institute's director stressed that such decisions are served immediately before the hearing and as a result the institution is only able to proceed with productions of prisoners to the court only because of the current swift organisation of the security department.

Complaints made by prisoners in relation to the education service were relatively frequent. In Maribor Prison it was thus proposed to the prison management that the supervision over the treatment of the education service's employees of convicted persons should be increased (there had been no reaction to the "complaint forms" and problems exposed by them). An expectation was expressed in relation to Ljubljana Prison that the management would hold a discussion with prisoners and discover reasons behind complaints made by convicted persons in relation to the education service, and a proposal was submitted for Dob pri Mirni Prison that special expert groups should also be formed for two new departments. It also needs to be mentioned that, in the case of this institution, the measure taken by the Director General of PARS to reinstate a register of interviews made by the institute's director with convicted persons would be welcomed, particularly since very many people again claimed that the institute's director did not visit them at all. It is especially necessary to point out that, in Radeče Correctional Facility, it was proposed that the work of educationalists had to be presented in a manner suitable to young people since many complaints by minors were received that these employees perform their work only for a short period of time.

V primeru ZPMZKZ Celje smo podali posebno spodbudo glede izvedbe disciplinskega postopka za vse disciplinske prekrške, saj le izvedba takšnega postopka dopušča kontradiktornost in daje zaprti osebi tudi možnost, da se zagovarja oziroma pojasni svoje stališče ter uveljavlja pravna sredstva. Podobno smo v primeru ZPKZ Ljubljana izrecno predlagali, naj v primerih disciplinskih kršitev obsojencev tudi izvede postopek.

Posebej smo opozarjali tudi na dosledno spoštovanje določb v zvezi s posebnimi namestitvami obsojenca – predvsem glede mesečnega preverjanja obstoja razlogov in pisnega poučevanja obsojencev o možnosti pritožbe (ZPKZ Maribor) glede namestitve v strožji režim. V primeru ZPKZ Dob pri Mirni smo URSIKS predlagali tudi izdelavo konkretnih smernic za obravnavo tako nameščenih obsojencev, ob siceršnjem predlogu glede težnje h krajšanju časa tovrstne namestitve in takojšnjega vpisovanja v evidenco odstranitvev v posebni prostor. Nekaj naših predlogov se je nanašalo tudi na izboljšanje materialnih razmer v sobi za odstranitev v posebni prostor – v ZPKZ Maribor smo tako na primer predlagali, naj se preverijo vpete letve in se penasta obloga po potrebi varneje pritrdi. Generalni direktor URSIKS nam je nato sporočil, da je bilo za to poskrbljeno in da je tako ustrezno poskrbljeno za varnost zaposlenih kot zaprtih oseb med bivanjem v tem prostoru.

Pogodbena izvedenka je predvsem po obisku ZPKZ Ljubljana ugotovila še vedno obstoječe težave v zvezi z zdravstvenim zavarovanjem oseb, ki prestajajo uklonilni zapor, in tistih pripornikov, ki nimajo urejenega zdravstvenega zavarovanja. To ni bila prva taka ugotovitev, saj smo na te zaplete opozorili tudi že po obisku ZPKZ Koper in se je takrat generalni direktor URSIKS odzval s pojasnilom, da se zaveda težav pri dostopu in uveljavljanju pravic do zdravstvenih storitev v času pripora, zato je bilo vsem zavodom že izdano navodilo, naj stroške zdravstvenih storitev krijejo iz materialnih stroškov. Zatrdil je tudi, da je nemotena zdravstvena oskrba zagotovljena vsem zaprtim osebam ne glede na težave, ki se pojavljajo. Vsekakor pa gre za kompleksno problematiko, ki ni odvisna samo od tega resorja, ampak predvsem tudi od Ministrstva za zdravje.

V primeru ZPMZKZ Celje je pogodbena izvedenka pohvalila sodelovanje zdravstvenega doma in zavoda, kar je bilo vidno tudi pri kadrovski okrepitvi in zagotavljanju medicinskega materiala oziroma obnovi prostorov. Po drugi strani pa je bilo v primeru ZPKZ Koper mogoče ugotoviti nekaj tovrstnih nevšečnosti, glede katerih je tudi generalni direktor URSIKS sporočil, da se zavod zaveda, da bi bilo lažje, če bi zdravstvene ambulante obratoval v dopoldanskem času, zato argumentirano že nekaj časa pozivajo zdravstveni dom glede spremembe urnikov, vendar glede na kadrovske zmožnosti Zdravstvenega doma Koper to ni bilo izvedljivo. Priporočilo za izboljšanje na tem področju je bil podano tudi glede ZPKZ Dob pri Mirni, in sicer da naj uvede evidenco za naročanje in izvedbo zdravniških pregledov, saj se je v pogovorih z nekaterimi obsojenci izkazalo, da naročanje na specialistične preglede ni bilo ustrezno vodeno, posledica pa so bile zamude oziroma zaostanki. Generalni direktor URSIKS pa se je na to žal odzval le s stališčem, da omenjeni zavod naroča obsojence na specialistične preglede izključno na podlagi napotnic zdravnikov in preglede sami ocenijo ali označijo po stopnji nujnosti; da je vsak nujni pregled izveden takoj, za preostale preglede pa veljajo predpisane čakalne dobe, na katere zavod nima vpliva.

A special initiative in regard to the implementation of disciplinary procedure for all disciplinary offences was submitted in the case of Celje Prison and Juvenile Prison, since the implementation of such procedure leaves room for contradictory issues and also provides the prisoner with the possibility to defend himself/herself, explain his/her position and enforce all legal remedies. It was similarly and explicitly proposed in the case of Ljubljana Prison that the procedure should be also implemented in cases of disciplinary offences made by convicted persons.

Particular attention was drawn to the consistent respect of provisions regarding special accommodation of the convicted person – particularly in regard to a monthly verification of reasons and written instruction to convicted persons about the appeal option (Maribor Prison) concerning accommodation in a stricter regime. In the case of Dob pri Mirni Prison, a proposal was submitted to PARS actual guidelines for dealing with convicted persons accommodated in this way be developed, together with a general proposal about the tendency to shorten the time of such accommodation and immediate registration in a register concerning their transfer to a special room. Some of the proposals made referred to the improvement of material conditions in a room dedicated for their removal to a special room – in Maribor Prison it was proposed, for example, to check the bed railings and to secure the foam coating in a safer manner. The Director General of PARS then informed us that this had been taken care of and that the safety of both employees and prisoners during their stay in this room had been ensured.

Especially after the visit of Ljubljana Prison, the expert under contract found out that issues in relation to health insurance of persons in compliance detention were still present, as well as in the case of those detainees without health insurance. This was not the first such finding as attention was drawn to these complications also after the visit of Koper Prison and then the Director General of PARS replied with an explanation that he was aware of problems regarding the access and implementation of rights to health care during detention which is why an instruction was issued to all institutions to cover the costs for health care out of the budget for material costs. He also asserted that consistent health care is provided for all prisoners irrespective of problems that arise. It is, however, a complex issue which does not depend only on this sector but mainly on the Ministry of Health.

In the case of Celje Prison and Juvenile Prison, the expert under contract praised the cooperation between the Community Health Centre and the institution which was also noticed in terms of the support of staff and the provision of medical material and the improvement of premises. On the other hand, in the case of Koper Prison it was possible to identify some deficiencies which the Director General of PARS informed us of and that the institute was aware of; the fact that it would be easier if outpatient clinics would work during the morning which is why for some time they had reason to urge the Community Health Centre to change their schedule but this was not possible owing to the staffing capacity of the Koper Community Health Centre. A recommendation for improvements in this field was also given in the case of Dob pri Mirni Prison, specifically, that a register of appointments and conduct of medical examinations should be introduced since it was found in interviews with some convicted persons, that appointments for specialist examinations were not properly managed, and consequently there were delays and setbacks. The Director General of PARS, unfortunately, only replied with his viewpoint that the mentioned institution made appointments for a specialist examination exclusively based on doctor's referrals and examinations were assessed by themselves and their urgency level was assigned and that they proceeded with every urgent examination immediately while the prescribed waiting times applied for the remaining examinations which were not under the control of the institution.

Izpostaviti velja tudi, da nam je glede obiska ZPKZ Maribor generalni direktor URSIKS med drugim tudi sporočil, da je bil s splošnim dogovorom za leto 2012 standard zdravstvene oskrbe za obsojence in pripornike znižan za polovico, pomotoma pa so bili tudi skrajšani ordinacijski časi zdravstvenih timov, zato so nekateri izvajalci zdravstvene dejavnosti neupravičeno skrajšali ordinacijske čase. Na problematiko je bil takrat že opozorjeno Ministrstvo za zdravje in glede na potrebe v zavodih za prestajanje kazni zapora je bilo nato dogovorjeno, da se standarda za ambulantno psihiatrijo in odvisnosti od drog ne znižata.

V primeru ZPMZKZ Celje smo se tudi izrecno oprli na priporočila CPT ob obiskih v Sloveniji, da naj bo v slovenskih zavodih za prestajanje kazni zapora ponoči in ob koncu tedna vedno navzoča oseba, ki je usposobljena za dajanje prve pomoči, po možnosti s priznano medicinsko izobrazbo. Generalni direktor URSIKS se je na to odzval s pojasnilom, da so pravosodni policisti ustrezno usposobljeni za dajanje osnovne prve pomoči; v težjih primerih in tudi v nočnem času ter ob koncu tedna pa ustrezno zdravstveno oskrbo zagotovi regionalni zdravstveni dom, ko zavod vzpostavi stik z urgentno službo Zdravstvenega doma Celje v neposredni bližini zavoda.

It also has to be pointed out that in regard to the visit to Maribor Prison, the Director General of PARS, among other matters, also notified us that, by means of a general agreement for 2012, the health care standard for convicted persons and detainees was reduced by half, and, by mistake, the medical teams' consulting times were shortened which is why some health care providers unjustifiably shortened their consulting time. This topic was put to the Ministry of Health several times, and in regard to the needs in prisons it was later agreed that the standard for outpatient clinic for psychiatrics and drug addiction should not be reduced.

In the case of Celje Prison and Juvenile Prison, we fell back on the recommendations made by the CPT during their visits in Slovenia that, in Slovenian prisons, a person should always be present at night and during weekends who is trained to provide first aid, and wherever possible, holding a recognised qualification in medicine. The Director General of PARS replied to that with an explanation that judicial police officers are adequately trained to give basic first aid and in severe cases and at night and weekends the appropriate health care was provided by a regional community health centre when the institution made contact with the emergency service of Celje Community Health Centre in the close vicinity of the institution.

Obiski policijskih postaj

V letu 2012 smo obiskali 20 policijskih postaj (PP) po Sloveniji (PP Ormož, PP Gorišnica, PP Šentjur, PP Rače, PP Rogaška Slatina, PP Podlehnik, PMP Gruškovje, PMP Bistrica ob Sotli, PP Ljutomer, PP Murska Sobota, PP Lendava, PP Metlika, PP Črnomelj, PP Žalec, PP Velenje, PP Mozirje, PP Kozina, PP Piran, PP Krško ter PP Sevnica). Tudi v tem letu smo opazili, da so bili policisti dobro seznanjeni z našimi nalogami in pooblastili, tako da je naše delo potekalo nemoteno. Vsi obiski so bili nenapovedani, opravljeni v dopoldanskem ali popoldanskem času. Po vsakem obisku je skupina pripravila poročilo o ugotovitvah s priporočili, ki je bilo poslano Ministrstvu za notranje zadeve (MNZ) in zadevni policijski postaji (PP) oziroma postaji mejne policije (PMP), kjer je bil opravljen nadzor.

Poročila o obiskih so nastala na podlagi pregleda prostorov za pridržanje, pogovora z vodstvom PP in s pridržanimi osebami ter na podlagi pregleda dokumentacije, povezane s pridržanjem oseb. MNZ se je redno odzivalo na naša poročila, se v večini primerov strinjalo z našimi ugotovitvami in nam 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 ali dveh pogodbenih nevladnih organizacij, 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 pa na ustreznost dostopa za invalidne osebe, pogledali pa smo tudi garderobne prostore za policiste ter morebitno ločenost za moške in ženske. Sledil je ogled intervencijskih vozil (če so bila med našim obiskom na PP), nato pa je bil na vrsti pogovor z vodstvom PP (največkrat komandirjem, pomočnikom komandirja ali z dežurnim policistom), ko smo pregledali tudi dokumentacijo pridržanj naključno izbranih primerov (spisov). Ob vsakem obisku smo pridobili tudi statistične podatke o številu pridržanih in zadržanih oseb na obiskanih PP v letu 2012 (od 1. januarja do datuma dneva obiska).

Osnovni podatki o prostorih za pridržanje

Število prostorov za pridržanje se razlikuje po PP, te imajo od enega do šest prostorov za pridržanje, za krajša (do 12 ur) in daljša (do 48 ur) pridržanja. V nekaterih obiskanih PP nimajo prostorov za pridržanje (PP Žalec, PP Mozirje, PP Šentjur pri Celju, PP Rače, PMP Gruškovje, PMP Bistrica ob Sotli), zato pridržanja izvajajo v drugih policijskih postajah.

Dostop do prostorov za pridržanje je v večini primerov mogoč ne samo skozi glavni vhod, temveč tudi neposredno čez dvorišče (z intervencijskim vozilom), v nekaterih (PP Črnomelj) pa je dostop do prostorov za pridržanje, ki so v pritličju, mogoč samo skozi glavni vhod mimo dežurnega policista. Pomanjkljivost dostopa do prostorov za pridržanje v kleti v PP Ljutomer pa je po naši presoji v tem, da je dostop tako čez dvorišče kot skozi glavni vhod mogoč le po stopnicah.

Ob ogledu prostorov za pridržanje smo se osredotočili na ustrezno opremljenost, označenost in velikost prostorov, ustrezno osvetlitev (z dnevno in umetno svetlobo), primerno temperaturo in prežračevanje prostorov ter čistočo, možnost sanitarij, dostop do pitne vode, oskrbo 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.

Visits to police stations

Twenty police stations (“PS”) were visited in Slovenia in 2012: PS Ormož, PS Gorišnica, PS Šentjur, PS Rače, PS Rogaška Slatina, PS Podlehnik, Border Police Station (“BPS”) Gruškovje, BPS Bistrica ob Sotli, PS Ljutomer, PS Murska Sobota, PS Lendava, PS Metlika, PS Črnomelj, PS Žalec, PS Velenje, PS Mozirje, PS Kozina, PS Piran, PS Krško and PS Sevnica. During this year’s visits, it was again observed that police officers were well-informed of the NPM’s duties and powers which enabled smooth operations. All visits were unannounced, and carried out in the morning or afternoon. After each visit a report with findings together with recommendations was prepared by the group and sent to the Ministry of the Interior and the relevant police station or the border police station where the supervision was carried out.

Reports on visits were developed on the basis of the inspection of detention rooms, interviews with the police station management and detainees and on the basis of the inspection of documentation in regard to the detention of persons. The Ministry of the Interior regularly replied to the NPM’s reports, in most cases agreed with the findings and assured that some deficiencies had already been eliminated and that improvements were envisaged.

Visits to police stations continued to proceed under the established order: firstly, the group composed of the representatives of the Ombudsman’s Office and representatives of one or two NGOs under contract inspected all detention rooms including the auxiliary rooms (such as, reception area, room for foreigners and lawyers, warehouse, recreation yard). During the general examination of police stations, the attention was also drawn to parking places for clients, the signage of parking places, particularly in regard to the appropriate access for the disabled, whilst also inspecting the changing rooms for police officers in terms of their potential separation for men and women. This was followed by the inspection of intervention vehicles (if present at the police station during the visit) and then it was time for the interview with the police station management (mostly with the commander, assistant commander or duty officer) when the documentation concerning detention of some randomly selected cases (files) was also inspected. Upon each visit, statistical data on the number of persons detained and held at the police stations visited in 2012 was obtained (covering the period from 1st January to the day of the visit).

Basic data on detention rooms

The number of detention rooms differs from one police station to another; there are from one to six detention rooms, for shorter (up to 12 hours) and longer (up to 48 hours) periods of detention. In some police stations visited there are no detention rooms (PS Žalec, PS Mozirje, PS Šentjur pri Celju, PS Rače, BPS Gruškovje, BPS Bistrica ob Sotli) which is why detention takes place in other police stations.

In most cases, access to detention rooms is possible not only through the main entrance but also directly through a courtyard (in an intervention vehicle) while in some stations (PS Črnomelj), access to the detention room located in the ground floor is possible only through the main entrance past the police officer on duty. In the NPM’s assessment, access to the detention room in the cellar of the PS Ljutomer, is poor because its access, both across the courtyard as well as through the main entrance, is possible only by a staircase.

When examining the detention rooms, the focus was primarily on proper equipment, the labelling and size of rooms, proper lighting of rooms (daylight and artificial light), proper temperature, ventilation and cleanliness of rooms, toilets, access to drinking water, food supply, video surveillance of rooms and the option to make telephone 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 complaints procedures and the correct video-surveillance of toilets.

Opremljenost prostorov

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

Kot primer dobre prakse je DPM v zvezi z opremljenostjo prostorov izpostavil:

- namestitev sveže posteljnine in odeje v prostorih za pridržanje, na postelji pa so tudi brošura MNZ s pravicami pridržane osebe, seznam odvetnikov z datumom in natisnjeno obvestilo s pravicami pridržane osebe (PP Črnomelj);
- ob obisku PP Murska Sobota je bilo ugotovljeno, da je bilo naše priporočilo s prejšnjega obiska, naj se preveri smrad po fekalijah v prostoru za krajše pridržanje številka 4 upoštevano, saj ob tokratnem obisku smradu nismo zaznali. DPM je ugotovil, da je bilo upoštevano tudi drugo priporočilo s prejšnjega obiska, da se v prostore za krajše pridržanje namestijo žimnice;
- tudi PP Gorišnica je upoštevala priporočilo DPM in prostora za pridržanje ustrezno številno označila;
- tudi PP Lendava je upoštevala priporočilo s prejšnjega obiska, saj sta bili v oba prostora za krajše pridržanje nameščeni žimnici.

DPM je ob obiskih opozoril tudi na nekatere pomanjkljivosti:

- v prostoru za daljše pridržanje številka 3 je bila poškodovana stena, ki je obložena s keramičnimi ploščicami, med toaletnim delom in preostalim delom prostora za pridržanje, in sicer tako, da keramične ploščice na počenem delu odpadajo, kar pomeni nevarnost, da bi se katera izmed pridržanih oseb v času pridržanja s temi kosi lahko poškodovala, saj so odkrušeni deli ostri (PP Lendava). Predlagali smo, naj se navedeni prostor do odprave te poškodbe ne uporablja. V odzivnem poročilu MNZ je bilo navedeno, da so zamenjali poškodovane ploščice;
- DPM je MNZ predlagal zamenjavo vodovodnih armatur v PP Murska Sobota in v drugih PP, ki imajo še staro namestitev vodovodnih armatur, saj sta bila, kot je pojasnil komandir PP Murska Sobota, dva poskusa samomora, in sicer tako, da je oseba del oblačila navezala na vodno armaturo. MNZ je navedlo, da se zaveda, da v nekaterih policijskih enotah vodovodne armature z vidika varnosti niso najustreznejše, zato bodo postopoma zamenjane v okviru investicijskega vzdrževanja prostorov Policije in razpoložljivih finančnih sredstev.

Osvetljenost prostorov za pridržanje

Večina PP, ki smo jih obiskali v letu 2012, ima v prostorih za pridržanje dobro ali vsaj zadovoljivo dnevno svetlobo. Kljub temu velja omeniti, da smo v PP Ljutomer ugotovili nekoliko slabšo dnevno svetlobo, saj so v prostorih za pridržanje nameščena neprozorna stekla. Tudi v PP Murska Sobota je bilo opaziti slabšo dnevno svetlobo v prostorih za krajše pridržanje zaradi pokritega sprehajališča, ki je na zunanji strani stavbe in tako preprečuje dostop dnevne svetlobe.

Equipment in rooms

The detention rooms are generally adequately numbered and adequately equipped (for example, with toilets). Beds are typically wooden and equipped with PVC mattresses and bedding which a person receives upon his/her arrival (blankets or disposable bedding). The bedding is usually stored in a special room or warehouse.

As an example of good practice in relation to the equipment of rooms, the following was highlighted by the NPM:

- placing fresh bedding and a blanket in detention rooms and a brochure produced by the Ministry of the Interior regarding rights of a detained person, a up-to-date list of lawyers and a printed notification on rights of a detained person (PS Črnomelj);
- upon the visit of PS Murska Sobota it was discovered that the recommendation from the previous visit, i.e., to check the stench of faeces in detention room number 4 was taken into consideration since the smell was not noticed during this visit. It was discovered by the NPM that the second recommendation from the previous visit, i.e., to place mattresses in the rooms for short periods of detention, was also taken into account;
- the recommendation by the NPM was also taken into account in PS Gorišnica which numbered the detention rooms appropriately;
- and the recommendation from the previous visit was also taken into account in PS Lendava, since in both rooms for short periods of detention, mattresses had been put in place.

During visits, the NPM, however, also drew attention to some deficiencies:

- in detention room number 3, between the toilet and the remaining part of the detention room, there was a damaged wall covered with tiles so that tiles were falling down at the broken part of the wall which means a potential danger that any detained person, while being detained, might hurt themselves with these pieces since the chipped off pieces were rather sharp (PS Lendava). It was proposed that this room should not be used until this damage was repaired. It was stated in the Ministry of the Interior's response report that the damaged tiles had been replaced.
- The NPM proposed to the Ministry of the Interior the plumbing fixture in PS Murska Sobota be replaced, and other police stations where old plumbing fixtures were still installed since, as it was explained by the commander of PS Murska Sobota, there had been two attempts to commit suicide when a person had tied a part of some clothing to the plumbing fixture. The Ministry of the Interior mentioned that they were aware that in some police units plumbing fixtures were not the most adequate in terms of safety which was why they would be gradually replaced within the scope of the maintenance of the premises of the Police and the available financial funds.

Lighting in detention rooms

The majority of police stations visited in 2012 had good or at least satisfactory daylight in the detention rooms. In spite of that it needs to be mentioned that daylight of slightly poorer quality was noticed in PS Ljutomer since opaque glass is installed in detention rooms there. Poor quality daylight was also noticed in PS Murska Sobota, in their rooms for short period of detention, as a result of the covered walking area on the outside part of the building that prevents the entry of daylight.

V PP Rogaška Slatina je DPM kot pomanjkljivost prostorov za pridržanje znova izpostavil, da ti nimajo možnosti dnevne svetlobe, čeprav je pohvalno, da je v njih mogoče uravnavati moč umetne svetlobe. Ob obisku PP Velenje je bilo ugotovljeno, da v prostoru za daljša pridržanja, označenem s številko 2, ni delovala ena izmed treh žarnic. Ker že ob prejšnjem obisku DPM ni delovala žarnica v prostoru številka 1 za krajša pridržanja, je DPM znova predlagal, naj PP v prihodnje redno spremlja delovanje žarnic v obeh prostorih za pridržanje. MNZ je v odzivnem poročilu navedlo, da je vodstvo PP Velenje izdelalo poseben obrazec, ki je namenjen policistom kot opomnik za izvajanje dejavnosti ob pridržanjih in po katerem mora vsak dežurni v času svoje službe preveriti tudi brezhibnost vseh žarnic v obeh prostorih za pridržanje. Vodstvo naj bi upoštevanje opomnika tedensko preverjalo.

Čistost prostorov

Obiskane PP imajo zaposleno čistilko oziroma sklenjeno pogodbo s čistilnim servisom. Prostorji so bili urejeni, čisti in ustrezno prezračeni, razen v PMP Gruškovje, kjer je DPM predlagal, da prostore za deportacijo oziroma odstranitev tujcev bolj redno vzdržujejo in čistijo (prostor je bil v času obiska napolnjen s škatlami, poleg tega pa so bili koši za smeti v sanitarnih prostorih polni papirja, čeprav je bilo pojasnjeno, da prostori za odstranitev tujcev v zadnjem letu niso bili uporabljeni). Prav tako nista bila urejena in čista prostora za najdene in zasežene predmete (gre za majhen prostor v kleti in garažo na dvorišču) v PP Rače. Posebej velja pohvaliti prakso PP Ormož, ki vodi evidenco čiščenja.

Sanitarije

Sanitarije so bile ustrezno urejene: običajno gre za straniščne školjke v prostorih za daljše pridržanje in straniščni počepnik z izplakovanjem v prostorih, ki so namenjeni krajšemu pridržanju. Ob obisku PP Piran smo predlagali, naj se vse vodovodne armature v prostorih za krajše pridržanje ustrezno popravijo oziroma po potrebi tudi zamenjajo. Ker je vodovodne armature mogoče brez težav premikati, namreč obstaja nevarnost, da bo katera izmed pridržanih oseb to izkoristila in armaturo izvleka iz ležišča umivalnika. MNZ je zagotovilo, da bo PP Piran s tem problemom, ki se ga zaveda, seznanila pristojno službo za vzdrževanje in sprejela druge potrebne ukrepe.

Video- in zvočni nadzor

PP imajo v svojih prostorih za pridržanje videonadzor in klicni zvonec (povezan s sobo dežurnega), kar je označeno z opozorilom (nalepko) o govorni napravi in videonadzoru. Pri pregledu videonadzornega sistema v prostorih za pridržanje je bilo ugotovljeno, da je ta ustrezno nameščen, saj ne pokriva sanitarnega dela.

Pohvaliti velja PP Velenje, ki je upoštevala priporočilo prejšnjega obiska in videonadzorni sistem zdaj ne pokriva več dela prostora za pridržanje, kjer je stranišče (skladno s točko 1.9 Navodila za izgradnjo, adaptacijo in opremo prostorov za pridržanje), kot je bilo ugotovljeno ob prejšnjem obisku.

In PS Rogaška Slatina, the NPM again pointed out the deficiency of detention rooms, that there is no possibility of daylight although it is commendable that the power of the artificial light could be regulated there. It was discovered during the visit to PS Velenje that, in the room for longer periods of detention, room number 2, one of three light bulbs was not working. Since during the previous visit of the NPM a light bulb was not working in detention room number 1 intended for shorter periods of detention, the NPM repeated its proposal that in the future the police station should regularly monitor the functioning of light bulbs in both detention rooms. In its response report, the Ministry of the Interior stated that the management of PS Velenje made up a special form for police officers as a reminder to carry out activities during detention and according to which every duty officer, when on service, must check the light bulbs in both detention rooms. The management should check weekly that this has been done.

Cleanliness of rooms

All police stations which were visited employed a cleaner or have contracts with a cleaning service. Rooms were organised, clean, and properly ventilated except in BPS Gruškovje in which case the NPM proposed to have the rooms for deportation or transfer of foreigners cleaned and maintained more frequently (at the time of the visit, rooms were filled with boxes, in addition, waste bins in toilets were filled with paper although it was stated that rooms for the removal of foreigners had not been used in the past year). The rooms for lost and confiscated objects were not organised or clean (these are a small room in the cellar and a garage) in PS Rače. The practice of PS Ormož, where a register of cleaning activity is kept, must be particularly commended.

Toilets

The toilets were adequately arranged: there was typically a toilet bowl in the rooms for longer periods of detention and a squat toilet with flush operation in the rooms for shorter periods of detention. During the visit to PS Piran it was proposed that the plumbing fixture in rooms for shorter periods of detention should be adequately repaired or, where necessary, also replaced. Since the plumbing fixture could easily be moved, there was a risk that any detained person might take advantage of that and pull the fixture out of position. The Ministry of the Interior assured the NPM that PS Piran, being aware of the issue, would notify the relevant maintenance service and adopt other necessary measures.

Video- and audio- surveillance

The detention rooms of police stations are equipped with video-surveillance systems and a call bell (linked with the room of the duty police officer) which is marked with a notice (a label) about the audio device and video-surveillance system. When examining the video-surveillance system in detention rooms it was observed, that the latter was properly installed since toilets were not monitored.

It is commendable that PS Velenje took into account the recommendation from the previous visit and the video-surveillance system does not now monitor the part of the detention room where there are toilets (in accordance with point 1.9 of the Rules for Construction, Adaptation and Equipment of Detention Rooms) as discovered during the previous visit.

V zvezi z videonadzorom je treba omeniti tudi nadzor prostora za sprejem pridržanih oseb. Večina prostorov za sprejem pridržanih oseb v PP ni videonadzorovana (razen v PP Ljutomer in PP Lendava) niti nima 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 tako ni mogoče preveriti. DPM je zato PP, ki prostora za sprejem pridržanih oseb nimajo videonadzorovanega, predlagal, naj se to odpravi, saj je tudi Evropski odbor za preprečevanje mučenja in nečloveškega ali ponižujočega ravnanja ali kaznovanja (CPT) ob obiskih v Sloveniji pozval, naj se sprejmejo ukrepi, s katerimi se bo zagotovilo, da se elektronska oprema za snemanje policijskih postopkov redno uporablja. Kot je opozoril CPT, je elektronsko snemanje (avdio in/ali video) policijskih pogovorov pomembna dodatna varovalka zoper grdo ravnanje s pridržanimi osebami ter lahko zagotovi popoln in avtentičen zapis postopka pogovora in s tem močno olajša preiskavo kakršnihkoli trditvev o grobem ravnanju. To je zato v interesu tako oseb, s katerimi naj bi policija grdo ravnala, kot policistov v primeru neutemeljenih trditvev, da so bili vpleteni v grdo ravnanje. Elektronsko snemanje policijskih pogovorov zmanjšuje tudi možnost, da bi pridržane osebe pozneje lažno zanikale, da so podale kakršne koli izjave. MNZ je v tej zvezi sporočilo, da se bo to vprašanje poskušalo odpraviti z nabavo te opreme iz sklopa dodeljenih finančnih sredstev za nakup videonadzorne opreme policijskih objektov v primeru zagotovljenih sredstev do konca leta 2013.

Prehrana in voda

Večina PP pridržanim osebam zagotavlja hrano v obliki raznovrstnih t. i. lunch paketov, med njimi so tudi posebni za vegetarijance, njihov rok uporabnosti je bil ob naših obiskih v glavnem ustrezen. Nekatere PP (ki izvajajo daljša pridržanja) imajo sklenjene pogodbe o dostavi (toplih) obrokov iz bližnjih gostiln (PP Metlika, PP Velenje, PP Lendava) oziroma hotela (PP Murska Sobota, PP Ormož) ali s podjetjem (PP Podlehnik), PP Ljutomer celo z domom starejših občanov.

DPM je moral PP Velenje in PP Rogaška Slatina opozoriti na pravočasno preverjanje roka uporabe, saj je v teh PP nekaterim hladnim obrokom rok uporabe že pretekel. V odzivnem poročilu MNZ za PP Velenje je bilo navedeno, da bo pripravljen obrazec za dežurnega za redno preverjanje rokov hladnih obrokov. Prav tako je tudi vodstvo PP Kozina takoj opravilo pogovor z oskrbnikom premoženja, ki je odgovoren za hladne obroke, in administrativnimi delavkami, ki vodijo seznam nabavljenih in zamenjanih hladnih obrokov, in jih opozorilo na dosledno spremljanje rokov uporabe hladnih obrokov hrane. Na to so bili opozorjeni še vsi policisti.

Zdravstvena oskrba pridržanih oseb

PP zdravniško pomoč zagotavljajo tako, da pridržano osebo odpeljejo v bližnji zdravstveni dom, ki ima zagotovljeno 24-urno dežurstvo oziroma pride zdravnik v PP.

Intervencijska vozila

Pri pregledu intervencijskega vozila v PP Ormož smo ugotovili, da na desni strani prostora, namenjenega za prevoz pridržanih oseb, v zgornjem delu odstopa stena vozila za približno 10 cm, kar bi lahko pomenilo nevarnost za poškodovanje pridržane osebe v prostoru za transport. MNZ je v odzivnem poročilu sporočilo, da v zadevnem intervencijskem vozilu prostora, namenjenega za prevoz pridržanih oseb, ne bodo uporabljali, dokler se napaka ne popravi.

In relation to video-surveillance, the surveillance of the reception area of detained persons needs to be mentioned. The majority of areas in police stations intended for the admission of detained persons were not under video-surveillance (except in PS Ljutomer and PS Lendava), neither was there an audio device. In such cases, it is the opinion of the NPM, that this was a deficiency since potential statements made by detained or held persons in regard to improper treatment by officials could not be verified. As a result, the NPM proposed to police stations, where the reception area for the admittance of detained persons was not under a video-surveillance system, that they eliminate this deficiency since during its visit to Slovenia even the European Committee for the Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment (CPT) urged that Slovenia adopt measures to provide for regular use of electronic equipment for recording police procedures. As warned by the CPT, the electronic recording (audio and/or video) of police interviews is an important additional safeguard against the bad treatment of detained persons and it could provide for a perfect and authentic record of an interview procedure which makes the investigation of any claims regarding bad treatment significantly easier. This is therefore in the interest of persons who were supposedly treated badly by the Police as well as police officers in cases of unjustified claims that they have been involved in bad treatment. The electronic recording of police interviews also reduces the possibility for the detained person to later falsely deny that they have made any statements. The Ministry of the Interior notified the NPM in this regard that they would seek to remedy this issue by purchasing this equipment with funds allocated for the procurement of the video-surveillance equipment of police facilities if funds are provided by the end of 2013.

Food and water

The majority of police stations provide detained persons with food in the form of different types of light meals, including those for vegetarians. Their expiry date was mostly acceptable during the visits. Some police stations (conducting longer detention) had concluded contracts for food supply (meals) with nearby restaurants (PS Metlika, PS Velenje, PS Lendava), a hotel (PS Murska Sobota, PS Ormož) or a company (PS Podlehnik), and even with a nursing home as in the case of PS Ljutomer.

The NPM had to warn PS Velenje and PS Rogaška Slatina about the timely monitoring of the expiry date of food since in these police stations the dates for some light meals had already expired. In its response report, in the case of PS Velenje, the Ministry of the Interior stated that a form would be prepared for a duty officer to regularly monitor the expiry dates of light meals. Similarly, the management of PS Koper immediately held a discussion with an officer responsible for light meals and administration officials keeping a list of purchased and replaced light meals and warned them about the consistent monitoring of expiry dates of light meals. All police officers were also warned about it.

Health care of detained persons

Police stations provide for health care so that a detained person is taken to the nearby community health centre with a 24-hour duty service, or a doctor comes to the police station.

Vehicles for transporting detainees

When inspecting an intervention vehicle in PS Ormož, it was found that on the right of the place intended for the transportation of detained persons, the top ten centimetres of a wall are loose. This might be dangerous and could cause harm to detained persons when transported by the intervention vehicle. In its response report, the Ministry of the Interior notified the NPM that this intervention vehicle, intended for the transportation of detained persons, would not be used until the defect was repaired.

Opravljen je bil tudi pregled intervencijskega vozila v PP Rogaška Slatina. V prostoru, namenjenem za prevoz pridržanih oseb, smo opazili uradni zaznamek o pridržanju na ime pridržane osebe in črtast pulover. Čeprav smo po pregledu evidence uporabe intervencijskega vozila ugotovili, da od datuma uradnega zaznamka do našega obiska vozilo ni bilo uporabljeno, menimo, da bi morali policisti po vsakem prevozu osebe v prostoru za prevoz pridržanih oseb vozilo redno kontrolirati in poskrbeti, da je prostor namenjen za prevoz pridržanih oseb pospravljen in očiščen. MNZ je sporočilo, da je vodstvo PP policiste opozorilo na dosledno preverjanje posebnega prostora za prevoz oseb intervencijskega vozila po opravljenem prevozu in da se vozilo po potrebi očisti.

Sprehajališča

Sprehajališča so namenjena sprehajanju pridržanih oseb in kajenju. Večina PP nima posebnega sprehajališča, kar ni ustrezno predvsem v PP, kjer imajo tudi prostore za daljše pridržanje. V ta namen se v praksi uporabljajo dvorišča PP, kjer se zagotovi tudi spremstvo oziroma osebni nadzor pridržane osebe. Sprememba (žal na slabše) glede gibanja na prostem pridržanim osebam v primeru daljših pridržanj je bila v PP Velenje, kjer ni več (z nizko ograjo) ograjenega dvorišča, kot je bilo prej, temveč se gibanje na prostem zagotavlja na neograjnem dvorišču.

Sprehajališča (če že so) so večinoma primerno velika, razlikujejo pa se v pokritosti (večinoma so nepokrita) in ograjenosti (ograjena z ograjo ali neograjena). DPM pozdravlja sprehajališče v PP Ormož in PP Rogaška Slatina, ki je do polovice pokrito, kar pridržanim osebam zagotavlja sprehajanje tudi ob različnih vremenskih razmerah.

Nekatera sprehajališča (v PP Metlika, PP Podlehnik, PP Murska Sobota, PP Gorišnica) imajo govorno napravo in so videonadzorovana, kar je označeno z ustrezno nalepko. Sprehajališča so v večini primerov čista.

Prostor za odvetnike

PP imajo ali 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, razen PP Podlehnik, seznam odvetnikov tudi v tiskani obliki. V PP (PP Metlika), kjer je bil stari seznam odvetnikov, je DPM predlagal, naj se natisne novi in se ta redno obnavlja. V PP Žalec, kjer seznam odvetnikov ni bil datumsko označen, pa je DPM predlagal, naj se namesti novi seznam z datumom in se tudi ta v prihodnje obnavlja.

Nekatere PP (PP Lendava, PP Ormož, PP Rogaška Slatina) prostor za pogovore z odvetnikom videonadzorujejo, kar je označeno z ustrezno nalepko, in imajo tudi klicni zvonec, nekatere PP (PP Gorišnica) pa imajo samo govorno napravo. V PP Šentjur pri Celju manjše okno omogoča vidni nadzor iz sobe dežurnega policista.

Prostor za tujce

Posebni prostori za tujce so v PP Metlika, PP Podlehnik, PMP Gruškovje, PMP Bistrica ob Sotli, PP Ljutomer, PP Lendava, PP Ormož in v PP Gorišnica.

An inspection of an intervention vehicle in PS Rogaška Slatina was also carried out. In the section of the vehicle for detained persons, an official note on detention bearing the name of a detained person and a striped pullover were found. Although after the inspection of the register on the use of the intervention vehicle, it was discovered that the vehicle had not been used since the day of the official note mentioned, it is essential that police officers should make a regular check of the vehicle after every transportation of a person in detention, and take care that the space intended for the transportation of detained persons is tidy and clean. The Ministry of the Interior informed the NPM that the management of the police station warned police officers to consistently check the space within an intervention vehicle dedicated for the transport of persons after the transportation had been performed and to clean the vehicle, when necessary.

Exercise area

Exercise areas are intended for detained persons to walk and smoke in. The majority of police stations do not have a special walking area and this is not appropriate, particularly in the case of police stations where there are rooms for longer periods of detention. The police station's courtyards are in practice used for this purpose; an escort or personal surveillance of a detained person is provided for in such a case. A change for the worse was found in PS Velenje with a reduction in air movement provided for detained persons in case of longer detention, where a courtyard there is no longer enclosed with a low fence as before but exercise is allowed on an unfenced courtyard.

Walking areas (where they exist) are usually large enough but they differ in terms of shade (they are mostly not covered) and enclosure (enclosed with a fence or without it). The NPM welcomes that the walking area in PS Ormož and PS Rogaška Slatina is half covered which enables detained persons to take walks in various weather conditions.

In some walking areas (in PS Metlika, PS Podlehnik, PS Murska Sobota, PS Gorišnica) there was an audio device and a video-surveillance system installed which was marked with a suitable warning. In most cases the walking areas were clean.

Room for lawyers

Police stations have either a special room for lawyers, or other rooms are used for this purpose (a reception room for detained persons, an interrogation room, or study rooms for police officers).

In addition to the list of lawyers published on the Police website, all police stations, except PS Podlehnik had a list of lawyers available in printed form. For one police station (PS Metlika), where the list of lawyers was old, the NPM proposed that a new one be printed and regularly updated. In PS Žalec where the list of lawyers was not updated, the NPM proposed that a new list be provided bearing the date and that it be regularly updated in the future.

Some police stations (PS Lendava, PS Ormož, PS Rogaška Slatina) had their room for interviews with a lawyer under a video-surveillance system which was marked with a suitable warning, and there was also a bell, while some police stations (PP Gorišnica) had only an audio device. In PS Šentjur pri Celju, a small window enables visual supervision from the room of a duty police officer.

Accommodation area for foreigners

Special rooms for foreigners are available in PS Metlika, PS Podlehnik, BPS Gruškovje, BPS Bistrica ob Sotli, PS Ljutomer, PS Lendava, PS Ormož and PS Gorišnica.

Večinoma so bili prostori primerno čisti in opremljeni, razen v PP Podlehnik, kjer v prostoru za tujce ni bilo nobenega stola oziroma klopi. Ob tem je treba pripomniti, da je DPM na to pomanjkljivost v PP Podlehnik opozoril že ob obisku leta 2009 in je bilo že takrat v odzivnem poročilu sporočeno, da bodo v te prostore dodatno nameščene klopi. V letošnjem odzivnem poročilu je MNZ sporočilo, da so dodatne stole že namestili. Drugačne razmere pa smo zasledili v PP Lendava, kjer je bil prostor za postopke s tujci prenapolnjen s stoli. V PP Podlehnik je bila v času obiska v večji čakalnici za tujce tudi uporabljena odeja, zato smo podali pripombo, da je treba čakalnico za tujce po vsaki uporabi očistiti in iz nje odstraniti tudi morebitno posteljnino in odeje, če je bilo to dano tujcem v uporabo. Tudi PMP Gruškovje smo morali opozoriti, da je treba prostore za odstranitev tujcev redno vzdrževati. Večinoma je bilo v prostorih ob obisku več informativnega gradiva (brošur) z informacijami – npr. plakat s pravicami pridržane osebe v več jezikih, brošura MNZ s pravicami pridržane osebe v več jezikih, brošure za azil v več jezikih, v nekaterih tudi še list papirja s kontaktno telefonsko številko Pravno-informacijskega centra nevladnih organizacij (PIC), pano UNHCR z brošurami s človekovimi pravicami v več jezikih. Pri tem velja pohvaliti PP Gorišnica, ki je namestila plakate in brošure v prostor za tujce in tako upoštevala naše priporočilo iz prejšnjega obiska, ko plakatov ni bilo.

PP Ljutomer in PMP Bistrica ob Sotli tudi videonadzorujeta prostore za tujce, kar je ustrezno označeno (z nalepko). PP Ormož in PP Podlehnik pa imata poleg videonadzora prostora za tujce tudi govorno napravo. PP Metlika prostora za tujce nima videonadzorovanega, zato smo predlagali, naj se ta pomanjkljivost odpravi, pri čemer smo v odzivnem poročilu dobili odgovor, da bo Policijska uprava Novo mesto to možnost proučila.

Seznanjenost pridržanih oseb z njihovimi pravicami

Policijska uprava je pred leti izdala brošuro z obvestilom o pravicah osebe, ki ji je bila odvzeta prostost, v več jezikih in jih imajo v vseh PP. Pohvalno je, da je brošura v večini PP na mestih, kjer je potrebna (prostori in predprostori za pridržanje, prostori za tujce).

Seznanjenost s pravicami se zagotavlja tudi s plakati z obvestilom o prijemu zaradi odvzema prostosti, kar je pohvalno, nekatere PP (PP Ormož) imajo že nameščeno novejšo različico plakata, ki vsebuje tudi pravico do zdravnika po lastni izbiri. Treba je pohvaliti PP Gorišnica, ki ima nameščenih več novih plakatov s pravicami osebe, ki ji je odvzeta prostost, na hodniku pred prostoroma za pridržanje ter v prostoru za sprejem in obravnavo tujcev.

Pohvaliti je treba tudi prakso PP Gorišnica, za katero DPM predlaga, naj se uvede enotno za vse PP v Sloveniji, in sicer da PP vroča natisnjene izvedbe s pravicami pridržanim oseb (tudi mladoletnikom) pred namestitvijo v prostor za pridržanje. PP Krško smo predlagali, naj se prostor za sprejem pridržanih oseb opremi z natisnjenim izvedbo seznama odvetnikov in brošurami MNZ s pravicami oseb. MNZ je zagotovilo, da sta bila natisnjeni seznam odvetnikov in brošura takoj nameščena v prostor za sprejem pridržanih oseb. Tudi vodstvo PP Sevnica je na podlagi našega priporočila poskrbelo, da je bil seznam odvetnikov takoj natisnjen in bo skupaj z brošuro MNZ s pravicami v prostoru za pogovore, ki se občasno uporablja tudi za sprejem pridržanih oseb. V PP so tudi poskrbeli za namestitev nalepke, da je prostor videonadzorovan.

The rooms for the most part were adequately clean and equipped, except in PS Podlehnik, where there was no chair or bench in place in the room for foreigners. A reminder needs to be given that the NPM had warned PS Podlehnik about this deficiency before, during the 2009 visit, and in their response report it was then stated that a bench would be placed in this room. In this year's response report the Ministry of the Interior stated that additional chairs had already been put in place. Another situation was noticed in PS Lendava where the room dedicated to procedures involving foreigners was full of chairs. During the visit in PS Podlehnik, there was a used blanket in the larger waiting room for foreigners, which is why a comment was given that the waiting room for foreigners must be cleaned after every use and any bedding removed if the latter was provided to foreigners for their use. In BPS Gruškovje, attention had to be drawn to the fact that the rooms for foreigners being deported had to be regularly maintained. Generally, there was more information material (brochures) available in these rooms during the visits – for example, a poster presenting the rights of detained persons in several languages, a brochure by the Ministry of the Interior about rights of a detained person available in several languages, brochures on asylum in several languages, in some also a piece of paper with the contact number of the Legal Information Centre (PIC), or a board by UNHCR with brochures on human rights in several languages. It is commendable that PS Gorišnica placed posters and brochures in the room for foreigners and thus took into consideration the recommendation from the previous visit, when there were no posters.

Rooms for foreigners are under a video-surveillance system in PS Ljutomer and BPS Bistrica ob Sotli, which is suitably marked (with a warning notice). In PS Ormož and PS Podlehnik, in addition to the video-surveillance system in the room for foreigners, there is also an audio device. In PS Metlika, the room for foreigners is not under a video-surveillance system, which is why it was proposed that this deficiency be remedied. It was stated, in the response report, that the Novo mesto Police Directorate would examine this possibility.

Information for detained persons on their rights

Some years ago, the Police issued a brochure including a notification on the rights of a person deprived of their liberty, in several languages, which was found in every police station. It is noteworthy that the brochure is available in places where it is needed (detention rooms and their waiting areas, rooms for foreigners) in the majority of police stations.

Information on rights is also provided by means of posters informing readers about deprivation of liberty, which is commendable. Some police stations (PS Ormož) had already in place a new version of the poster including information about the right to a doctor of one's own choice. It is noteworthy that in PS Gorišnica there were several new posters presenting the rights of a person deprived of liberty which were placed in the corridor in front of a detention room and in the reception area where foreigners are processed.

The practice in PS Gorišnica is also commendable: the NPM actually proposes that it be uniformly introduced in all police stations in Slovenia; specifically, printed copies describing the rights of detained persons are handed out by the police station (also on minors) before accommodating these persons in a detention room.

In PS Krško it was proposed that the reception area for detained persons should be equipped with a printed copy of a list of lawyers and brochures produced by the Ministry of the Interior about the rights of such persons. The Ministry of the Interior had made the assurance that the printed list of lawyers and a brochure were immediately placed in the reception area for the detained persons. On the basis of the NPM's recommendation, the management of PS Sevnica made a point of having the list of lawyers printed at once. Together with the brochure by the Ministry of the Interior on the rights of persons, the police station management had it placed in the interview room which is occasionally used for the admission and processing of detained persons. The police station also took care to mark the room with a warning notice that the area is under video-surveillance.

Varuh človekovih pravic RS je kot izvajalec DPM že v letu 2011 vsem PP razposlal tudi brošure in plakate o PP, vendar teh v večini nismo zasledili.

Dokumentacija

Pregled dokumentacije je pokazal, da je ta večinoma skrbno urejena. Če smo pri tem ugotovili nepravilnosti in pomanjkljivosti, smo na to tudi opozorili in predlagali, naj se posamezni izbrani primeri pridržanj, ki smo jih preverjali, znova pregledajo in morebitni nepravilni podatki popravijo. Hkrati smo tudi predlagali, da je treba policiste opozoriti na večjo skrbnost oziroma natančnost pri izpolnjevanju obrazcev, ki so potrebni ob odrejenih pridržanjih. MNZ je tem našim predlogom vselej tudi sledilo in sporočilo, da so bili policisti opozorjeni na ugotovljene nepravilnosti ter na večjo skrbnost in natančnost pri izpolnjevanju obrazcev in dokumentov. Velja pohvaliti PMP Gruškovje, ki v dokumentaciji navaja točno določen jezik, v katerem je bila oseba seznanjena o razlogih odvzema prostosti in s pravicami, pohvala pa gre tudi za zapis o morebitni navzočnosti tolmača. Primer dobre prakse je tudi obrazec Službena zabeležka v spisu, iz katerega je razvidno, da je pomočnik komandirja opravil nadzor postopka pridržanja in ugotovil manjše pomanjkljivosti, ki jih je vpisal v Službeno zabeležko, iz katere je bilo razvidno, da je bil policist že opozorjen na ugotovljene pomanjkljivosti (PP Ljutomer).

Kljub omenjenemu smo opazili nekatere nedoslednosti, netočnosti in nepravilnosti pri izpolnjevanju podatkov v dokumentaciji, te pa izpostavljamo v nadaljevanju.

- DPM je v primeru postopka z enim izmed tujcev ugotovil, da bi morali policisti PP Metlika pri tem tujcu ravnati enako kot s preostalimi petimi tujci in mu na določen datum ob določeni uri znova odrediti pridržanje na podlagi drugega odstavka 43. člena Zakona o policiji in pridržanje nato končati z uro, ko je bil dejansko predan hrvaškimi varnostnim organom. V odzivnem poročilu MNZ je bilo sporočeno, da so ob upoštevanju priporočila v PP ažurirali podatke o pridržanju v FIO-evidenci.
- Čeprav se podatki glede izvajanja in pridržanja dejansko vpisujejo v FIO-evidenco, naj se (dokler na tem področju ne bo sprejeta boljša in ustrežnejša rešitev) nadzor evidentira tudi v obrazcu o uradnem zaznamku o pridržanju (PP Črnomelj). MNZ je sporočilo, da so bili policisti v PP Črnomelj na to opozorjeni.
- Policiste je treba opozoriti na natančnost pri izpolnjevanju uradnih zaznamkov, povezanih s pridržanjem (v PP Murska Sobota, PP Velenje, PP Mozirje, PP Gorišnica), zadržanjem in izročitvami tujim varnostnim organom – tudi v delu seznanitve osebe s pravicami in razlogi odvzema prostosti (v PP Podlehnik). MNZ je sporočilo, da so bile policijske enote (tako policisti kot policijske vodje) opozorjeni na doslednost in natančnost pri izpolnjevanju uradnih dokumentov.

In the capacity of the NPM, the Human Rights Ombudsman of the Republic of Slovenia sent brochures and posters on the PS to all police stations in 2012. In the majority of police stations, however, they were not to be found.

Documentation

The inspection of documentation showed it to be carefully arranged and organized. When any irregularities and deficiencies were found, this was pointed out and it was proposed that individual selected cases of detention being inspected by the NPM should be re-examined and potentially erroneous data corrected. At the same time, it was also proposed, that police officers should be warned about greater diligence and accuracy when filling in forms that are necessary when ordering detention. The Ministry of the Interior always followed the NPM's proposals and informed the NPM that police officers were notified about the irregularities discovered and greater diligence and accuracy when filling out forms and documents was pointed out to them. It is worth complimenting BPS Gruškovje: there, the exact language, in which a person was notified about the grounds for the deprivation of liberty and rights, is stated in the documentation. The practice of writing down the information about any presence of an interpreter is also noteworthy. An Official Note in a file is an example of good practice; the form in fact shows that the assistant commander carried out the supervision of the detention procedure and discovered some minor shortcomings which were written down in the Official Note from which it was clear that a police officer had already been warned about the deficiencies discovered (PS Ljutomer).

In spite of the above mentioned, some inconsistencies, inaccuracies and irregularities in relation to filling in data in documentation were discovered. These are highlighted in the remainder of this report.

- It was discovered by the NPM, that, in the case of a procedure regarding one foreign national, police officers should have treated this foreigner in the same manner as the remaining five foreigners; pursuant to Article 43, Paragraph 2 of the Police Act, the said person's detention should have been ordered upon the specified date and at the specified time and then had their detention concluded at the hour when the mentioned person was actually handed over to the Croatian security authority. In the Ministry of the Interior's response report it was communicated that, by taking into consideration the recommendation, the information on detention in the FIO register had been updated by the police station.
- Although data regarding the implementation and detention itself are actually recorded in the FIO register, until a better and more appropriate solution is adopted in this field, any monitoring should also be recorded in a form which includes an official note on any detention (PS Črnomelj). The Ministry of the Interior communicated that police officers in PS Črnomelj had been informed about this.
- Police officers must be warned about the need for accuracy when filling in official notes in relation to detention (in PS Murska Sobota, PS Velenje, PS Mozirje, PS Gorišnica), remand and transfer to foreign security authorities – including in the section referring to the notification of a person of their rights and the reasons for the deprivation of liberty (in PS Podlehnik). The Ministry of the Interior communicated that police units (both, police officers and police commissioners had been warned about the need for consistency and accuracy in filling in the official documents.

- Nejasen status osebe v času od konca pridržanja do odhoda letala, ko je bila oseba dejansko odstranjena iz Slovenije (v PMP Gruškovje). MNZ je v odzivnem poročilu navedlo, da je bila v danem primeru administrativna napaka, ki je nastala, ker se je pridržanje izvajalo v drugi enoti, postopek odstranjevanja pa so vodili policisti PP, ki je tujca dejansko vodila v postopku.
- Pridržanje osebe, razvidno iz kopij uradnih zaznamkov, ni bilo vneseno v FIO-evidenco (v PMP Bistrica ob Sotli). MNZ je sporočilo, da so v PMP vnesli podatke o pridržanju osebe v evidenco pridržanih oseb.
- Napačno naveden datum konca pridržanja v uradnem zaznamku (v PMP Bistrica ob Sotli). V zvezi s tem je MNZ sporočilo, da so bile policijske enote opozorjene na doslednost in natančnost pri izpolnjevanju uradnih dokumentov in vnosu podatkov v uradno evidenco pridržanih in zadržanih oseb (način seznanitve osebe s pravicami, zagotavljanje zdravniške pomoči, natančnem izpolnjevanju dokumentacije o pridržanju, ko se to izvaja v policijskih enotah itd.).
- Nepravilen podatek konca pridržanja (v PP Ljutomer) – čas konca pridržanja je, ko je oseba predana tujim varnostnim organom. MNZ je sporočilo, da so policisti vnesli pravilen podatek konca pridržanja in bili opozorjeni na pravilen vnos podatkov o koncu pridržanja.
- Navajanje v uradni zaznamek o pridržanju, da so bili pridržani osebi »ponujeni copati« je dobra praksa evidentiranja (PP Ljutomer), vendar DPM meni, da bi bilo bolje, da bi se vpisalo, da so bile pridržani osebi copate izročene oziroma da jih je oseba morda odklonila.
- S pregledom dokumentacije je bilo ugotovljeno, da so policisti izpolnili tudi rubriko o obveščanju diplomatskega predstavništva, čeprav ni šlo za tujca oziroma tujko (v PP Mozirje). MNZ je sporočilo, da so policiste PP Mozirje med teoretičnim delom praktičnega postopka s samoobrambo seznanili z nepravilnostmi pri izpolnjevanju in vročanju obrazcev, na delovnem sestanku pa so bili seznanjeni z ugotovitvami DPM.
- Iz dokumentacije je bilo razvidno, da je bilo pridržanje končano ob neki uri, ob tej isti uri je bila oseba izročena preiskovalnemu sodniku, iz potrdila o vračilu začasnih predmetov pa je bilo razvidno, da so mu bili ob isti uri tudi vrnjeni začasno zaseženi predmeti (v PP Mozirje). DPM je v zvezi s tem predlagal, da bi bilo smotrno razmisliti, da bi se v primerih izročitev pridržanih oseb v postopek preiskovalnemu sodniku ura izročitve osebe preiskovalnemu sodniku evidentirala na arhivski izvod kazenske ovadbe oziroma da bi se kazenska ovadba preiskovalnemu sodniku izročila tako, da bi to potrdil (morda z vročilnico), s čimer bi se preprečilo napačno navajanje ure konca pridržanja v FIO-evidenci in v uradnem zaznamku. MNZ je v zvezi z naključno izbranim primerom v PP sporočilo, da so preverili navedbe v primeru vračila predmetov pridržani osebi, konca pridržanja in izročitve osebe preiskovalnemu sodniku ter ugotovili, da so bili predmeti osebi vrnjeni ob tisti uri, ko je bila izročena preiskovalnemu sodniku.

- The unclear status of a person in the period from the conclusion of detention until the departure of a plane when a person was actually deported from Slovenia was identified (in BPS Gruškovje). It was stated by the Ministry of the Interior that an administration error occurred in the above mentioned case since the detention was carried out in one unit while the procedure for the deportation of the person was led by police officers in another police station which was in charge of the entire procedure involving the foreign national in question.
- The detention of a person, resulting from the copies of official notes, was not recorded in the FIO register (in BPS Bistrica ob Sotli). The Ministry of the Interior communicated that data on the detention of a person had been entered by the border police station into the register of detained persons.
- A wrongly noted date of the conclusion of the detention in the official note was spotted (in BPS Bistrica ob Sotli). It was communicated by the Ministry of the Interior, in this case, that the attention of police units had been drawn to the consistency and accuracy of filling in official documents and registering data in the official register of detained persons and persons in remand (the method of notifying a person of his/her rights, provision of health care, accurate filling in of the documentation on the detention when detention is carried out in police units, etc.).
- Wrong data regarding the conclusion of detention (in PS Ljutomer) – the time when detention concludes is the time when a person is handed over to a foreign security authority. The Ministry of the Interior communicated that police officers had filled in the correct data of the conclusion of the detention and were warned of the importance of the correct registration of data upon the conclusion of detention.
- Stating in the official note on detention that a detained person “had been offered slippers” is an example of good practice in the recording of data (PS Ljutomer) but the NPM believed that it would be better to write down that slippers had been handed over to a person or that a person had perhaps refused them.
- The inspection of the documentation showed that police officers also filled in the section regarding the notification of a diplomatic post even though it was not a case of a foreign national (in PS Mozirje). The Ministry of the Interior communicated that police officers in PS Mozirje had been informed of deficiencies in filling in and serving the forms during a theoretical presentation of a practical course on self-defence and the findings made by the NPM were presented to them at a working meeting.
- It is clear from the documentation that when a detention ended at a certain time, a person was handed over to an investigating judge at precisely the same time, but it was clear from a receipt on the return of temporary confiscated items that the temporarily confiscated items were returned to the person in question at the same time. The NPM made a proposition in this regard, specifically, that it would make sense to consider the following: in cases of the handing over of detained persons in proceedings before an investigating judge, the time of handing over a person to an investigating judge should be registered in an archive copy of a criminal complaint, or that a criminal complaint should be handed over to an investigating judge so that the latter would confirm it (perhaps by means of a written proof of the complaint being served). In this manner, a mistake in stating the time of the conclusion of the detention in the FIO register would be prevented, as well as in the official note. In regard to a randomly selected case, the Ministry of the Interior communicated that statements regarding the return of confiscated items to a detained person, the conclusion of detention and the handing over of a person to an investigating judge were verified; it was discovered that the items were returned to the mentioned person at the same time when the said person was handed over to the investigating judge.

- Opazili smo napake pri vnosu točnih podatkov pridržanj v FIO-evidenco (v PP Ormož, PP Rače, PP Rogaška Slatina). MNZ je sporočilo, da so bile nepravilnosti odpravljene oziroma da so bili policisti opozorjeni na doslednost in natančnost pri vnosu podatkov v evidenco pridržanih oseb.
- Iz uradnega zaznamka o pridržanju ni bilo mogoče ugotoviti, kdo je tujca seznanil s pravicami v jeziku, ki ga razume, oziroma ali je osebi bil zagotovljen prevajalec (v PP Rače, PP Rogaška Slatina). DPM je v tovrstnih primerih predlagal, naj se v prihodnje v primerih pridržanja tujcev vpiše podatek o seznanitvi s pravicami pridržane osebe s pomočjo prevajalca, na primer v rubriki uradnega zaznamka Opombe oziroma na način, da se bo lahko hitro ugotovilo, kako je bila oseba dejansko seznanjena s pravicami. V zvezi s postopkom policistov s tujcem v PP Rogaška Slatina je MNZ sporočilo, da je bil tujec s pravicami dejansko seznanjen v slovenskem jeziku, ki ga je dobro razumel (v slovenskem jeziku je potekal celoten postopek z njim).
- V uradnih zaznamkih in sklepih o pridržanju nista izpolnjeni rubriki, ki se nanašata na pravico oziroma možnost, da pridržana oseba o pridržanju obvesti svojce in zagovornika ter v sklepu o pridržanju rubrika o možnosti obveščanja delodajalca (v PP Gorišnica). MNZ je sporočilo, da so bili policisti obveščeni na dosledno izpolnjevanje vseh rubrik v uradnih zaznamkih in sklepih o pridržanju, kot je to predlagal DPM.
- Netočni časovni okvir postopka s pridržano osebo (v PP Rogaška Slatina). V zvezi s tem je MNZ zopet pojasnilo, da so bile policijske enote opozorjene na doslednost in natančnost pri izpolnjevanju uradnih dokumentov in vnosu podatkov v evidenco pridržanih oseb.
- Iz uradnega zaznamka, ki ga hrani PP (v PP Gorišnica), ni bilo razvidno, kdaj je bilo pridržanje za osebo končano niti kdaj in komu je bila oseba izročena v nadaljnji postopek (iz dokumentacije je bilo ugotovljeno, da je PP pridržanje te osebe izvajala za PP Ptuj). DPM je predlagal, naj PP v prihodnje tudi v primerih pridržanj za druge policijske postaje v uradni zaznamek vpiše, kdaj in komu (policistu, kriminalistu) je bila pridržana oseba izročena iz prostorov za pridržanje, in se nato pri enoti, ki z osebo vodi postopek, pozanima, kdaj je bilo pridržanje končano, in ta podatek nato vnese v uradni zaznamek o pridržanju, ki se hrani v PP.

- Mistakes in the registering of accurate data regarding detentions in the FIO register were noticed (in PS Ormož, PS Rače, PS Rogaška Slatina). It was communicated by the Ministry of the Interior that irregularities were eliminated, and that police officers were warned about the need for consistency and accuracy when registering data in the register on detained persons.
- It was not possible to find out from the official note on detention who informed a foreigner about his/her rights in a language understandable to him/her or whether an interpreter had been provided for this person (in PS Rače, PS Rogaška Slatina). It was proposed by the NPM for such cases that, in the future, in the detention of foreigners, a piece of information regarding the notification of the said persons with rights of a detained person with the assistance of an interpreter should also be recorded, for example, in a section on an official note with the heading Notes, or in a manner, that it is easily established how a person was actually notified about his/her rights. In regard to a procedure regarding a foreign national carried out by police officers in PS Rogaška Slatina, the Ministry of the Interior communicated that the foreigner in question was actually informed about his rights in Slovenian which was well understood by him (the entire procedure with the said person was carried out in Slovenian).
- In official notes and orders on detention, sections referring to the right or the option that a detained person may notify relatives and an advocate of his/her detention were not filled in; the same also applies to the section on the option to notify an employer within the decision on detention (in PS Gorišnica). The Ministry of the Interior communicated that police officers were reminded about the consistent filling in of all sections in official notes and decisions on detention, as proposed by the NPM.
- Inaccurate time frames regarding a procedure with a detained person (in PS Rogaška Slatina) were discovered. In this case, it was again communicated by the Ministry of the Interior that police units were warned about the need for consistency and accuracy in filling in the official documents and the entry of data in the register of persons in detention.
- It was not clear from an official note kept by the police station (PS Gorišnica) when a detention was concluded for a person, nor when and to whom a person was handed over for further processing (it was established according to the documentation, that the police station carried out the detention procedure for the PS Ptuj). It was proposed by the NPM that, in the future, in cases when a police station carries out detention for another police station, it is recorded in the official register when a detained person has been handed over from the rooms for detention and to whom (a police officer, a criminal police officer), and then it is verified with the unit managing the procedure of the person in question when the procedure has been concluded and this data is then registered in the official note on detention kept by the police station.

- Pri pregledu pridržanja osebe po 24. členu Zakona o pravilih cestnega prometa je bilo iz dokumentacije razvidno, da je oseba odklonila preizkus alkoholiziranosti z indikatorjem alkoholiziranosti (alkotest), odklonila je tudi podpis zapisnika o preizkusu alkoholiziranosti, vendar ji ni bil odrejen strokovni pregled oziroma preizkus z merilnikom alkohola v izdihanem zraku (etilometrom), kot to določa Zakon o pravilih cestnega prometa v drugem odstavku 107. člena, temveč je bilo zoper njo odrejeno pridržanje (v PP Šentjur pri Celju). MNZ se strinja s stališčem DPM, da je treba v skladu s to zakonsko določbo preizkus z etilometrom ali strokovni pregled odrediti tudi v primerih, ko udeleženec v cestnem prometu odkloni preizkus alkoholiziranosti in ne podpiše zapisnika. MNZ je hkrati sporočilo, da je strokovna služba GPU policijske postaje z navedenim mnenjem seznanila 16. 4. 2012, pred tem pa jim je bilo posredovano napačno stališče, da policisti v takih primerih ne odrejajo strokovnega pregleda.
- Za dve minuti prepozno vročena odločba o pridržanju (PP Rogaška Slatina). DPM je predlagal, da je treba policiste opozoriti na doslednost spoštovanja rokov za vročitev sklepov oziroma odločb o pridržanju.

Ob pregledu dokumentacije smo ugotovili še več nepravilnosti v zvezi z zdravniško pomočjo. Tako je bilo v uradnem zaznamku navedeno, da je oseba tožila zaradi bolečin v hrbtu, vratu in imela odrgnine ter da je zahtevala zdravnika (ni bilo navedeno, katerega), ki pa ji ni bil omogočen (v PP Podlehnik), temveč je pridržano osebo nato prevzel oče. MNZ je sporočilo, da zdravniška pomoč ni bila nudena, ker je osebo pet minut za tem, ko je zaprosila za zdravniško pomoč, prevzel oče, ki je povedal, da bo to osebo sam odpeljal k zdravniku, če bo to potrebno. Poleg tega ni bilo evidentirano, ali je bila oseba, pri kateri so bile evidentirane poškodbe, ustrezno zdravstveno oskrbljena (v PP Ljutomer). V zvezi s tem primerom se je MNZ strinjalo z našim mnenjem, da je treba pridržani osebi zagotoviti nujno medicinsko pomoč vselej, ko je očitno, da jo potrebuje. Iz razpoložljive dokumentacije ni bilo mogoče razbrati, ali je bila oseba poškodovana že pred policijskim postopkom ali med njim, kdo ji je saniral poškodbo nosu z obližem, niti razlog, zakaj oseba, ki je imela ob odreditvi pridržanja poškodbo na nosu, ni bila odpeljana na pregled k zdravniku (v PP Gorišnica). MNZ je v odzivnem poročilu sporočilo ugotovitev, da je bila oseba poškodovana pred policijskim postopkom, strinjanje, da bi policist lahko v evidenco pridržanih oseb zapisal tudi to okoliščino in osebo vprašal, ali potrebuje zdravniško pomoč.

DPM je ob obisku PP Krško opozoril, da varovanje osebnih podatkov in varstvo zasebnosti terjata, da se dokumentacija, povezana s pridržanji, pravilno hrani, ne da je dalj časa nenadzorovano na mizi v prostoru, kjer policisti redno izvajajo postopke s pridržanimi osebami. MNZ je v tej zvezi sporočilo, da je vodstvo PP Krško mapo s starimi obrazci, na katerih so bili vidni podatki pridržanih oseb, takoj odstranilo. Vodstvo je na delovnem sestanku vse policiste opozorilo na ustrezno shranjevanje obrazcev.

Ob obiskih nekaterih PP smo opozorili tudi na potrebo po ustrezni označitvi zaseženih predmetov oziroma prostorov za začasno zasežene predmete pridržanih oseb. Tako je MNZ sporočilo, da je PP primerno označila kovinsko omaro, ki jo policisti uporabljajo v ta namen.

- When inspecting the detention of a person under Article 24 of the Act on Rules in Road Transport, it was clear from the documentation, that the person had refused to take an alcohol content test by the alcohol content indicator device, and had also refused to sign the minutes on the test of the alcohol content while not being ordered to undergo an expert examination or a test by means of a breathalyzer (ethyl meter), as stipulated by the Act on Rules in Road Transport in Article 107, Paragraph 2; instead a detention was ordered for the said person (in PS Šentjur pri Celju). The Ministry of the Interior agrees with the position by the NPM that, in accordance with a regulatory provision, a breathalyzer test with an ethyl meter or an expert examination should be ordered also in cases when a participant in road transport refuses to take the alcohol content test and does not sign the relevant minutes. At the same time the Ministry of the Interior communicated that the expert service of the General Police Directorate had informed the police station about the abovementioned opinion on 16 April 2012. Before that, police stations had been wrongly directed, specifically, that an expert examination did not need to be ordered by police in such cases.
- A decision on detention was served too late for two minutes (PS Rogaška Slatina) It was proposed by the NPM to point out to police officers about the consistency in respecting time periods for serving decisions on detention.

An inspection of the documentation showed several more irregularities in regard to medical assistance. In the official note it was stated that a person was complaining about a pain in his back and neck and had some scratches and requested a doctor (it was not mentioned which doctor) but the request was not granted (in PS Podlehnik). The detained person's father then took charge of him. The Ministry of the Interior notified the NPM that medical assistance was not provided since the detained person's father took charge of him saying that he would take that person to the doctor by himself if that was necessary. In addition, it was not registered whether a person registered with injuries was adequately treated by a doctor (in PS Ljutomer). In regard to this case, the Ministry of the Interior agreed with the NPM's opinion that a detained person must be provided with emergency medical treatment whenever it is obvious that it is needed. It was not possible to see from the documentation available whether a person was injured before the police procedure or during it, and who treated the injury of the said person's nose with a sticking plaster, there was no reason as to why the said person whose nose was injured upon the ordering of the detention was not taken for a medical examination (in PS Gorišnica). In its response report, the Ministry of the Interior communicated their finding that the said person had been injured before the police procedure, and their agreement with the fact that a police officer could have written down this condition into the register of detained persons and inquired with the said person whether medical assistance was necessary.

During the visit to PS Krško, the NPM made a warning that due to the requirement for the protection of personal data and protection of privacy it is required that the documentation relating to detention should be properly kept and not left without any supervision on a desk in a room where procedures involving detained persons are regularly conducted by police officers. In this regard, the Ministry of the Interior reported that the management of PS Krško had immediately removed the file with old forms where the data of detained persons was visible. All police officers were reminded by the management of the proper keeping of forms at a working meeting.

During visits to some police stations attention was drawn to the need to appropriately mark the confiscated items or rooms dedicated for temporary storage of confiscated items of detained persons. The Ministry of the Interior thus reported that the officers in the police station adequately marked a metal locker used by police officers for this purpose.

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 tudi anonimno podajo pritožbe ali pohvale, prav tako lahko to izkoristijo tujci, ki niso posebej seznanjeni s slovenskimi predpisi o možnosti pritožb zoper delo uradnih oseb (ob predpostavki, da je nabiralnik tudi ustrezno označen v tujem jeziku). Pohvaliti velja PP Podlehnik, ki je v hodniku pred dežurnim policistom namestila nabiralnik za anonimno oddajo pritožb, kar je DPM predlagal ob prejšnjem obisku. Ob obisku PP Žalec knjige pripomb in pohval ni bilo na mestu, ki ji je namenjen (lesena polica v hodniku pred oknom dežurnega policista), da je lahko na voljo strankam, ki bi želele vpisati svoje mnenje, temveč je bila knjiga v sobi dežurnega. Pred vhomom v PP Žalec je tudi nabiralnik, ki je po pojasnilu pomočnika komandirja namenjen za oddajanje pripomb in pohval, vendar z nabiralnika ni bilo mogoče razbrati, da je namenjen za oddajanje pripomb in pohval, zato je DPM predlagal, naj se nabiralnik v ta namen ustrezno označi. V odzivnem poročilu MNZ je bilo sporočeno, da so naš predlog upoštevali in na nabiralnik že namestili ustrezen napis. DPM je PMP Bistrica ob Sotli priporočil, naj se knjiga pohval in pritožb namesti v sobo dežurnega oziroma vodje izmene, kjer bo lažje dostopna kot pri administratorju. MNZ je v odzivnem poročilo obvestilo, da je knjiga pohval in pritožb zdaj pri vodji izmene. Tudi za primer PP Kozina je MNZ sporočilo, da so knjigo pohval in pripomb postavili na vidno mesto, za steklo prostora dežurnega, tako da je vidna vsem strankam. Ko bo stranka želela knjigo za vpis, ji bodo policisti to omogočili.

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

Kar nekaj PP je imelo ustrezen in urejen dostop za invalide (dvižno pomagalo ali vsaj klicni zvonec, ki invalidnim osebam omogoči, da tako opozorijo dežurnega policista o svojem prihodu) ter urejene toaletne prostore, namenjene invalidom, kar omogoča, da PP lahko pridrži tudi invalide. Edino le PP Šentjur pri Celju ni imela urejenega dostopa za invalide, zato je DPM predlagal, naj se proučijo možnosti o namestitvi vsaj zvonca.

Complaint procedures

The complaint procedures of police stations vary. Almost all police stations keep a book of comments and complaints and the majority of police stations also keep letter boxes available to detained person to anonymously submit their comments or complaints. This may also be used by foreign nationals who are not especially informed on Slovenian regulations and options to make complaints regarding the work of officials (under the assumption that a letter box is adequately marked in a foreign language). It is noteworthy that PS Podlehnik had placed a box for anonymous complaints in a corridor in front of the duty policeman's office as recommended by the NPM upon the previous visit. During the visit to PS Žalec, the comments and complaints book was not in its position (a wooden shelf in the corridor, in front of the duty police officer's teller window) to be available for clients willing to write down their opinions, but instead, it was in the duty police officer's office. In front of the entrance into the PS Žalec, there is a letter box which is intended for letters of comments and complaints, according to the assistant commander's explanation. However, from looking at the letter box, it was not possible to guess that it was actually intended for such a purpose, which is why the NPM proposed that the letter box be marked appropriately. It was also reported in the Ministry of the Interior's response report, that the NPM's proposal had been taken into consideration and a suitable inscription was put on the box. The NPM recommended the BPS Bistrica of Sotli to place its comments and complaints book in the office of a duty officer or an officer in charge of the shift where it would be more easily accessible than if located in the office of an administrator. In its response report, the Ministry of the Interior notified the NPM that the comments and complaints book had already been placed in the office of an officer in charge of the shift. The Ministry of the Interior similarly reported about the case of PS Kozina, specifically, that the comments and complaints book had been placed in a visible position, behind the glass window of a room where the duty police officer is located, so that it is visible to all clients. When a client wishes to register a note in the book, police officers make that possible.

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

Several police stations have suitable and organized access for the disabled (a lift for the disabled or at least a bell which enables a disabled person to warn a duty police officer of his/her arrival) and toilets for the disabled which makes it possible for the police station to also detain persons with disabilities. It was only in PS Šentjur pri Celju where access for the disabled was not provided for which is why it was proposed by the NPM that the possibility of at least installing a bell be considered.

Delovne razmere za zaposlene

DPM je ugotovil, da policisti opravljajo delo v izredno slabih delovnih razmerah v PP Šentjur pri Celju in PP Rače. V PP Šentjur pri Celju policisti uporabljajo za pisarno prostor v kleti, ki je hkrati tudi garderoba, ženska in moška garderoba pa nista ločeni. Poleg tega imajo policisti na voljo za sedeče delo po mnenju DPM ne najbolj primerne stole. V PP Rače je težava predvsem utesnjenost prostorov. V pisarnah te PP se policisti preoblačijo, malicajo, opravljajo pisarniško delo, sprejemajo stranke in zbirajo obvestila oziroma izvajajo zaslišanje. V pisarnah so tudi garderobne omare, ki niso ločene za ženske in moške. PP nima prostora za pridržanje niti prostora za začasno namestitev osebe, ki ji je odrejeno pridržanje, temveč je za začasno namestitev namenjen predprostor PP (prvi prostor, v katerega oseba stopi skozi vhodna vrata).

V primerih, ko se pokaže potreba po začasni namestitvi, policist zaklene vhodna vrata PP. DPM je opozoril, da takšna praksa ni primerna oziroma varna z vidika drugih strank, ki pridejo v PP, poleg tega obstaja možnost pobega osebe, ki ji je odvzeta prostost. MNZ je sporočilo, da so v policijski enoti Rače zaposleni preuredili manjše skladišče opreme v sobo za pogovore s strankami in osebami, ki jim je odvzeta prostost, in tako malce izboljšali pogoje dela, predvsem za stranke, saj lahko policist zdaj lažje opravi pogovor. PP ima tudi urejen arhiv ob kurilnici, pri čemer vrata v arhiv niso protipožarno zavarovana niti ni arhiv varovan z alarmom niti za primer požara. Ne glede na vse navedeno je v PP Rače težava tudi dotrajanost stopnic do vhoda v PP, zaradi česar je enemu izmed policistov v času zime (zmrzali) na poškodovanem delu stopnišča že spodrsnilo in je padel ter se poškodoval.

V PP Žalec je prhanje sicer mogoče, vendar ta prostor ni ločen za moške in ženske niti uporabniku v času prhanja ni omogočeno zakleniti vrata. Ob obisku PP Žalec je bilo tudi ugotovljeno, da prostori PP še vedno niso klimatizirani, kar otežuje delo policistov v času poletne vročine, saj se zaradi prostorske lege PP in velikih (starih) oken, ki slabše tesnijo, prostori močno segrejejo. DPM je v PP Žalec tudi opazil precej zastarelo računalniško opremo, ki ne pomaga policistom k hitrejšemu izdelovanju pisnih izdelkov.

Working conditions for employees

The NPM established that police officers conduct their work in extremely poor working conditions in the case of PS Šentjur pri Celju and PS Rače. Police officers in PS Šentjur pri Celju use a room in the cellar as their office. This room is at the same time also their changing room with no separate places for males and females. In addition, chairs for use by police officers for their office work were, in the NPM's opinion, not really adequate. In PS Rače, the problem is mainly the small size of the rooms. In the same offices of this police station, police officers change their clothes, have their meals, carry out administrative tasks, receive clients and collect information as well as carrying out interviews. There are also changing closets which are not separated for men and women. In this police station, there is no detention room nor any other room for the temporary accommodation for a person who has been detained; as a matter of fact, the lobby of a police station (the first room into which a person enters after the entrance door) is dedicated to the temporary accommodation of persons in detention.

In such cases, when the need for temporary accommodation arises, a police officer locks the entrance door of the police station. The NPM pointed out that such practice is neither appropriate nor safe from the point of view of other clients arriving at the police station. In addition, it provides an opportunity for a person who has been deprived of liberty to escape. The Ministry of the Interior ordered employees in PS Rače to rearrange a smaller room for storage of equipment and change it into a room for interviews with clients and persons deprived of their liberty; in this manner their conditions of work had been slightly improved, particularly for clients, since it is now much easier for a police officer to conduct an interview. In the police station, there is a room dedicated to archiving of documents which is located next to the boiler room; the doors into the room, however, are not protected against fire, nor is the archive secured with an alarm system in case of fire. In spite of all of the above mentioned, another problem noticed in PS Rače is also the wear and tear to the staircase leading into the entry doors of the police station; due to this, in winter time (frost), one of the police officers slipped on the damaged part of the staircase by accident, fell and hurt himself.

In PS Žalec it was possible to take a shower but the room was not separated for men and women, neither was it possible for a user to lock the doors while showering. During the visit to PS Žalec, it was also established that rooms in the police station were still not air-conditioned which makes the work of police officers difficult during the summer heat since, due to the location of the police station with big (old) windows (with poor sealing capacity), the premises of the police station become very hot. It was also noticed by the NPM that computer equipment in PS Žalec was rather out of date and that it did not assist police officers in producing written documents quickly.

Obiski psihiatričnih bolnišnic

Splošno

Po predhodni napovedi smo 29. 3. 2012 obiskali Klinični oddelek za klinično psihiatrijo Psihiatrične klinike Ljubljana (PKL). Namen obiska je bil pregled oddelkov pod posebnim nadzorom PKL. Po predhodni napovedi smo 24. 10. 2012 obiskali tudi Psihiatrično bolnišnico Vojnik (PBV) in opravili ogled sprejemnega ženskega in moškega oddelka, ki sta v skladu z Zakonom o duševnem zdravju (ZDZdr) oddelka pod posebnim nadzorom. Tudi tu je bil namen obiska preveriti ravnanje z osebami, nastanjenimi na ženskem in moškem sprejemnem oddelku PBV.

V obeh bolnišnicah so izpostavili, da niso bili seznanjeni s prejšnjim poročilom obiska DPM. Predlogi DPM so namenjeni odpravi pomanjkljivosti in opozarjanju na primere dobre prakse, cilj tega pa naj bi bilo odpravljanje možnosti, da bi na katerem izmed oddelkov pod posebnim nadzorom prišlo do mučenja in drugih krutih, nečloveških ali poniževalnih kazni ali ravnanj. Vsi predlogi DPM so brez pomena, če z njimi niso seznanjeni tisti, ki so jim (predvsem) namenjeni. Zato smo tokrat izrecno predlagali, naj vodstvi obeh bolnišnic s poročilom DPM seznanita vodje oddelkov in vse druge zaposlene na ženskem in moškem sprejemnem oddelku oziroma oddelku pod posebnim nadzorom. PBV je v tej zvezi sporočila, da je s poročilom DPM seznanila vse zaposlene in so ga tudi obravnavali.

Bivalne razmere

PKL ima šest oddelkov pod posebnim nadzorom: sprejemni oddelek (S) z 32 posteljami (dejansko pa v času našega obiska 36), od tega je bilo pet prostih; dva oddelka na enoti za intenzivno psihiatrijo, s skupno 31 posteljami, od tega je bila na I1 ena postelja prosta, na I3 pa štiri; dva oddelka na enoti za gerontopsihiatrijo (G1 in G2) s skupno 32 posteljami, od tega sta bili dve postelji na G2 prosti, G1 pa je bil polno zaseden; oddelek pod posebnim nadzorom na enoti za prolongirano psihiatrijo (A1) z 19 posteljami, ki je bil v času obiska polno zaseden.

PBV ima skupno 195 postelj. Na dan našega obiska je bilo zasedenih 136 postelj. Na ženskem sprejemnem oddelku je bilo nameščenih 18 pacientk, zmogljivost oddelka ni bila presežena. Na moškem sprejemnem oddelku je bilo v času našega obiska v PBV nameščenih 19 pacientov, med njimi pet pacientov na podlagi sklepa sodišča. Na tem oddelku ni bilo nobenega geriatričnega pacienta.

DPM je priporočal, naj imajo vse sobe v PBV brisačke, da si pacienti po potrebi lahko dostojno obrišejo mokre roke. PBV je sporočila, da je v vse sobe, ki imajo umivalnike namestila papirnate brisačke. Bolnicam so tudi dodali brisačko iz blaga.

Ob ogledu posameznih oddelkov v PKL je bilo opaženo, da osebje ne nosi priponk oziroma našitkov z navedbo osebnega imena. To otežuje identifikacijo zaposlenega in s tem možnost za učinkovito pritožbo posameznega pacienta. Predlagali smo, naj PKL uvede priponke ali našitke na službenih oblačilih. Uresničitev tega priporočila bomo vsekakor preverili ob naslednjem obisku.

Visits to psychiatric hospitals

General

After a prior announcement, a visit was paid to the Clinical Unit for Clinical Psychiatry of Ljubljana University Psychiatric Hospital on 29 March 2012. The aim of the visit was to inspect the units under the special supervision of Ljubljana University Psychiatric Hospital. Following a prior announcement, a visit was paid to Vojnik Psychiatric Hospital on 24 October 2012 where there are secure in-patient wards for men and women which are units under special supervision, in accordance with the Mental Health Act ("the ZDZdr"). The aim of the visit was to inspect the treatment by the staff of persons accommodated in the male and female secure wards of the Vojnik Psychiatric Hospital.

Both hospitals pointed out that they were not informed about the report of the previous visit by the NPM. Proposals made by the NPM are intended to remedy deficiencies and point out cases of good practice with the aim of eliminating the possibility of having actions of torture and other cruel, inhuman or degrading treatment or punishment happen in any of wards under special supervision (secure wards). The NPM's proposals are pointless if those who are their main recipients are not informed about them. That is why this time it was explicitly proposed that the management of both hospitals should inform heads of wards and all employees in secure wards for men and women and wards under special supervision about the NPM report. Vojnik Psychiatric Hospital communicated that all employees were informed about the NPM report and a discussion was held in this regard.

Living conditions

There are six units under special supervision in Ljubljana University Psychiatric Hospital: an secure in-patient ward ("S") with 32 beds (actually 36 at the time of the visit), of which two were empty; there are two wards at the Intensive Psychiatry Unit with a total of 31 beds of which one bed was empty at I1 and four at I3, respectively; there are two wards at the Gerontopsychiatric Unit ("G1" and "G2") with a total of 32 beds of which two were empty in G2 whilst all were occupied in G1; a department under special supervision at the Prolonged Psychiatry Unit ("A1") with 19 beds which was fully occupied at the time of the visit.

Vojnik Psychiatric Hospital has a total of 195 beds. There were 136 hospital beds occupied at the time of the visit. There were 18 patients accommodated in the secure in-patient ward for women, the ward's capacity was not exceeded. At the time of the visit, there were 19 patients accommodated in the male secure in-patient ward of Vojnik Psychiatric Hospital, five of those patients were committed there pursuant to court orders. There were no geriatric patients in this ward.

It was recommended by the NPM that all rooms in Vojnik Psychiatric Hospital should have hand towels for the patients to wipe wet hands in a decent manner. It was communicated that paper hand towels were placed in all rooms with washbasins. Cloth towels were added for female patients.

When inspecting individual wards in Ljubljana University Psychiatric Hospital, it was observed that staff did not wear badges or labels stating their name. This makes it harder to identify an employee and, as a result, harder to place an efficient complaint by an individual patient. It was proposed that badges or labels be introduced on work clothes in the above mentioned hospital. The implementation of this recommendation will be checked during the next visit.

V obeh bolnišnicah smo poudarili, da naj bi vsi pacienti imeli primerljive pogoje za bivanje. Zato smo menili, da bi morala PKL zagotoviti, da pri vseh, tudi le začasnih posteljah, obstaja možnost shranjevanja osebnih predmetov in oblačil pacienta. To omogočata nočna omarica in omara, nočna lučka pa mu omogoči večerno branje in predvsem tudi nočno gibanje (npr. odhod do stranišča). PKL se trudi zagotoviti enake bivalne pogoje za vse paciente. Pojasnili pa so, da je v primeru začasnih postelj prostorsko nemogoče zagotoviti, da bi vsi pacienti imeli nočne omarice in nočno lučko. Trudijo se, da bi bilo takšnih primerov čim manj. Povprečna hospitalizacija je na sprejemnem oddelku 3,5 dneva. Pacienti naj bi bili na dodatni, začasni postelji samo kratek čas (en dan ali dva). Preureditev sob iz večposteljnih v manjše pa je odvisna od trenutnega finančnega stanja PKL in tehničnih zmožnosti. Sporočili so tudi, da za nekatere gradbene posege potrebujejo več časa in pridobitev ustreznih soglasij ter se bodo trudili za ustrezne rešitve.

Skupni prostori in tudi sobe pacientov so v PKL glede na ugotovitve DPM delovali neosebno, brez slik in (z redkimi izjemami) brez osebnih predmetov. Prostore bi lahko zato po presoji DPM naredili bolj domače in prijaznejše za bivanje (npr. z namestitvijo papirnatih slik, nanašanjem slik neposredno na steno, uporabo fototapet). To velja tudi za oddelek I1 na Enoti za intenzivno psihiatrijo, oddelka G1 in G2 na Enoti za gerontopsihiatrijo, oddelek I3 na Enoti za intenzivno terapijo v PKL. Vodstvo PKL je sporočilo, da bodo v skupne prostore namestili slike, tako, da bodo trdno pritrjene na stene. Pacienti so posneli veliko fotografij (terapevtski namen) in bodo tudi te dali na stene.

(Prazne) sobe so bile ob obisku DPM v PKL v dopoldanskem času zaklenjene. Predlagali smo, naj se v PKL tudi v tem času posameznemu pacientu omogoči morebiten počitek, če bi ga potreboval in tudi dostop do osebnih stvari. Predlagali smo še, naj se osebje bolj zavzema za udeležbo pacientov pri dnevnih aktivnostih. Glede na ta naš predlog je PKL pojasnila, da sob ne bodo več zaklepali, razen v času dnevnih aktivnosti in v izjemnih primerih (če je na oddelku več agitiranih in samomorilnih pacientov). PKL je morebiti to naše priporočilo razumela napačno. Kritika DPM je bila namreč namenjena (tudi) nekritičnemu zaklepanju vseh sob v času dnevnih aktivnosti. Predvsem pa smo opozorili, da bi bilo prav, da bi se skušalo paciente s povečano zavzetostjo animirati za udeležbo v dnevnih aktivnostih. Pri pacientih, ki se aktivnosti ne udeležijo, pa se nam ne zdi primerno, da se jim onemogoči vstop v njihove sobe. Ti pacienti namreč, kot smo lahko opazili ob obisku, potem posedajo in ležijo po klopeh na hodniku.

DPM je predlagal, naj prhanje na ženskem sprejemnem oddelku v PKL ni več omejeno le na čas med sedmo in osmo uro zjutraj. Vodstvo PKL meni, da se dostop do kopalnic lahko omeji, ko so na oddelkih samomorilni pacienti, prhanje in umivanje v kopalnici pa je omejeno samo za paciente, kjer je pretirano prhanje posledica psihopatoloških doživetij. Po zagotovitvi PKL pa bodo morebitne omejitve dostopa do kopalnic od zdaj naprej skrbno spremljali.

PBV smo predlagali, naj prouči možnosti za ureditev posebnega – psihogeriatričnega oddelka, saj se potrebe starejših bolnikov z demenco razlikujejo od potreb mlajših bolnikov.

It was pointed out in both hospitals that all patients should have comparable living conditions. As a result, it was believed that Ljubljana University Psychiatric Hospital should ensure that everywhere there was a possibility to store a patient's personal belongings and clothes, including for the temporary beds. Such storage is made possible with a bedside table and a closet, whilst a bedside lamp provides a patient with the option of evening reading and especially enables movement by night (for example, a visit to the toilet). Ljubljana University Psychiatric Hospital strives to assure equal living conditions for all patients. It was explained, however, that, in the case of temporary beds, it is not possible to set bedside tables and lamps for all patients. They had tried not to have too many such cases. The average rate of hospitalization at the secure in-patient ward is 3,5 days. Patients were supposedly accommodated on an additional, temporary bed just for a short period of time (a day or two). The rearrangement of rooms by reducing the number of beds in a room is in fact dependant on the current financial condition of the hospital mentioned and technical capabilities. It was also communicated that more time was needed for construction developments as well as relevant permissions and that they would strive to find suitable solutions.

Communal rooms and patient rooms in Ljubljana University Psychiatric Hospital appeared to be impersonal, considering the findings by the NPM, there were no paintings and (with rare exceptions) no personal belongings. According to the NPM's assessment, rooms might be arranged in a more home-like and friendly way (for example, by hanging posters, by applying paintings directly to the wall, by using photo-wallpaper). This also holds true for departments I1 at the Intensive Psychiatry Unit, G1 and G2 at the Gerontopsychiatric Unit, and the department I3 at the Intensive Therapy Unit in Ljubljana University Psychiatric Hospital. The management of the above mentioned hospital communicated that paintings would be placed in the communal rooms by fixing them firmly to the walls. Patients took many photographs (for therapeutic purposes) and these would also be put on walls.

(Empty) rooms were locked at the time of the inspection carried out by the NPM in the Ljubljana University Psychiatric Hospital in the morning. It was proposed that during that time an individual patient be enabled by the hospital to rest if that is needed, as well as to access personal belongings. It was also proposed that the staff be more committed to making patients be involved in daily activities. In the light of these proposals, Ljubljana University Psychiatric Hospital explained that rooms would not be locked any longer, except during daily activities, and in exceptional cases (when more agitated and suicidal patients are present on the ward). The recommendation was perhaps misunderstood by the above mentioned hospital. The critique made by the NPM was in fact (also) directed at an unthinking locking of all rooms during daily activities. Attention was particularly drawn to the fact that it would be appropriate to try, in a more committed manner, to make patients more interested in order to take part in daily activities. On the other hand, it was not seen as appropriate to prevent those patients not taking part in daily activities, to enter their rooms. As observed during the visit, these patients, as matter of fact, sit down and lie on benches in the corridor.

It was proposed by the NPM that showering at the female secure in-patient ward should no longer be limited to the time between 7 and 8 a.m. The management of the hospital in question believed that access to bathrooms could be limited when suicidal patients are present on the ward, whilst, in bathrooms, showering and washing is limited only in cases of those patients for whom excessive showering is a consequence of some psychopathological experience. Ljubljana University psychiatric Hospital confirmed that potential limitations of access to bathrooms would be carefully monitored in the future.

It was proposed that Vojnik Psychiatric Hospital examine the option of arranging for a special – psychogeriatric unit since the needs of senior patients with dementia are different to the needs of younger patients.

Oblačila pacientov

V PKL na vseh oddelkih (razen v izjemnih primerih) pacienti in pacientke niso več v nočnih oblačilih (pižamah). V zadnjih dveh letih se namreč trudijo, da pacienti uporabljajo dnevna oblačila. Vendar so bili na enotah za gerontopsihiatrijo (G1 in G2) pacienti še vedno v bolniških pižamah zaradi potreb zdravstvene nege. Na preostalih varovanih oddelkih pa so praviloma v dnevni oblačilih. O izjemah odloča oddelčni zdravnik. DPM meni, da lahko tudi na enotah za gerontopsihiatrijo PKL spodbuja uporabo dnevnih oblačil.

Pacienti in pacientke na sprejemnem oddelku PKL pa so bili tudi v času obiska DPM v trenirkah, ki so last PKL, in v svojih oblačilih. Priporočili smo, naj osebje oblačila prilagaja predvsem notranji temperaturi oddelka. Ob tem bi PKL lahko pacientom, ki odidejo na svež zrak ali kajenje zunaj oddelka, zagotovila ustrezna oblačila oziroma ogrinjala. Vodstvo PKL se strinja z ugotovitvami DPM, da nošnja pižam ni ustrezna. Paciente bodo še naprej spodbujali k nošnji osebnih oblačil. Sporočili pa so, da poteka nabava tanjših poletnih majic (za paciente, ki nimajo svojcev).

Na obeh sprejemnih oddelkih v PBV so bili pacienti v bolniškem perilu (pižamah), razen v primeru (terapevtskega) izhoda. Poleti imajo pacienti lahko pri izhodih halje, pozimi pa jim dajo nogavice, čevlje in jakne. Na moškem oddelku lahko nosijo tudi spodnje perilo, če ga imajo dovolj. Na ženskem oddelku naj bi bile pacientke brez spodnjega perila, tudi nedrčkov ne uporabljajo.

Po mnenju DPM bi bilo treba paciente o možnosti pridobitve in nošenja dnevnih oblačil in spodnjega perila seznaniti že ob sprejemu in jih k uporabi tega tudi spodbujati, razen tedaj, ko to otežujejo ali celo onemogočajo posebnosti telesnega zdravstvenega stanja posameznega pacienta. Izkušnje namreč kažejo, da praksa obveznega celodnevnega nošenja bolniškega perila ne prispeva h krepitvi osebne identitete pacienta in njegove samozavesti. Tako bi tudi na sprejemnih oddelkih individualizacija oblačenja lahko tvorila del terapevtskega procesa. Eden izmed pacientov, s katerim smo se pogovorili, je nošnjo pižame na primer označil kot motečo, drugi je izrazil željo, da bi bil v svoji obleki, vendar je zdaj v pižami, ker meni, da drugače ne gre. Ena izmed pacientk se je ekipi DPM celo pritožila, da ji spodnjega perila ne dajo.

V PBV so nam pojasnili, da nošenje spodnjega perila omejeno predvsem zaradi varnosti in samomorilne ogroženosti ter iz higienskih razlogov.

Patients' clothing

In all wards of the Ljubljana University Psychiatric Hospital (except in cases of emergency), during the daytime patients do not wear night clothes (pyjamas) any longer. For the last two years they have been in fact trying to make patients wear ordinary daytime clothes. But in gerontopsychiatric units (G1 and G2) patients were still wearing hospital pyjamas as a result of the requirements of health care. But they were generally wearing daytime clothes in the remaining secure wards. Exceptions are decided by the ward doctor. It is believed by the NPM that the wearing of daytime clothes may be also encouraged at the gerontopsychiatric units of the above mentioned hospital.

Patients staying in the secure in-patient ward of Ljubljana University Psychiatric Hospital were wearing tracksuits owned by the hospital as well as their own clothes. It was recommended that clothes be chosen by the staff mainly according to the internal temperature of the ward. The hospital in question may ensure proper clothes or an overgarment for patients going outdoors for a bit of fresh air or to have a smoke outside the ward. The management of Ljubljana University Psychiatric Hospital has agreed with findings by the NPM that wearing pyjamas is improper. Patients will be encouraged to wear personal clothes also in the future. They communicated that the procurement of light summer T-shirts is underway (for patients without relatives).

Patients staying in both secure in-patient wards of Vojnik Psychiatric Hospital were wearing hospital clothes (pyjamas) except when having (therapeutic) treatment. In the summer, patients may wear gowns when going out of the ward while in the winter time, patients put on socks, shoes and jackets. Underwear is allowed at the male ward, if it is available. Patients on the women's ward are supposed to wear no underwear, not even bras.

In the NPM's opinion, patients should be informed about the option to have and wear daytime clothes and underwear at the time of their admission and be encouraged to wear them except when this is hindered or even prevented by special features of the bodily medical condition of an individual patient. Experience in fact shows that the practice of the mandatory wearing of hospital clothes does not contribute to the strengthening of a patient's personal identity and his/her self-confidence. The wearing of clothes that are personalized and individualized in the secure in-patient wards might thus form a part of the therapeutic process. One of the patients being interviewed classified the wearing of pyjamas as disturbing, another expressed a wish to wear his own clothes but is wearing pyjamas since he believed there was no other option. One of the patients even complained to the NPM team that she was not being given underwear.

It was explained by Vojnik Psychiatric Hospital that wearing underwear is limited mainly for safety reasons and suicidal threats and hygienic reasons.

Posebni varovalni ukrepi (PVU)

V obeh bolnišnicah smo zasledili napake pri izpolnjevanju obrazcev, namenjenih evidenci uvedbe in izvajanja PVU. V PKL smo ob pregledu izpolnjenih obrazcev fiksacij posameznih pacientov ugotovili, da v enem primeru ni bilo navedeno, kdaj se je nehalo uporabljati PVU, v drugem primeru pa je bila navedena le ura, ne pa tudi datum prenehanja. Zato smo predlagali, naj se obrazci, ki so predvideni za primer izvedbe PVU, skrbno izpolnjujejo. V primeru fiksacij, ki dejansko trajajo dlje kot štiri ure, je DPM priporočil, naj se ob vsakem podaljšanju tudi navede, ali je bil pacient odfiksiran in kako ter koliko časa je trajala odprava PVU. Še posebej pomembno je, da se navedeta datum in točna ura prenehanja ukrepa. Le tako se lahko preveri, ali so bile pri izvedbi PVU upoštewane vse omejitve, ki jih določa ZDZdr. PBV nam je med drugim pojasnila, da imajo redne treninge izvajanja PVU. Stalno izobraževanje, ki tudi omogoča pravilno in kakovostno izvajanje fiksacij, je seveda potrebno in ga zato DPM spodbuja. Predlagali smo še, naj se v izobraževalne vsebine vključi tudi poročilo DPM s priporočili.

Na ženskem delu v PKL je ena triposteljna soba namenjena uporabi PVU, na moškem delu pa se v ta namen uporabljata dve triposteljni sobi. V sobe je možen pogled skozi steklena okna. Pred sobami so nameščeni stoli. Med sobama, namenjenima uporabi PVU, je na moškem oddelku prav tako steklo, ki pa ga je mogoče zasenčiti z žaluzijo. Po mnenju DPM se PVU lahko izvajajo samo v prostorih, namenjenih uporabi teh ukrepov, preprečiti pa se mora možnost, da drugi pacienti gledajo na nemočne (fiksirane) paciente. Fiksaciji mora biti zato namenjena posebna soba, kjer bi moral biti fiksirani pacient ločen od drugih. Zato smo predlagali, naj se pacienta, ki zaradi svojega (trenutnega) zdravstvenega stanja potrebuje fiksacijo, namesti v posebni prostor. Ob tem bi PKL morebiti lahko razmislila, da se del prostorov, namenjenih uporabi PVU, preuredi za paciente, ki ne potrebujejo popolne fiksacije oziroma fiksacije na posteljo.

PKL je pojasnila, da je zdravstveno osebje, kadar koli izvedejo PVU pri pacientu, stalno navzoče. Sporočili pa so, da v zadnjem času bolj sledijo sodobnim evropskim priporočilom, pri čemer se priporoča čim manj oviranj na posteljo in več gibljivih oviranj. Prednost vidijo v tem, da zmanjšajo komplikacije, paciente pa se ob tem ne izolira od okolice (saj senzorna deprivacija še poslabšala njihovo stanje). Trudili se bodo, da bodo uporabljali čim manj oviranj. Na stol pa bodo vezali samo tiste, za katere je bolje, da ne padajo po tleh, predvsem starejše. Na naš predlog o namestitvi žaluzij, so odgovorili, da jih bodo namestili, vendar menijo, da ni priporočljivo, saj tako ne morejo zagotoviti stalnega nadzora. Pripominjamo, da mnenje DPM seveda ni, da bi morali kakor koli omejiti pogled delavcev zdravstvene nege na paciente, pri katerih se izvaja PVU. ZDZdr v 29. členu določa, da se oseba, pri kateri je bil uporabljen PVU, nadzoruje, spremlja njene vitalne funkcije in strokovno obravnava ves čas trajanja PVU. Zato sta nujna stalna navzočnost osebja in nadzor nad izvajanjem ukrepa zaradi zagotavljanja pravilnosti izvedbe in predvsem tudi varnosti pacienta, pri katerem se ukrep izvaja. Stalna navzočnost osebja tudi omogoča, da ukrep res traja le toliko časa, kolikor je nujno potrebno oziroma da se takoj, ko za to ni več potrebe, prekine oziroma zamenja morebiti z drugim, milejšim ukrepom. Kot je navedeno že zgoraj, je bilo opozorilo DPM namenjeno primerom, ko je zaradi arhitekturne postavitve sob, v katerih se izvajajo ukrepi, ob morebitni začasni odsotnosti osebja (npr. v primeru, ko osebje obravnava katerega izmed pacientov v eni od sob za izvajanje PVU), omogočen vpogled v to sobo drugim pacientom. Torej v primerih, ko ne more že osebje preprečiti vpogleda nepooblaščenim. Zato smo tudi predlagali, naj se v primeru, ko arhitekturno ni mogoče prostora pred sobami razdeliti od hodnika (npr. z vrati), na okna vrat namestijo žaluzije, ki bi jih osebje zagrnilo le v času njihove odsotnosti.

Special protection measures

In both hospitals erroneous filling in of forms intended for the introduction and implementation of special protection measures were observed. When reviewing completed forms regarding the restraint of individual patients in Ljubljana University Psychiatric Hospital, it was discovered that, in one case, the termination of the use of restraints was not stated, while in another, only the hour and not the date of termination was mentioned. That is why careful filling in of forms intended for cases when special protection measures are used be proposed. In cases of patients' restraint lasting for more than four hours, it was proposed by the NPM that for each prolongation it should be stated whether a patient was released and how long the removal of special protection measures lasted. It is particularly important that the date and exact hour of the termination of any measure be stated. Only in this manner may it be verified if all restrictions stipulated by the ZDZdr were taken into account in the implementation of special protection measures. Vojnik Psychiatric Hospital also explained that they had had regular practical training sessions as far as the implementation of special protection measures were concerned. Permanent training which enables the proper application of a restraining measure is obviously necessary and therefore encouraged by the NPM. It was also proposed that the NPM report together with its recommendation be included in the training programme.

In Ljubljana University Psychiatric Hospital, at the female ward, there is one triple bedroom that is dedicated for the purposes of using special protection measures, whilst there are two triple bedrooms intended for this purpose on the male ward. A view of these rooms is made possible through glass windows. There are chairs placed in front of these rooms. There is glass installed between the rooms dedicated for the use of special protection measures on the male ward; the glass wall may be shaded by Venetian blinds. In the NPM's opinion, special protection measures may only be implemented in premises dedicated for this particular use, and the option of other patients watching restrained patients should be prevented. A special room must therefore be dedicated for the restraining of patients where patients strapped to beds are separated from other patients. It was thus proposed that a patient who needs to be strapped to a bed owing to his/her (current) medical condition is accommodated in a special room. Ljubljana University Psychiatric Hospital might also reconsider rearranging rooms intended for the use of special protection measures into rooms for patients without the need to be fully strapped to a bed.

The above mentioned hospital explained that medical staff are always present whenever a special protection measure is applied. It was also communicated that contemporary European recommendations had been followed more over the last period of time, recommending fewer occasions of restraint in bed and more movement-friendly restraints. The advantage was that complications were reduced while not isolating patients from the surrounding area (since sensory deprivation worsens their condition). They would try to use restraints as little as possible. Only those patients who need to be prevented from falling to the floor, particularly the older patients, would be restrained in their chair. In regard to the proposal to set Venetian blinds at the glass wall the reply was that they would be installed but their opinion was that this was not advisable since permanent supervision could thus not be provided. The NPM remarks that the opinion of the NPM obviously was not to limit the supervising view of nurses over patients being committed to special protection measures. Article 29 of the ZDZdr stipulates that a person for whom a special protection measure has been applied is supervised, his/her vital functions monitored and is under expert treatment throughout the time of application of a special protection measure. This is why the constant presence of the staff and monitoring of the application of the measure is urgently needed in order to ensure the appropriateness of its application and particularly the safety of the patient being treated by such measure. The constant presence of the staff also makes it possible that the measure actually lasts only for so long as it is urgently needed, and to terminate it when there is no

PBV uporablja fiksacijo oziroma telesno oviranje s pasovi segufix. To odredi zdravnik. Na moškem sprejemnem oddelku je izvajanju PVU namenjena ena soba, v kateri so štiri postelje. Soba je v neposredni bližini sestrške sobe, iz katere je tudi mogoč nadzor fiksiranih pacientov skozi okno. Del sobe je tudi zastekljeni del, ki je namenjen stalnemu nadzoru. V sobi št. 1 je še vedno nameščen videonadzorni sistem, ta pa je moteč in pretirano posega v zasebnost pacientov. Predlagali smo, naj ga PBV odstrani. Na ženskem sprejemnem oddelku vodijo evidenco o izvedenih PVU v osebnih kartonih pacientk, katere fotokopije PVU imajo skrbno zbrane v 13 mapah. PBV naj bi zagotovila stalno navzočnost osebja pri fiksiranem pacientu in tudi ustrezen stalen nadzor. PBV je pojasnila, da je ob izvajanju PVU pacient v sobi vedno sam, razen ko je to onemogočeno zaradi prezasedenosti oddelka. Med izvajanjem PVU je zagotovljen tudi stalen nadzor osebja (iz prostora, ki je namenjen za nadzor). Osebje ves čas nadzora vodi evidenco oziroma intenzivni list (s fiziološkimi podatki – pacientovo vedenje, vnos hrane in tekočin ter dodatnimi podatki, če se zdravnik tako odloči).

need for it, or to substitute it for another, milder measure. As stated above, the warning of the NPM was intended for cases when owing to the architectural setting of rooms in which special protection measures are applied to patients, a view of such room is also enabled to other patients when the staff are temporarily absent (for example, in a case, when the staff treats one of the patients in the room for the application of special protection measures). That is in cases when the staff cannot prevent the view of such rooms to unauthorised persons. That is why, it was proposed, that in cases when the room could not be separated from the corridor for architectural reasons (for example, by doors), Venetian blinds should be installed on windows of doors to shade them only in case of the staff's absence.

Vojnik Psychiatric Hospital uses seguafix belts to apply bodily restraint. It is ordered by a doctor. One room with four beds is dedicated to the application of special protection measures at the male secure ward of Vojnik Psychiatric Hospital. The room is located in the direct vicinity of the room for nurses which enables the supervision of restrained patients through a window. Part of the room is also protected by blinds, which is intended for constant supervision. There is a video-surveillance system installed in room 1 which is, however, disturbing and interferes too much with the patients' privacy. It was proposed to Vojnik Psychiatric Hospital that they have it removed. At the female secure in-patient ward, the record of special protection measures which have been applied is kept in the personal medical documentation of the patients, and photocopies of special protection measures are carefully collected in 13 files. Vojnik Psychiatric Hospital should ensure constant presence of the staff when a person is restrained in bed as well as appropriate constant supervision. It was explained by the hospital that a patient was always the only patient in a room when a special protection measure was applied except when this was not possible owing to the overcrowding of the ward. While applying special protection measures, a constant supervision by the staff is provided from a room dedicated for such supervision. The staff keep a record and a comprehensive list (including physiological data – patient's behaviour, intake of food and liquids and additional data if a doctor so decides) all the time during monitoring.

Pritožbene poti

PBV ima pritožbene poti opredeljene v zloženki Pritožbena pot, ki jo vsak pacient dobi ob sprejemu. V zloženki so navedene tudi pravice po Zakonu o pacientovih pravicah, ZDZdr, dolžnosti bolnikov in podatki o zastopniku pacientovih pravic. Že ob prejšnjem obisku smo ugotovili, da so kot ena izmed možnih poti reševanja pritožb zunaj PBV v zloženki navedeni tudi Ministrstvo za zdravje, Zdravniška zbornica Slovenije in Varuh človekovih pravic brez kontaktnih podatkov teh organov. V zloženki tudi niso pravilno povzete pravice pacientov po ZDZdr, saj je v njej napačno navedeno, da je pravica do uporabe telefona zagotovljena osebi v nadzorovani obravnavi. V skladu z drugim odstavkom 12. člena ZDZdr se pravica do uporabe telefona zagotavlja osebi v oddelku pod posebnim nadzorom, osebi v nadzorovani obravnavi pa se zagotavljata (le) pravica do gibanja in pravica do zastopnika (tretji odstavek 12. člena ZDZdr). Zloženka je ostala do našega ponovnega obiska v PBV nespremenjena, zato smo predlagali, naj se dopolni s kontakti prej navedenih organov (MZ, ZZS, VČP) in popravi napaka. PBV je upoštevala naše predloge in v zloženki Pritožbena pot dodala kontaktne podatke zastopnika za bolnikove pravice v Celju. Odstranili so tudi napisano pravico, ki zagotavlja osebi v nadzorovani osebi dostop do telefona. Glede na takšno sporočilo PBV smo pojasnili, da je DPM opozoril, da se v skladu z drugim odstavkom 12. člena ZDZdr pravica do uporabe telefona zagotavlja osebi v oddelku pod posebnim nadzorom, ne pa tudi osebi v nadzorovani obravnavi. Ker bolnišnica v zloženki našteva le pravice, ki jih zagotavlja omenjeni zakon, je namreč prav, da je besedilo zloženke usklajeno z zakonsko zagotovljenimi pravicami. Tako ni prav, da med pravicami osebe v oddelku pod posebnim nadzorom še vedno ni zapisana pravica do uporabe telefona. Opozorili tudi smo, da ZDZdr določa le minimalni obseg pravic, ki jih je treba zagotoviti vsakemu pacientu na oddelku pod posebnim nadzorom ali v nadzorovani obravnavi. Pacientu pa je vedno treba zagotavljati tudi druge pravice, ki so vsakemu posamezniku zagotovljene na podlagi Ustave RS in mednarodnih dokumentov o človekovih pravicah in temeljnih svoboščinah. Prav tako je vedno mogoče razširiti nabor pravic in obseg posamezne pravice za paciente. Zaradi navedenega smo PBV predlagali, naj bolnišnica zloženko znova popravi tako, da bo med pravicami oseb na oddelkih pod posebnim nadzorom navedena tudi pravica do uporabe telefona, in nas seznanila s popravljenim besedilom zloženke.

Nabiralnik za pritožbe in pohvale je v PBV nameščen pred vhodom v oddelek in v sestrski sobi, v plastificirani mapi za vlaganje papirja. To po mnenju DPM ne zagotavlja ustrezne anonimnosti. Na oglasni deski ženskega sprejemnega oddelka ni bilo hišnega reda in tako smo predlagali, naj se namesti. Naš predlog je bil upoštevan tako, da je bil hišni red uokvirjen (zaradi zlorabe in večkratnega snemanja). Pritrjen naj bi bil na zidu ob vhodu na oddelek. Na novo pa so namestili nabiralnik za pritožbe in pohvale v skupni prostor, kar smo pohvalili. Pohvalili smo tudi na ženskem sprejemnem oddelku obvestilo pravic (dopisovanje, pošiljanje in sprejemanje pošilk, telefoniranje, obiski in zastopnik) osebam v oddelku pod posebnim nadzorom, ki naznanja, da se osebam v času obravnave v psihiatrični bolnišnici v oddelku pod posebnim nadzorom zagotavlja spoštovanje človekovih pravic in temeljnih svoboščin – zlasti njene osebnosti, dostojanstva ter duševne in telesne celovitosti.

Complaint procedures

Complaints procedures are defined by Vojnik Psychiatric Hospital in a booklet "Complaint Procedures" given to every patient upon his/her admission. The booklet also states rights under the Patient Rights Act, the ZDZdr, patients' responsibilities as well as information on an advocate of patient's rights. During the previous visit it had already been established that the booklet mentions the Ministry of Health, the Medical Chamber of Slovenia and the Human Rights Ombudsman as the potential channels to solve complaints outside the hospital in question without stating the actual details of these authorities. Neither does the booklet sum up the rights of patients under the ZDZdr in a proper manner as it is erroneously stated that the right to use a telephone is provided for a person under a supervised treatment. In accordance with Article 12, Paragraph 2 of the ZDZdr, the right to use a telephone is ensured to every person staying in a secure ward, whilst a person under a supervised treatment is (only) provided with the right to movement and the right to an advocate (Article 12, Paragraph 3). The booklet had not been modified before the repeated visit in Vojnik Psychiatric Hospital. As a result, it was proposed to have it amended with the contact details of the previously mentioned authorities (Ministry of Health, Medical Chamber of Slovenia, Human Rights Ombudsman) and have the errors corrected. The hospital in question took into account the proposals, and in the booklet Complaints Procedures complemented information with the contact details of an advocate of patient's rights in Celje. The written right stating that a person under supervised treatment is guaranteed a right to use a telephone was deleted. Given such a communication by Vojnik Psychiatric Hospital, it was explained that the NPM pointed out that the right to the use of a telephone is guaranteed to a person staying in a secure ward, in accordance with Article 12, Paragraph 2 of the ZDZdr, but not also to a person under a supervised treatment. Since in the booklet, the hospital has enumerated rights provided for by the mentioned Act, it is proper to have the text of the booklet harmonised with the statutorily guaranteed rights. It is thus not correct that the right to use a telephone has still not been written down among the rights of a person staying in a secure ward. It was also pointed out that the ZDZdr stipulates only the minimum extent of rights which must be guaranteed to every patient in the secure ward or under a supervised treatment. A patient must, however, also be guaranteed the other rights guaranteed to every individual, pursuant to the Constitution of the Republic of Slovenia and international documents on human rights and fundamental freedoms. It is thus always possible to extend to patients the full range of rights and the extent of an individual's rights. Because of the above mentioned it was proposed that Vojnik Psychiatric Hospital again revise the booklet so as to mention the NPM of the revised text of the booklet.

In Vojnik Psychiatric Hospital, a letter box for comments and complaints is placed in front of the entrance into the ward and in the room for nurses, in a punched plasticized file folder. In the NPM's opinion, proper anonymity is not provided for in this manner. The house rules were not displayed on the notice board of the secure in-patient ward for women and so it was proposed to have them displayed. The proposal was respected so that the house rules had been framed (owing to potential abuse and the rules repeatedly being taken down). It was put on the wall next to the entrance to the ward. The letterbox for comments and complaints was placed anew inside the communal room which was commended. The notification on rights (exchange of letters, sending and receiving parcels, making telephone calls, visits and an advocate) displayed in the secure in-patient ward for women was commended; the notification states that during treatment in a psychiatric hospital on the secure ward the respect for human rights and fundamental freedoms is guaranteed to persons – particularly human individuality and dignity and mental and physical integrity.

PKL smo predlagali, naj bi ob nabiralnike za pohvale in pritožbe namestila opis pritožbenega postopka, papir (morebiti celo obrazec) in primerno pisalo. PKL je sporočila, da bodo ob nabiralnike za pohvale in pritožbe dodatno namestili opis pritožbenega postopka, obrazec in pisalo. Tudi na oddelku I1 na Enoti za intenzivno psihiatrijo naj se po priporočilu DPM nadomesti nabiralnik za pritožbe. Na oddelku G1 in G2 na Enoti za gerontopsihiatrijo so vse informacije v skupnem dnevnem prostoru, nabiralnik za pritožbe pa je zunaj na hodniku oddelka. Predlagali smo, naj bi imeli vsi pacienti omogočeno enakopravno vložitev pisne pritožbe.

Drugo

Uporaba mobilnih telefonov in svetovnega spleta

V PKL imajo na oddelkih nameščen telefonski aparat na kartice, te lahko pacienti kupijo v trafiki (brunarici), lahko pa uporabljajo tudi telefon, ki ga uporablja osebje. Mobilne telefone jim ob sprejemu odvzamejo. V PBV imajo telefon v oddelku, tako da lahko vsakdo pokliče iz oddelka. Mobilni telefoni niso dopustni zaradi možnosti zlorab, predvsem kraj in goljufij. Tako kot druge vredne predmete jim ob sprejemu popišejo in hranijo v sefu. PKL je dodatno pojasnila, da zdravstveno osebje mobilne telefone spravi (še posebej v akutni fazi, saj tako prepreči finančne posledice čezmernega telefoniranja) in jih dobijo, kadar bi radi telefonirali. Pacienti so s tem seznanjeni. To je tudi prav, saj je treba po mnenju DPM morebitno prepoved oziroma omejitev uporabe mobilnih telefonov zapisati in objaviti (npr. na oglasnih deskah oddelkov). DPM je še predlagal, naj PKL pacientom (tistim, ki jim zdravstveno stanje to dopušča) omogoči preprostejši dostop do svetovnega spleta. Vodstvo PKL nam je pojasnilo, da lahko pacienti že zdaj uporabljajo svetovni splet neomejeno v delovnem času delovnih terapevtov, bodo pa skušali urediti preprostejši pristop.

Zastopnik

Na obeh oddelkih v PKL so izobešeni sezname pravice pacientov po ZDZdr, tudi podatki o zastopnikih po tem zakonu. Paciente naj bi že ob sprejemu in tudi pozneje aktivneje seznanili z možnostjo izbire zastopnika in s pravico do zastopnika. Zastopniki imajo v PKL zagotovljen prostor za delo.

Na ženskem sprejemnem oddelku v PBV pa so uvedli knjigo vodenja evidence o obiskih zastopnika pravic oseb na področju duševnega zdravja. Ob vpogledu v knjigo smo ugotovili, da od maja 2012 posamezne pacientke ni obiskal še nihče izmed zastopnikov. DPM je zato predlagal, naj PBV pacientke aktivno seznanja z možnostjo, da si izberejo zastopnika pravic na področju duševnega zdravja že takoj ob sprejemu in tudi pozneje. PBV je pojasnila, da so bolnice že takoj ob sprejemu seznanjene z možnostjo obiska zastopnika pacientovih pravic.

It was proposed to Ljubljana University Psychiatric Clinic that it place the description of complaint procedures next to the letterbox for comments and complaints, plus some paper (perhaps even a form) and a suitable pen. It was communicated by the hospital in question that a description of the complaint procedure, a form and a pen would be additionally placed next to letterboxes for comments and complaints. It is recommended by the NPM that a letterbox for complaints be also placed in the department I1 at the Intensive Psychiatry Unit. All pieces of information in departments G1 and G2 in the Gerontopsychiatric Unit are displayed in communal rooms, and a letterbox for complaints is located outside in the ward's corridor. It was proposed that all patients should be provided with an equal opportunity to submit a written complaint.

Other matters

Use of mobile phones and internet

There is a telephone apparatus with a calling card support function installed in the wards; patients may buy telephone cards at a news-stand (a cabin), but they may also use a phone otherwise used by the staff. Mobile phones are taken away from patients upon admission. In Vojnik Psychiatric Hospital there is a phone in the ward so that anybody may make a phone call from the ward. Mobile phones are not allowed due to risk of abuse, particularly theft and fraud. These are recorded upon the patients' admission, and kept in a safe, in the same way as other valuable items. In addition, Ljubljana University Psychiatric Hospital explained that the medical staff take away mobile phones (in particular, when a patient is in an acute stage of distress, in order to prevent the financial consequences of making excessive telephone calls) and give them back to patients when they wish to make a phone call. Patients are informed about this policy. This is justified since, in the NPM's opinion, the potential prohibition or the restriction of the use of mobile phones must be written down and published (for example, on notice boards of the wards). The NPM also proposed an easier access to the world wide web be enabled by Ljubljana University Psychiatric Hospitals to patients (whose medical condition makes such activity possible). The management of the hospital explained that patients use the world wide web already now without any limitation during the working time of an occupational therapist; but a simpler approach would be sought for.

Advocate

Lists of patient rights under the ZDZdr are displayed at both wards of Ljubljana University Psychiatric Hospital, including the data on advocates authorised under this Act. Patients are supposed to be notified about the option to choose an advocate and about the right to an advocate upon their admission, and also afterwards. In Ljubljana University Psychiatric Hospital, there is a room provided for the work of advocates.

The secure in-patient ward for women of Vojnik Psychiatric Hospital introduced a register to keep a record of visits of an advocate of persons' rights in the field of mental health. When inspecting the book, it was observed that none of the advocates had visited an individual patient since May 2012. It was therefore proposed by the NPM that patients be actively informed by the abovementioned hospital of the possibility to choose an advocate of the rights of persons in the field of mental health upon admission, and afterwards. It was explained by Vojnik Psychiatric Hospital that patients were informed of the option to be visited by an advocate of patients' rights immediately upon their admission.

Izpolnjevanje obrazcev

Pri vpogledu v spise smo ugotovili različne napake. V PBV smo ugotovili, da sprejemni zdravnik v sprejemni obrazec ni zavedel ure, ko je direktor obveščen o sprejemu pacienta na zdravljenje brez privolitve. Poudarili smo, da je treba obvezno zagotoviti dosledno spoštovanje zakonskih rokov po ZDZdr pri obveščanju direktorja in nato sodišča. Ne zadošča torej, da se v tem času direktorju nekje pusti izpolnjeni obrazec (npr. v tajništvu), saj mora direktor o pridržanju takoj obvestiti sodišče. PBV smo opozorili, da je obvestilo, poslano sodišču dva dneva po sprejemu, prepozno. Tako smo predlagali, naj PBV zagotovi spoštovanje zakonskih rokov po ZDZdr pri obveščanju. PKL smo še predlagali, naj začne ob sprejemih pacientom, ki izjavo podpišejo, izročati tudi njeno kopijo.

Kajenje

Sprejemni oddelek v PKL ima kadijnici v manjših prostorih, in sicer eno na moškem in eno na ženskem delu. Ob tem smo lahko ugotovili, da je PKL opozorila glede slabega prezračevanja, ki smo jih izrekli ob prejšnjem obisku, upoštevala. Zdaj je v okno vgrajen ventilator, ki uspešno odstranjuje cigaretni dim iz prostora. Na oddelku A1 na Enoti za prolongirano psihiatrijo kadijnici nimajo, v ta namen uporabljajo kopalnico, na vratih katere je izobešen »urnik« kajenja in umivanja. Zavedamo se prostorske stiske oddelka in predvsem tudi potreb pacientk, ki kadijo. Vseeno se nam postavlja vprašanje primernosti kajenja v prostoru, ki ga uporabljajo tudi druge pacientke, torej nekadilke. Morebiti bi PKL lahko za primer kadijk s tega oddelka našla primernejšo rešitev, ki bi preprečila nezadovoljstvo nekadilk, hkrati pa bi ne omejevala časa, ko je kajenje dopustno. Pojasnili so nam, da bodo glede kadijnic poskušali najti ustrezno rešitev. Seznanili so nas tudi z informacijo, da poteka predpriprava za obnovo kopalnic. Ob obnovi bodo poskušali tudi rešiti vprašanje kajenja na oddelku A1 na Enoti za prolongirano psihiatrijo.

PBV je na ženskem in moškem sprejemnem oddelku s prenovo preuredila novi kadijnici za paciente. V kadijnici je prezračevalni sistem dobro urejen. Pacienti morajo upoštevati urnik kadijnice, ki sta v času nočnega počitka zaprti med 22.00 in 5.00 in v času jutranjih aktivnosti na moškem sprejemnem oddelku med 6.45 in 7.45. Kadijnici na ženskem in moškem sprejemnem oddelku sta namenjeni izključno pacientom. Opazili smo, da se na ženskem sprejemnem oddelku urnik kadijnice razlikuje z moškim sprejemnim oddelkom, in sicer v času jutranjih aktivnosti na ženskem sprejemnem oddelku kadijnica ni zaprta. Predlagali smo, naj PBV uskladi urnika kadijnic na obeh sprejemnih oddelkih. Vodstvo PBV je sporočilo, da zaradi različnih dejavnosti za urnika kadijnic na obeh sprejemnih oddelkih ne morejo spremeniti. Prav tako ne morejo uskladiti urnika obiskov, saj se razlikujeta urnika popoldanskih aktivnosti na moškem in ženskem sprejemnem oddelku.

Filling in forms

When inspecting files, various errors were found. In Vojnik Psychiatric Hospital it was observed that the precise time when the director was informed about an admission of a patient to undergo involuntary treatment was not stated in the admission form by the doctor admitting a patient. It was pointed out that, under the ZDZdr, consistent observance of statutory time periods must be provided for when notifying the director, and then the court. It is therefore not enough that a completed form is left for a director at the time (for example, in the secretariat) since the director must immediately notify the court about the detention. Vojnik Psychiatric Hospital was notified that a notification submitted to the court two days after the admission was too late. It was thus proposed that Vojnik Psychiatric Hospital should ensure that it observed the statutory time periods regarding notification as stipulated under the ZDZdr. It was proposed that Ljubljana University Psychiatric Hospital hand over a copy of the statement signed by patients upon their admission.

Smoking

There are two smoking rooms at the secure in-patient ward of Ljubljana University Psychiatric Hospital, located in smaller rooms; one at the ward for men and the other at the ward for women. It was observed that warnings regarding poor ventilation stated during the previous visit had been taken into account by the mentioned hospital. There is a ventilator installed into the window successfully removing the cigarette smoke from the room. There is no smoking room at disposal at the ward A1 of the Unit for Prolonged Psychiatry; a bathroom is used for that purpose instead, and there is a "time schedule" of smoking and washing displayed at the doors.

Overcrowding of the department and the needs of patients who smoke is understood. But the appropriateness of smoking in a room used by other patients, who are non-smokers, is questioned. Perhaps a more appropriate solution could be found by the abovementioned hospital for smoking patients of this ward to prevent the discontent of non-smoking patients while not limiting the time when smoking is allowed. It was explained that a suitable solution would be sought in regard to smoking rooms. The NPM was also informed that preparatory work was underway to renovate the bathrooms. During the reconstruction, an answer to the issue regarding the smoking at the ward A1 of the Unit for Prolonged Psychiatry would be sought.

Vojnik Psychiatric hospital rearranged two new smoking rooms for patients at the secure in-patient wards for men and for women. The ventilation system is well organised in the smoking rooms. Patients must observe the timetable of the smoking rooms which are closed during sleeping time at night, precisely, from 22.00 to 05.00 hours, and during the morning activities at the male secure ward, that is, from 06.45 to 07.45 hours. Smoking rooms at the male and female secure in-patient wards are exclusively dedicated to patients. It was observed that the timetable of the smoking room at the female secure in-patient ward differs from the one at the male secure in-patient ward, specifically, the smoking room at the female ward is not closed during the morning activities. It was proposed the timetable of the smoking room of both secure in-patient wards be harmonised by Vojnik Psychiatric Hospital. The management of the hospital communicated that due to different activities the timetables of the smoking rooms of both secure in-patient wards could not be harmonized. Neither could the timetable of visits be harmonised since timetables of the afternoon activities at the male and female secure in-patient wards differ.

Obiski posebnih socialnovarstvenih zavodov

DPM je v letu 2012 obiskal dva posebna socialnovarstvena zavoda, in sicer Socialnovarstveni zavod Dutovlje (SVZ Dutovlje), ki je posebni socialni zavod za odrasle osebe z dolgotrajnimi težavami v duševnem zdravju in/ali razvoju ter za osebe z več motnjami, in Posebni socialnovarstveni zavod Dom Nine Pokorn Grmovje (PSVZ Grmovje), ki nudi oskrbo, varstvo in strokovno obravnavo odraslim osebam z dolgotrajnimi težavami v duševnem zdravju, ki zaradi slabših psihofizičnih sposobnosti niso zmožne integracije v samostojno izven institucionalno življenje.

Večposteljne sobe

Ob našem predhodnem obisku v SVZ Dutovlje smo predlagali, naj si zavod prizadeva za postopno preureditev sob v dvoposteljne oziroma kvečjemu triposteljne sobe. Tako je bila ob našem obisku v letu 2012 na varovanem oddelku od nekdanjih štirih- oziroma petposteljnih sob le še ena s takšnim številom postelj. Druge so bile glede na naše priporočilo spremenjene v štiri- in triposteljne. DPM je ob tem izrazil pričakovanje, da bo zavod nadaljeval spreminjanje ureditve varovanega oddelka za zmanjšanje števila postelj v posameznih sobah.

Ureditev oddelkov

V SVZ Dutovlje smo v jedilnici opazili dotrajano pohištvo, predvsem pa tudi poškodovane in nepogrnjene mize. Čeprav je bil prostor sicer čist, je deloval zanemarjeno. Tako smo menili, da bi videz jedilnice lahko izboljšali s pogrinjki, ki bi jih izdelali v delavnicah v okviru delovne terapije in bi bili preprosti za vzdrževanje, ali pa na drug primeren način. Zavod nas je seznanil z načrtom, da bodo v kratkem s stanovalci varovanega oddelka v delovni terapiji izdelali plastificirane pogrinjke, ki bodo omogočali preprosto vzdrževanje čistoče, v okviru finančnih možnosti pa načrtujejo nabavo oziroma posodobitev miz in stolov za jedilnico.

V SVZ Dutovlje smo še ugotovili, da so prostori, kjer se stanovalci zadržujejo čez dan (in nekatere druge sobe), še vedno brezosebni. Stene sob so prepleskane v toplih barvnih tonih, okna opremljena z zavesami, vendar je inventar v sobah skromen: poleg vgradne garderobne omare le postelje in nočne omarice. Praviloma ni nobenih osebnih predmetov, slik ipd., moti pa tudi, da v sobi ni nočnih lučk, nobenega stola ali mize. V treh od videnih sob so bile stropne luči celo brez plafonjer oziroma so s stropa visele le žarnice. V enem od stranišč ni bilo straniščnega pokrova, na vratih drugega pa je pisalo, da ne dela. Čeprav je zavod navedel, da je v kratkem predvidena adaptacija varovanega oddelka, je DPM predlagal, naj se proučijo možnosti za prijetnejši videz sedanjih prostorov in da se manjša popravila inventarja opravljajo sproti in ažurno. Zavod je pojasnil, da so oddelek pleskali v začetku letošnjega leta, takrat so tudi odstranili slike in druge okraske stanovalcev, ki jih žal niso takoj namestili nazaj. Zagotovili so, da bodo v mesecu dni slike spet nameščene na svoja mesta, hkrati pa si bodo prizadevali, da bodo stanovalcem še naprej nudili možnost, da se jim prijetneje in bolj osebno uredi najožja bivalna okolica. V dveh sobah so že dodatno namestili dve mizi in stole.

DPM je tudi v PSVZ Grmovje ugotovil, da sobe delujejo nekoliko brezosebno, in predlagal, da se stanovalce spodbuja, da svoje sobe opremijo z manjšimi osebnimi predmeti, slikami, morebiti fotografijami in izdelki, ki jih ustvarijo sami, ter tako vnesejo osebno noto v svoj bivalni prostor.

Visits to special social care institutions

In 2012, the NPM visited two special social care institutions, specifically, Dutovlje Social Care Institution (Dutovlje SCI), which is a special social care institution for adults experiencing long-term problems in mental health and/or development and for persons with several disorders, and secondly, Special Social Care Institution Nina Pokorn Grmovje Home (Grmovje SCI), providing care, protection and professional treatment to adults with long-term problems in mental care for whom integration into an independent life outside the institution is not possible.

Rooms with multiple beds

Upon the previous visit to Dutovlje SCI, it was proposed that the institution should strive to gradually rearrange rooms into twin bedrooms, or at most, three-bed rooms. Thus, at the time of our visit in 2012, there was only one room left with such a number of beds, out of the former rooms with four and five beds. In the light of our recommendation, others were turned into rooms with four and three beds. An expectation was expressed by the NPM that the re-arrangement of the secure ward be continued along the lines of reducing the number of beds in individual rooms.

Arrangement of wards

The worn-out furniture in the dining room of Dutovlje SCI was observed, and particularly the damaged tables without a tablecloth. Even though the room was clean it appeared neglected. An opinion was thus given that the appearance of the dining room might be improved with table covers which might be made in workshops as part of occupational therapy and would be easy to maintain, or in another appropriate manner. The NPM was informed of the Institution's plan that, during their occupational therapy, residents of the secure ward would shortly produce plasticized covers which will enable cleanliness to be maintained simply, and the procurement and repair of tables and chairs for the dining room was planned, within the available financial means.

In Dutovlje SCI it was also established that rooms where residents stay during the day time (as well as some other rooms) are still impersonal. Walls of rooms are painted in warm shades of colour, there are curtains at windows, and yet the equipment in the rooms is modest: in addition to the built-in wardrobe, there are only beds and bed-side tables. As a rule, there are no other personal items, paintings, and similar, and it is disturbing that there are no bed-side reading lamps, no chair or any table. In three of the rooms inspected, wall lights on the ceiling were damaged and only light bulbs were hanging from the ceiling. In one of the toilets, a toilet cover was missing, and on the doors of another, there was a notice "not working". Even though it was stated by the institution that renovation of the secure ward was envisaged shortly, it was proposed by the NPM that the options for improving the appearance of the existing premises be examined, and any minor damage to the equipment be repaired regularly and promptly. It was explained by the institution that the ward had been repainted at the beginning of the year of the visit when all paintings and other decorations made by residents were removed and, unfortunately, they had not been immediately reinstalled. An assurance was given that, within a month or so, paintings would be hung back where they were hanging before and the institution will strive to continue to provide its residents with the opportunity to arrange its living surroundings in a more pleasant and personal manner. Two tables and chairs were additionally put into two rooms.

In Grmovje SCI it was established by the NPM that the rooms appeared impersonal and it proposed that residents be motivated to decorate their rooms with smaller personal belongings, paintings, perhaps photographs and artistic items created by residents themselves, and thus personal touch to their living space would be added.

Zavod je pojasnil, da spodbuja stanovalce in njihove svojce, da svoje sobe opremijo z osebnimi predmeti. Ker pa je bil oddelek na novo prenovljen, je preteklo premalo časa, da bi si stanovalci skupaj s svojci in zaposlenimi uspeli sobe opremiti v skladu z lastnimi željami. Poleg tega mnogi stanovalci nimajo svojcev ali se ti zanje ne zanimajo, osebnega imetja pa pred prihodom v dom praktično nimajo. Zato jim določene stvari podarijo tudi zaposleni ali zavod. Stanovalci pa radi svoje sobe krasijo s svojimi izdelki, ki jih izdelujejo. Da bi oddelek naredil čim bolj domač, je zavod bivalne prostore varovanega oddelka (sobe, dnevni prostor) prepleskal v toplih zemeljskih barvah in vanj namestil električni kamin.

V prostorih varovanega oddelka PSVZ Grmovje je urejena kadilnica. V času obiska DPM kadilnica ni bila prezračena. Okni, ki sta namenjeni naravnemu prezračevanju, sta bili zaprti. DPM je zato predlagal, naj se kadilnica redno prezračuje. Zavod je pojasnil, da je v kadilnici nameščen predpisan električni ventilator, ki mora prostor kadilnice prezračiti v desete minutah. Zavod predvideva, da je bila ob obisku DPM kadilnica pravkar uporabljena in se še ni prezračila.

Klicni zvonci

V PSVZ Grmovje je DPM ugotovil, da klicnih zvončkov ob posteljah ni, temveč so le pred vhodi v sobe. Prav tako jih ni v sobnih sanitarijah. Zavod meni, da stanovalci klicnih zvončkov ob posteljah ne potrebujejo, ker so zaposleni stalno navzoči na oddelku, v nočnem času pa jih, če stopijo na hodnik, zazna kamera. Klicni zvonci zunaj sob naj bi bili namenjeni bolj zaposlenim, da se pokličejo med seboj, lahko pa jih uporabijo tudi stanovalci. Ob zvonjenju klicnega zvončka se signalna lučka posveti v glavni ambulanti zavoda, osebje pa je opremljeno tudi s pozivniki, ki zaznajo klic.

Kljub pojasnilom o razlogih, zaradi katerih naj zvončki pri posteljah ne bi bili potrebni, DPM meni, da bi bilo prav, da bi imeli pomični stanovalci oddelka ob postelji ali vsaj v sobi klicne zvončke, nepomični pa obvezno ob posteljah. Le tako se lahko klicni zvončki uporabijo namensko. Menimo, da je oddelek tako velik, da zaposleni ne morejo slišati dogajanja iz vseh sob, poleg tega se nam zdi uporaba zvončkov precej bolj ustrezna in stanovalcem prijaznejša, kakor vpitje, ki bi ga zaposleni teoretično lahko tudi namenoma preslišal.

Zavod je naknadno sporočil, da je bil glavni razlog za nenamestitev klicnega sistema ta, da je na varovanem oddelku stalno navzoč kdo izmed zaposlenih in da se ne more zgoditi, da bi bil kakšen klic v sili preslišan, in tudi izkušnje zavoda so takšne, da teh klicev ni. Klicni sistem ob posteljah se zdi nepotreben, ker na oddelku ni nepomičnih stanovalcev. Zavod si želi biti čim bolj skrben in graditi na individualnem odnosu. Kljub temu bo zavod priporočilo DPM o namestitvi klicni zvončkov upošteval in bo v začetku leta 2013 v sobe stanovalcev namestil ustrezne klicne sisteme.

Osebje na varovanem oddelku

V SVZ Dutovlje smo pohvalili stalno navzočnost vsaj enega zaposlenega na oddelku tudi v nočnem času. Tako so v nočnem času na varovani oddelku razporejeni vratarji, ki v primeru, da je potrebna pomoč, pokličejo bolničarko – negovalko oziroma srednjo medicinsko sestro, ki sta v dežurni sobi na drugem oddelku oziroma opravljata obhode po zavodu.

It was explained by the institution that its residents and their relatives are encouraged to furnish their rooms with personal items. Since the ward had been recently refurbished, too little time had elapsed for the residents, together with their relatives and employees, to manage to decorate their rooms in accordance with their wishes. In addition, there are many residents without any relatives or these show no interest in décor and they have practically had no personal possessions before they were admitted to the institution. That is why they receive some things as gifts from the employees or the institution. Residents like to decorate their rooms with art items created by themselves. In order to create a homely atmosphere in the ward, the living space of the secure ward (rooms, living room) had been repainted in warm earth colours and an electric fire space was installed there by the institution.

A smoking room is provided in the secure ward of Grmovje SCI. At the time of the visit of the NPM, the smoking room was not ventilated. Two windows, used for natural ventilation, were closed. It was thus proposed by the NPM that the smoking room be regularly ventilated. It was explained by the institution that, as prescribed, an electric ventilator is installed in the smoking room which can ventilate the room within ten minutes. It was assumed by the institution that at the time of the NPM's visit, the smoking room had just been used and not yet ventilated.

Call bells

In Grmovje SCI, it was established by the NPM that there are no call bells located next to beds but only in front of the entrance into rooms. Neither are there any call bells in the sanitary annexes of rooms. It is believed by the institution that residents did not need call bells next to their beds since employees are constantly present on the ward, whilst at night time, they are caught on camera when they enter the corridor. Call bells outside rooms are supposedly dedicated for employees to make calls among themselves, but they may also be used by residents. A warning light is lit in the main medical consulting room of the institution when a call bell rings, and the staff have pagers which spot the call.

In spite of explanations regarding the reasons why call bells next to beds were supposedly not necessary, it is believed by the NPM, that it would be appropriate if mobile residents of the ward would have call bells set next to their beds, or at least in their rooms, while it would be mandatory to install them next to beds in case of immobile residents. Only in this manner would the call bells be used for their proper purpose. It is believed that the ward is so big that employees cannot hear what is going on in all rooms, in addition, the use of call bells seems much more appropriate and user-friendly for residents as compared to shouting which might also be misheard by an employee, or possibly deliberately ignored.

It was subsequently communicated by the institution that the main reason for not installing the call bell system lay in the fact that there is always one employee present on the secure ward, and that mishearing a call could not happen, and that the experience of the institution is such that there are no such calls. Call systems installed next to beds seem unnecessary since there are no immobile residents in the ward. The Institution wishes to be as careful as possible and develop individual relationships. In spite of that, the institution will take into account the NPM's proposal regarding the installation of call bells and will have the suitable call systems installed in the residents' rooms at the beginning of 2013.

Staff in the secure ward

In Dutovlje SCI, the constant presence of at least one employee in the ward during the night time was commended. Thus, at night time, there are porters deployed to the secure ward who, in case assistance is needed, call a medical assistant – a caregiver or a nurse who are in a duty room in another ward or are making rounds in the institution.

V PSVZ Grmovje je DPM že ob obisku v letu 2010 predlagal, naj se v nočnih urah zagotavlja stalna navzočnost vsaj enega zaposlenega na varovanem oddelku, to priporočilo smo ponovili tudi ob tokratnem obisku.

V odzivnem poročilu je ta zavod pojasnil, da je bila pred montažo videonadzora v nočnem času zagotovljena stalna navzočnost kadra na varovanem oddelku. Tudi zdaj se zavod trudi, da je v nočnem času vedno kdo fizično navzoč, je pa res, da to zdaj ni praksa. Nočno dežurstvo in videonadzor se izvajata v sestrski sobi v pritličju. Osebje mora opravljati redne urne obhode in jih tudi izvaja, kar je razvidno iz dokumentacije. Če na kamerah opazijo kaj nenavadnega, se v trenutku odzovejo. Zavod pa je navedel, da bo upošteval priporočilo DPM in s 1. januarjem 2013 zagotovil stalno navzočnost zaposlenega na varovanem oddelku v nočnem času.

Obveščanje sodišča

V PSVZ Grmovje je DPM ob vpogledu v spise stanovalcev ugotovil, da je zavod obvestil sodišče o sprejemu v varovani oddelek šele, ko je sprejem že opravil. Da socialnovarstveni zavodi (za zdaj) nimajo pravne podlage za namestitev oseb v varovani oddelek brez privolitve pred izdajo sklepa sodišča, smo že večkrat opozorili, čeprav razumemo pomisleke socialnovarstvenih zavodov glede neživljenjskosti veljavne ureditve na tem področju. Varuh meni, da bi bilo treba zakonodajo v tem delu čim prej ustrezneje urediti.

Pritožbene poti

V SVZ Dutovlje smo pogrešali na vidnem mestu objavljen seznam pravic, ki jih ima oseba na varovanem oddelku po ZDZdr, hišni red in seznam zastopnikov pravic oseb na področju duševnega zdravja (skupaj s službenimi naslovi in telefonskimi številkami), odgovornih za območje, kjer deluje zavod. Na to pomanjkljivost smo opozorili že ob obisku. Predlagali smo, naj zavod obe pomanjkljivosti takoj odpravi. Pravica do zastopnika je namreč ena izmed pravic, ki jih ima oseba na varovanem oddelku po ZDZdr, zato pomeni neseznanitev stanovalcev z imeni in telefonskimi številkami zastopnikov kršitev te pravice. V odzivnem poročilu je zavod pojasnil, da je očitno eden izmed stanovalcev strgal izobešen seznam pravic, ki jih ima oseba po ZDZdr, in plakat, na katerem je bil objavljen seznam zastopnikov pravic oseb na področju duševnega zdravja. Zavod je pojasnil, da je obe pomanjkljivosti že odpravil, na oddelku obesil hišni red in med stanovalce znova razdelil zloženko s pravicami, ki jih ima oseba v varovanem oddelku, in seznam zastopnikov pravic oseb na področju duševnega zdravja ter stanovalcem na domskem sestanku razložil vlogo zastopnika. Hkrati je zavod zagotovil, da sta obe zloženki postavljeni tudi na vidnem mestu na oddelku in da se bodo zastopniki v kratkem predstavili stanovalcem in večji skupini zaposlenih.

In Grmovje SCI, during the NPM's visit in 2010, it had already been proposed that there be the constant presence of at least one employee in the secure ward during the night time, and this recommendation was repeated upon this visit.

In its response report, the institution explained that the constant presence of the staff in the secure ward during the night time had been provided before the video-surveillance system was installed. Even now the institution seeks to have an employee physically present during the night time, but it is true, that this is not practised now. Night duty is performed and video-surveillance is monitored in the nurse room on the ground floor. The staff must make regular rounds on an hourly basis, which are actually carried out, as is evident from the documentation. If anything unusual is noticed on the cameras, immediate action is taken. The institution also stated that the NPM's recommendation would be taken into account and the constant presence of an employee in the secure ward during the night time would be provided for from 1 January 2013.

Notifying courts

When reviewing the residents' files in Grmovje SCI, it was established by the NPM that the institution notified the court of an admission of a person in the secure ward only when the admission had already been carried out. It was pointed out several times that (for now) there is no legal basis for social care institutions to commit a person to a secure ward without that person's consent and prior to the issue of the court order, although it is understandable that social care institutions have to balance a common sense approach with the application of the regulations in this area. In the Ombudsman's opinion, it is necessary to appropriately regulate the legislation covering this field.

Complaint procedures

In Dutovlje SCI, the NPM found that the printed rights of persons in the secure ward, granted under the ZDZdr, and meant to be displayed in a visible position, were missing, as well as the house rules and the list of advocates of rights of persons in the field of mental health (together with their work addresses and telephone numbers), who are responsible for the area where the institution operates. This deficiency was pointed out during the visit. It was proposed that both deficiencies be remedied immediately by the institution. A right to an advocate is in fact one of the rights held by a person staying in the secure ward under the ZDZdr. As a result, non-informing residents with names and telephone numbers of advocates represents is a violation of this right. In its response report, the institution explained that the list of rights granted to a person under the ZDZdr, had obviously been torn down by one of the residents, together with a poster where a list of advocates of rights of person in the field of mental health services was published. It was explained by the institution that both deficiencies had already been remedied, that the house rules were hung in the ward, and that the brochure about rights granted to a person in a secure ward, as well as the list of advocates of rights of persons in the field of mental health was distributed among the residents, whilst the role of an advocate was explained to the residents at the institution's meeting for residents. At the same time, the institution gave an assurance that both brochures would be placed in a visible position in the ward, and that advocates will soon present themselves to the residents and to a larger group of employees.

Obiski socialnovarstvenih zavodov (domov za starejše)

V letu 2012 smo obiskali Dom upokojencev Polzela (Dom Polzela), Dom starejših občanov Črnomelj (Dom Črnomelj), Center za starejše občane Lucija (Center Lucija), Dom starejših občanov Polde Eberl Jamski Izlake (Dom Izlake), Dom starejših občanov Preddvor (Dom Preddvor) in Dom starejših Rakičan (Dom Rakičan).

Ob obiskih smo posebej pohvalili oziroma izpostavili:

v poročilu o obisku **Centra Lucija**:

- skupne prostore centra in zunanji vrt, ki so zelo lepo urejeni,
- hiter odziv bolničarja na klicni zvonec,
- čistočo oddelka, tako sob kot sanitarij in skupnih prostorov,
- dosledno zapisovanje pritožb, pripomb in ugovorov s pomočjo računalniške evidence, saj sta tako zagotovljeni preglednost in sledljivost postopka reševanja pritožb;

v poročilu o obisku **Doma Izlake**:

- prizadevanja za stalno navzočnost delavca na OPP v nočnem času, saj dom načrtuje preureditev prostorov OPP, kar bi omogočalo stalno navzočnost delavca na tem oddelku tudi v nočnem času;

v poročilu o obisku **Doma Preddvor**:

- dom ima zelo lične zloženke o zgodovini in dejavnosti doma, ki ustrezno predstavijo življenje v domu in so lahko za zgled. Dom tudi redno izdaja časopis Klas in ima zanimivo interaktivno predstavitev na svetovnem spletu,
- stalno izobraževanje osebja, tako interno kot zunaj zavoda,
- interna navodila za nočno dežurstvo doma določajo, da se to organizira tako, da je ena oseba (sestra ali negovalka) večino časa nočne izmene navzoča na OPP, razen v času nočnega obhoda in izvajanja fizično zahtevnejših postopkov, ki zahtevajo navzočnost dveh oseb hkrati,
- vključenost prostovoljcev v delo s stanovalci in prizadevanja doma, da jih tudi z izkušnjami dosedanjih prostovoljcev poskuša privabiti, spodbuditi in izobraziti, smo pozdravili. Prav tako zloženko, ki jo je dom pripravil o prostovoljstvu. Ta lahko deluje namreč tudi kot vabilo stanovalcem, da se udeležijo posameznih skupin, ki delujejo v doma in jih vodijo prostovoljci,

Visits to social care institutions (nursing homes)

In 2012, the following nursing homes were visited: Polzela Nursing Home ("Polzela NH"), Črnomelj Retirement Home ("Črnomelj RH"), Lucija Retirement Centre ("Lucija Centre"), Izlake Elderly Home "Polde Eberl Jamski" ("Izlake EH"), Predvor Retirement Home ("Predvor RH") and Rakičan Elderly Home ("Rakičan EH").

During the visits, the following was particularly commended and highlighted:

within a report regarding the visit to **Lucija Centre**:

- communal rooms of the centre and the garden which are all neatly arranged;
- the fast response of a male nurse to an alarm bell,
- cleanliness of the department, both the rooms and sanitary premises;
- consistent recording of complaints, comments and appeals by means of a computer register, thus enabling transparency and traceability of procedure regarding the settlement of complaints;

within a report regarding the visit to **Izlake EH**:

- commitment to the permanent presence of an employee in the high level supervision ward at night time since the institution plans to rearrange the premises of the high-level supervision ward which would enable the constant presence of an employee in this department at night time;

within a report regarding the visit to **Predvor RH**:

- very neat brochures on the history and activities of the home for the elderly which adequately present the life in the centre, and may be used as a model. The institution regularly publishes a newspaper Klas and has a very interactive presentation on the world wide web;
- constant training of the staff, both internally and outside the institution;
- the nursing home's internal instructions for night duty stipulate that it is organised so that one person (a nurse or a caregiver) is present at the high level supervision ward for most of the time of the night shift, except during the night round and when conducting physically more demanding procedures where the simultaneous presence of two persons is required;
- involvement of volunteers in working activities with the residents of the nursing home and the commitments of the establishment seeking to attract, motivate and educate volunteers with experience of existing ones was welcomed; similarly, a brochure produced by the nursing home on the topic of volunteering. These brochures may also function as an invitation to the institution's residents to take part in individual groups taking place inside the nursing home and are run by volunteers;

- DPM je ob obisku pregledal evidence naročanja pri splošnem zdravniku in psihiatru tako glede izrednih kot rednih pregledov. Ob tem smo ugotovili, da se potreba po izrednem pregledu tako pri splošnem zdravniku kot pri psihiatru zapiše v poročilo, medicinska sestra naredi izpis. Hkrati ob koncu vsakega meseca še enkrat preveri, ali so bili res vsi pregledani, da ne bi koga pomotoma zgrešili. Tudi pri vpogledu v evidenco za redne preglede nismo mogli ugotoviti nepravilnosti. Zato smo urejenost evidenc in dodatni mesečni nadzor pozdravili;
- na OPP so obešeni sezname pravic stanovalcev, pritožbenih poti in zastopnikov pravic oseb na področju duševnega zdravja. Na OPP je tudi nabiralnik za pobude in pritožbe, kar smo pozdravili;

v poročilu o obisku **Doma Rakičan**:

- na posameznem oddelku doma vodijo računalniško evidenco psihiatričnih pregledov in redno vpisujejo termine naslednjega pregleda stanovalca po navodilih psihiatra, kar smo pohvalili,
- na oddelku Lastovka so obešeni sezname pravic stanovalcev, pritožbenih poti ter ime in priimek zastopnice pravic oseb na področju duševnega zdravja, kar smo pozdravili.

Omejevanje gibanja v obiskanih domovih za starejše

Stanovalcev z diagnosticirano demenco je bilo na dan našega obiska v Domu Polzela 38, od teh so bili štirje uvrščeni v kategorijo oskrbe IV (v to oskrbo so uvrščene osebe z najzahtevnejšimi dolgotrajnimi težavami v duševnem zdravju, ki zaradi starostne demence ali sorodnih stanj potrebujejo delno ali popolno pomoč in nadzor). Stanovalci z demenco v tem domu bivajo z drugimi stanovalci (gre za integrirani model). Dom Polzela je zagotovil, da nobenemu izmed njih ne omejuje gibanja. Ob obisku smo se pogovorili s tremi izmed štirih stanovalcev, ki so uvrščeni v oskrbo IV. Delovali so zaupljivo, sproščeno in vsi si povedali, da se v domu dobro počutijo in da jih imajo radi. Čeprav se nam je glede na zapise v njihovih individualnih načrtih vzbudil pomislek, ali jim res ni gibanje omejeno na dom, se nihče od njih ni pritožil, na podlagi česar bi DMP lahko sklepal drugače. Na podlagi opravljenega obiska, pogovora s pristojnimi v domu in pogovorov s stanovalci tako nismo mogli ugotoviti, da bila kateremu od stanovalcev odvzeta prostost.

- the register of appointments for a general practitioner and a psychiatrist were inspected by the NPM during the visit, both, in regard to regular and non-regular examinations. It was observed that the need for a non-regular examination by a general practitioner as well as by a psychiatrist is recorded in a report and a copy is made by a nurse. At the end of the month a further check is made to see whether everybody has been examined in order not to miss somebody by mistake. No irregularities were found when inspecting the register of appointments for regular examinations. That is why the organization of registers and additional monthly monitoring was welcomed;
- Lists of residents' rights, complaints procedures and advocates of rights of persons in the field of mental health are displayed in the high level supervision ward. At the high level supervision ward department, there is also a letterbox for complaints and comments which was welcomed;

within a report regarding the visit to **Rakičan EH**:

- a computer register of psychiatric examinations is kept on an individual ward and appointments for the next examination of a resident on the instruction by a psychiatrist are regularly recorded, which was commended;
- there are lists of residents' rights, complaints procedures and the name and surname of an advocate of rights of persons in the field of mental health which are displayed at the Lastovka department, which was welcomed.

Limitation of movement in nursing homes visited

There were 38 residents diagnosed with dementia at the time of the visit in Polzela NH. There were four out of this group who were classified as eligible to receive the IVth category of care which includes persons with the most demanding long-term issues in mental health who need partial or full assistance and supervision due to old-age dementia or related conditions. In this nursing home, residents with dementia live together with other residents (it is an integrated model of a nursing home). Polzela EH confirmed that none of the residents were subject to movement restrictions. During the visit, interviews were held with three of four residents being categorised with 4th degree care. They appeared trustful and relaxed and they all said that they felt happy and cared for in the nursing home. Although considering the records in their individual plans, doubt had arisen whether it was true that their movement was not limited only to the nursing home, since none of them had made a complaint on the basis of which a different conclusion might be made by the NPM. On the basis of the visit conducted, an interview with persons responsible for care in the nursing home as well as the residents, it was not possible to establish that resident had been deprived of his/her liberty.

V Domu Črnomelj je bilo v času našega obiska stanovalcev z diagnosticirano demenco 54 (vsi so bili razvrščeni v oskrbo IV). Stanovalci z demenco bivajo med drugimi stanovalci po celotnem domu, tisti, ki so pomični, pa se vključujejo v aktivnosti, ki potekajo v skupinah po posameznih oddelkih. Poleg teh se vključujejo v dnevne aktivnosti, s katerimi se navajajo na samostojnost v dnevni aktivnosti (npr. oblačenje, umivanje, kuhanje čaja ipd.). Ker ima Dom Črnomelj uveljavljen integrirani model institucionalne obravnave oseb z demenco, nima varovanega oddelka. Vodstvo meni, da ima dom dobro kadrovske zasedbo, ki zmore brez težav opraviti osebno nego, zdravstveno nego in posebej poskrbeti za varnost dementnih oseb, ki so razpršene po vseh oddelkih doma. Po navedbah vodstva imajo običajno v oskrbi od pet do deset dementnih oseb (ki niso orientirane v času in prostoru), za katere imajo narejene individualne načrte zdravstvene nege in individualno oceno tveganja. Če želi stanovalec z demenco zapustiti dom, ga pri tem ne ovirajo. Če je mogoče, se poskušajo s stanovalcem ob tem najprej pogovoriti, če pa to ni mogoče, imajo zdaj že ustaljeni način iskanja stanovalcev. To se zgodi dvakrat do trikrat na leto. V tem primeru dom obvesti policijo in svoje poškodovane osebe.

Glede na te navedbe nas je zanimalo, kako dom zagotavlja varnost in nadzor nad osebami, ki so v oskrbi IV, ki zaradi dolgotrajnejših težav v duševnem zdravju, starostne demence ali sorodnih stanj potrebujejo delno ali popolno osebno pomoč in nadzor. Dom nam je pojasnil, da ima izdelano navodilo o ravnanju zaposlenih, ki se nanaša tudi na postopke pri dementnih osebah. Skladno z navodilom zdravstveni negovalni delavci najpozneje vsaki dve uri fizično preverijo navzočnost stanovalk in stanovalcev v domu. Če bi bili odsotni in odsotnosti niso napovedali, ravna v skladu z navodilom (npr. poizvedba pri svojcih ali sorodnikih). DPM se kljub pojasnilom doma zastavlja vprašanje, ali je tovrsten nadzor zadosten, zato smo s tem seznanili Ministrstvo za delo, družino in socialne zadeve (MDDSZ). Predvsem nas zanima stališče MDDSZ o ustreznosti varovanja stanovalcev, ki so v oskrbi IV. Navodilo Doma Črnomelj, da zdravstveni negovalni delavci najpozneje vsaki dve uri fizično preverijo navzočnost stanovalk in stanovalcev v domu je po naši presoji lahko sporno, ko gre za primer osebe, ki potrebuje popolno osebno pomoč in nadzor. Če je namreč takšna oseba lahko brez nadzora celo dve uri, je seveda v tem času lahko izpostavljena različnim nevarnostim. Poudarjamo, da je Dom Črnomelj tudi v tem primeru za njeno varstvo v celoti odgovoren, saj je to obveznost sprejel s sprejemom take osebe.

At the time of the visit to Črnomelj RH, there were 54 residents diagnosed with dementia (all of them categorised with 4th degree care). Residents with dementia reside among other residents all over the nursing home and those who are mobile are included in activities taking place in groups in individual wards. In addition to these activities, they take part in daily activities which give them practice of independence in daily activities (for example, dressing, washing, making tea, and similar). Since an integrated model for the institutionalized treatment of persons suffering from dementia is established within Črnomelj EH, there is no secure ward. The management believes that the staff of the establishment are effective and that tasks relating to personal care, health care and safety of persons with dementia scattered in all department of the nursing home can be handled without any problems. According to the statements by the management, there are usually five to ten dementia sufferers (not oriented in time and space) in their care for whom individual plans of health care and individual risk assessment have been made. If a resident suffering from dementia wishes to leave the nursing home, he/she is not restrained. The staff first try to discuss this with a resident, when this is possible, and if this is not possible, there is a well established method of looking for stray residents. This happens two to three times a year. In this case, the nursing home informs the police and relatives of a missing person.

The NPM was interested, in the light of these statements, how safety and supervision was provided for persons classified within the category of 4th degree care who need partial or full personal assistance and supervision owing to long-term issues in mental health, old-age dementia or related conditions. It was explained by the nursing home that instructions on employees' conduct had been developed which also related to the procedures involving dementia sufferers. In accordance with such instructions, not later than every two hours, medical caregivers personally check the presence of residents in the nursing home. If residents were absent and their absence had not been announced, the staff proceeded in accordance with the above mentioned instruction (for example, inquiring with relatives and the family of a missing resident). In spite of explanations received, a question has been raised by the NPM, whether such supervision is sufficient, which is why a request for an explanation of this issue was submitted to the Ministry of Labour, Family and Social Affairs. The NPM was particularly interested in the position of the above mentioned Ministry in regard to the appropriateness of protection given to residents treated in accordance with 4th degree care. The instruction by Črnomelj RH, that medical caregivers physically check the presence of residents in the nursing home no later than every second hour may be questionable, in the NPM's assessment, when it is a matter of a person in need of personal assistance and supervision. If such persons may in fact be without supervision for even two hours, they may obviously be exposed to various risks during that period of time. It is emphasized that in that case, Črnomelj RH is also fully responsible for the protection of such a person as that responsibility has been taken over upon the admission of such person.

Na dan našega obiska je bilo v Centru Lucija nameščenih 163 stanovalcev. Zmogljivost OPP je 39 mest, v času našega obiska so bile vse postelje zasedene. DPM je po pogovoru z vodstvom centra in opravljenim ogledom ugotovil, da OPP ustreza varovanemu oddelku, kot ga določa 17. točka 2. člena Zakona o duševnem zdravju. V njem so namreč osebe (stanovalci), ki so zaradi svojih potreb nepretrgoma deležne posebne zaščite in varstva ter zavoda ne morejo zapustiti po svoji volji. Ob začetku svojega delovanja je center o prvih namestitvah na sedanji OPP (takrat varovani oddelk, VO), obvestil sodišče, ki je izvedlo postopek za sprejem v VO in s sklepi dovolilo (enoletno) zadržanje teh stanovalcev na VO. Ker je sodišče plačilo stroškov postopka (plačilo zastopnika nasprotnega udeleženca in stroške sodne izvedenke) naložilo centru (ta se zoper sklepe o odmeri stroškov ni pritožil), se je Center Lucija odločil, da VO spremeni v OPP in nato o nadaljnjih sprejemih nehal obveščati sodišče. Na naše vprašanje, kako se je ob tem spremenila obravnava oseb na tem oddelku oziroma njihovo varovanje, nam je bilo pojasnjeno, da sta način varovanja in obravnava ostala enaka. DPM poudarja, da je tistim stanovalcem, ki Centra Lucija ne morejo zapustiti po svoji volji, ker jim je to preprečeno pri izhodu iz centra, omejena svoboda gibanja oziroma prostost. Zato smo predlagali, naj Center Lucija v takih primerih ravna po določbah Zakona o duševnem zdravju in se v primeru, da bi mu sodišče znova naložilo stroške postopka, zoper sklep(e) pritoži ter, če želi, da nas o tem posebej seznanji. V odzivnem poročilu se je center v zvezi s postopki sprejema oseb v varovani oddelk skliceval na Usmeritve za delo z osebami z demenco na področju institucionalnega varstva starejših z dne 6. 6. 2011, ki jih je izdalo MDDSZ in v katerem je navedeno, da »če se izvajalec odloči za OPP mora zagotoviti enake kadrovske, tehnične in prostorske pogoje kot za VO, ni pa potrebna verifikacija in postopek sprejema ne poteka po postopku za sprejem brez privolitve po ZDZdr. Tudi glede metod in tehnik dela s stanovalci z demenco med VO in OPP ni razlik«. Center Lucija je še sporočil, da bo v primeru kakršne koli zakonske spremembe te v celoti upošteval.

Varuh je presodil, da so Usmeritve v delu, ki se nanaša na oddelke s povečano pozornostjo, v nasprotju z ZDZdr, in od MDDSZ zahteval sprejetje potrebnih ukrepov. S tem pa je, po mnenju DPM, v nasprotju z veljavno ureditvijo tudi ravnanje socialnovarstvenih zavodov, ki v tem delu sledijo Usmeritvam. Ministrstvo nam je z dopisom št. 070-18/2011/6 z dne 12. 7. 2012 zagotovilo, da bo usmeritve spremenilo tako, da v njih ne bo več oddelkov s povečano pozornostjo. Hkrati bo v usmeritvah podrobneje predstavljen koncept dela z osebami z demenco zunaj varovanih oddelkov, kjer se ne sme uporabljati nikakršno omejevanje svobode, tako s tehničnimi kot kakršnim koli drugačnim oviranjem (več o tem v Letnem poročilu Varuha za leto 2012 v poglavju Omejitev osebne svobode – Usmeritve za delo z osebami z demenco na področju institucionalnega varstva starejših).

At the time of the visit to Lucija Centre, 163 residents were accommodated there. The capacity of the high level supervision ward is 39 places, and during the visit all beds were occupied. After an interview with the Centre's management and after the inspection, it was established by the NPM that the high level supervision ward corresponds to the secure ward as stipulated by Article 2, item 17 of the Mental Health Act. Specifically, there are persons (residents) accommodated in the unit who, on the grounds of their needs, must be given constant protection and safe care and cannot leave the facility of their own will. When commencing its operation, the Centre informed the court of the first referrals and accommodations to the current high level supervision ward (then called "secure ward") and the court then conducted the proceedings regarding the admission to the secure ward and allowed the detention (for one year) of such residents to the secure ward by means of a court order. Since the court ordered the Centre to pay the costs of proceedings (the payment of an advocate of the opposing party and the costs of the court expert), and the Centre did not appeal against the court order on the calculation of costs, it was decided by Lucija Centre to transform the secure ward into the high level supervision ward and then it stopped informing the court on subsequent admissions. The question by the NPM, as to in what manner the transformation changed the treatment of persons in this unit and their protection, was explained in that the method of protection and treatment remained the same. It is emphasized by the NPM that the freedom of movement and liberty is limited to those residents who cannot leave Lucija Centre of their free will since their departure is prevented at the exit of the Centre. As a result, it was proposed that in such cases Lucija Centre should proceed in accordance with the provisions of the Mental Health Act, and if the court again imposes the payment of the costs of the proceedings, it should file an appeal against the decision(s), and separately inform the NPM about it. In its response report, when referring to procedures for the admission of patients in the secure ward, the Centre made a reference to the Guidelines for Work with Persons Suffering from Dementia in the Field of Institutional Care of the Elderly of 6 June 2011, issued by the Ministry of Labour, Family and Social Affairs. The said Guidelines state that "if an operator decides to choose the high level supervision ward, the same staffing, technical and spatial conditions must be provided as for the secure ward, but a verification is not needed and the procedure involving the admission is not conducted according to the procedure involving involuntary admission in accordance with the ZDZdr. Neither are there any differences between the secure ward and the high level supervision ward as regards the methods and techniques of work with residents suffering from dementia." Lucija Centre also communicated that in case of any statutory modification such modification would be fully taken into account.

The Ombudsman assessed that the part of the Guidelines referring to the high level supervision wards are contrary to the ZDZdr, and requested from the responsible Ministry that it adopt the necessary measures. The conduct of the social care institutions that follow the Guidelines in this part is, therefore, contrary to the applicable arrangement, in the NPM's opinion. By means of a letter no. 070-18/2011/6 of 12 July 2012, the Ministry assured the NPM that the guidelines would be modified so that high level supervision wards would remain no longer in the guidelines. At the same time, a more detailed concept of treatment of dementia sufferers outside secure wards would be given, where no limitations of freedom should be used, neither by means of technical restraints or any other restraints (more on this topic in the Annual Report of the Human Rights Ombudsman for 2012, in the chapter Limitation of Personal Liberty – Guidelines for Work with Persons Suffering from Dementia in the Field of Institutional Care for the Elderly).

Tudi Dom Izlake nima varovanega oddelka, ima pa vzpostavljen OPP. Vanj je bilo v času našega obiska vključenih 20 stanovalcev, vsi so na oddelek nameščeni s privolitvijo pooblaščenca ali zakonitega zastopnika. Vendar zaradi integrirane obravnave stanovalcev z demenco dejansko ne gre za fizično ločeni oddelek, temveč so stanovalci z večinoma izraženo srednje hudo demenco, uvrščeni v oskrbo IV, nameščeni v negovalnem delu doma (stavba A). Njihovo varovanje se zagotavlja v skupinah s stalno navzočnostjo osebja. Varovanje in obravnava dementnih stanovalcev potekata na temelju zaupanja, usmerjanju, vodenju in na podlagi drugih tehnik strokovnega dela. Stanovalci z demenco, ki v prostoru in času niso zanesljivi in bi lahko ogrozili sebe, skupine oziroma oddelka pod povečano pozornostjo ne zapuščajo po lastni volji.

Glede na ugotovljeno je DPM predlagal, naj Dom Izlake o stanovalcih, ki nočejo ali ne morejo dati privolitve (ki je izraz njihove svobodne volje) za sprejem na OPP oziroma jo za stanovalce z odvzeto poslovno sposobnostjo ne dajo njihovi zakoniti zastopniki, nemudoma obvesti sodišče in predlaga uvedbo postopka po ZDZdr. Namreč tudi, ko zaposleni stanovalca (v skrajnem primeru receptor), ki ga prestrežejo, praviloma vedno vrnejo na oddelek, lahko po stališču Varuha oziroma DPM govorimo o varovanem oddelku, saj gre v teh primerih očitno za de facto odvzem prostosti. Dom je v odzivnem poročilu med drugim pojasnil, da Dom Izlake prišteva demenco med bolezni, zato zastopajo stališče, da s principi validacije in z drugimi tehnikami strokovnega dela ne odzemajo prostosti dementnim stanovalcem, ampak jih le na human in strokoven način varujejo in usmerjajo.

Glede na to, da pri sprejemu dementnega stanovalca sodeluje strokovni tim in se sprejem izvaja izključno s privolitvijo stanovalca oziroma zakonitega zastopnika ali skrbnika, ki ga postavi pristojni center za socialno delo, DSO Izlake meni, da presoja sodišča o sprejemu na OPP takšnega stanovalca ni nujno potrebna.

There is no secure ward in Izlake RH, either, but a high level supervision ward has been established. At the time of the visit, there were 20 residents located in this department, and all were accommodated there by means of a consent given by an authorised person or a statutory representative. However, owing to the integrated treatment of residents suffering from dementia, it is actually not a physically separated unit, and residents experiencing mostly mildly expressed severe dementia symptoms, classified with 4th degree care, are accommodated in the nursing care ward of the nursing home (A building). Their protection is provided for in groups with the permanent presence of staff. The protection and treatment of residents suffering from dementia is conducted on the basis of trust, direction, guidance and other professional and expert techniques. Residents with dementia who are not trustworthy in terms of space and time and might pose a risk to themselves, or a group, do not leave the high level supervision ward of their own free will.

In the light of the observations made, the NPM proposed that Izlake EH should immediately inform the court about residents who refuse or are not able to provide their consent (which is an expression of their free will) for their admission to the high level supervision ward, or such consent is not given by statutory representatives in the case of residents being declared as contractual incapable, and proposes the introduction of proceedings under the ZDZdr. Specifically, when employees after intercepting a resident (in the extreme case, a receptionist), as a rule, direct such a person back to the department, according to the Ombudsman's and the NPM's position, this is a matter of a secure ward, as these cases are, in fact, a matter of the deprivation of liberty. In its response report, the nursing home explained, among other things, that Izlake EH considers dementia as a disease which is why they maintained the position that residents suffering from dementia are not deprived of their liberty by their application of the principles of validation and other expert and professional techniques but they are protected and guided in a human and professional manner.

Considering the fact that an expert team takes part during the admission of a resident suffering from dementia, and that the admission is carried out exclusively with a consent by a resident or his/her statutory representative or custodian appointed by a responsible Centre for Social Work, Izlake EH believes that an assessment made by the court in regard to the admission of such a resident to the high level supervision ward was not urgently needed.

V Domu Preddvor je OPP v starem domu (grad Turn) v prvem nadstropju, v katerem je devet sob. Na dan obiska je bil OPP polno zaseden (31 postelj). Tudi ta dom nima varovanega oddelka, ima pa vzpostavljen tako imenovani OPP. Dom Preddvor je organiziral delno integrirano obliko. Stanovalci so nastanjeni na oddelku, občasno in začasno pa se vključujejo tudi v dejavnosti doma skupaj z drugimi stanovalci. Oddelek nima fizičnega varovanja. Dom je sicer ograjen, prehod je mogoč mimo receptorja na glavnem dovozu do doma ali na drugi strani, če receptor odpre ta vrata. Varovanje stanovalcev se zagotavlja s stalno navzočnostjo osebja in z osebnim odnosom, ki temelji na zaupanju, usmerjanju in vodenju. Nekoliko nas je sicer presenetila navedba v Programu skrbi za osebe z demenco v Domu starejših občanov Preddvor (program), da so sobe stanovalcev večinoma odprte. Predlagali smo, naj dom program spremeni tako, da bo v njem jasno zapisano, da so sobe stanovalcev vedno odprte (nezaklenjene) oziroma v primeru potrebe po zaklepanju sob (posameznih stanovalcev ali celotnega oddelka) v času, ko stanovalci v sobah niso navzoči, zapiše pogoje za zaklepanje, kdo takšno ravnanje lahko odobri, kdo mora biti o zaklepanju obveščen in kam se zaklepanje vpiše. Hkrati naj dom, če bi se sobe zaklepale v času, ko so v njih stanovalci, upoštevajo pogoji in način, kot jih določa 29. člen Zakona o duševnem zdravju. Ob tem mora dom upoštevati tudi druge zahteve omenjenega člena, tako glede obveščanja kot vodenja evidenc. Dom je v odzivnem poročilu med drugim pojasnil, da so sobe stanovalcev, ko teh ni v sobah, večinoma odprte. To pomeni, da vrat ne zapirajo, sploh pa nikoli ne zaklepajo.

DPM je še predlagal, naj Dom Preddvor o stanovalcih, ki nočejo ali ne morejo dati privolitve (ki je izraz njihove svobodne volje) za sprejem na OPP oziroma jo za stanovalce z odvzeto poslovno sposobnostjo ne dajo njihovi zakoniti zastopniki, nemudoma obvesti sodišče in predlaga uvedbo postopka po ZDZdr. Dom je v odzivnem poročilu navedel, da imajo za vse stanovalce na oddelku pisno privolitev, stanovalcev samih, skrbnikov za poseben primer ali pooblaščenih oseb (ki so jih pooblastili stanovalci sami). Dom je med drugim navedel, da bo v primerih, ko ne bo prejel ustreznih soglasij za bivanje na oddelku s povečano pozornostjo, o tem obvestil sodišče. DPM je na podlagi odzivnega poročila znova predlagal, naj dom pridobi za bivanje na oddelku s povečano pozornostjo pisno soglasje stanovalcev, če so ga ti, zavedajoč se kaj podpisujejo, sposobni dati. V nasprotnem primeru naj o namestitvi oziroma bivanju oseb na tem oddelku (če gre za osebe, ki tega oddelka ne morejo zapustiti po lastni volji) obvesti sodišče.

V Domu Rakičan je bilo v oskrbi IV na dan našega obiska 19 stanovalcev. Dom nima varovanega oddelka, ima pa uveljavljen integrirani model institucionalne obravnave oseb z demenco. Stanovalci z bolj izraženo demenco tako bivajo v tretjem nadstropju na oddelku za osebe z demenco. Dom je ta oddelek poimenoval Oddelek Lastovka. V času obiska pa so potekala prenovitvena in adaptacijska dela v matični enoti. Del prenove predstavlja tudi oddelek, ki bo namenjen bivanju demenčnih oseb. Tako bodo uveljavili sodobni pristop obravnave oseb z demenco. Oddelek bo namenjen za 23 stanovalcev.

The high level supervision ward of the Predvor RH is located in the old building (Turn castle) in the first floor, where there are nine rooms. At the time of the visit, the said ward was fully occupied (31 beds). There is no secure ward in this retirement home either, but a high level supervision ward has been established. A partially integrated model of the nursing home arrangement has been organised in Predvor RH. Residents are accommodated in a ward, and they occasionally or temporarily take part in the nursing home's activities, together with other residents. There is no physical protection of the ward. In fact, the nursing home is enclosed, and passage is possible past a receptionist at the main driveway to the facility, or at the other side, if a receptionist opens these doors. The protection of residents is provided for by the constant presence of the staff and by means of a personal relationship founded on trust, guidance and leadership. The NPM was, however, slightly surprised with the statement in the Programme of care for persons suffering from dementia in Predvor Retirement Home (the programme), stating that rooms are mostly open. It was proposed that the programme be modified so as to clearly state that rooms of residents are always opened (unlocked), and that, in cases, where the need arises to lock the rooms (of individual residents or an entire ward) at the time when residents are not present in their rooms, conditions for locking up rooms be written down, the person endorsing such policy as well persons who must be notified on the locking up of rooms be defined and where the note on the fact that rooms have been locked up be recorded. At the same time, if rooms were locked up at the time when residents are staying in rooms, the conditions and the method as stipulated by Article 29 of the Mental Health Act should be taken into account by the nursing home. At the same time, other requirements referred to in the above mentioned Article, both in regard to notification and keeping registers, should also be taken into account. In its response report, the nursing home explained, among other things, that rooms are usually open when their residents do not stay in rooms. This means that doors are never closed, and, especially, never locked.

In the light of the observations made, the NPM proposed that Predvor RH should immediately inform the court about residents who refuse or are not able to provide their consent (which is an expression of their free will) for their admission to the high level supervision ward, or such consent is not given by statutory representatives in cases of residents being declared as contractually incapable, and proposes the introduction of the proceedings under the ZDZdr. It was stated by the nursing home in its response report that a written consent given by all residents at the ward in question has been provided, either by residents themselves, custodians for special cases or authorised persons (authorised by residents themselves). It was also stated by the nursing home that in cases when no suitable consents for a residence in the high level supervision ward were submitted, the court would be notified accordingly. On the basis of the response report, the NPM again proposed the nursing home should obtain a written consent by residents for their residence in the high level supervision ward, if, being aware of what is being signed, these are capable of giving such a consent. In the opposite case, the court should be notified on their accommodation and residence of those persons in this ward (if it is a matter of persons who cannot leave this ward of their free will).

At the time of the visit to Rakičan EH, there were 19 residents categorised with 4th degree care. There is no secure ward in this home for the elderly, but an integrated model of institutionalized treatment of persons suffering from dementia has been established there. Thus, residents whose dementia symptoms are more severe reside in the ward for dementia sufferers. This ward was named Lastovka (Swallow in English translation) by the institution. At the time of the visit, reconstruction and adaptation works were taking place in the main unit. A part of the reconstruction also included a ward intended for the residence of persons suffering from dementia. In this manner, a contemporary approach to the treatment of persons suffering from dementia will be introduced. The ward will house 23 residents.

Oddelek za osebe z demenco je bil v času obiska odprt, stanovalcem ni bila omejena svoboda gibanja. To so potrdili tudi stanovalci, s katerimi smo se pogovorili. Res pa so o tem navedli tudi, da nimajo niti želje niti potrebe, da bi zapustili oddelek ali celo dom.

DPM je postavil vprašanje, kako se zagotavlja varnost stanovalcev na oddelku Lastovka, če ti lahko tudi (sami) kar odidejo. Še posebej takšnih, ki so dezorientirani v prostoru in času in sta za njih potrebna stalna pomoč in nadzor. Če lahko prosto odidejo, namreč vedno obstaja možnost, da se zunaj doma izgubijo, poškodujejo ali povzročijo položaj, ki bi bil lahko nevaren za njih ali druge. Zato je DPM predlagal, da bi bilo morebiti smiselno v sodelovanju s psihiatrom za stanovalce z demenco pripraviti varnostno oceno in na njeni podlagi odločiti, ali ni morebiti zaradi varnosti posameznemu stanovalcu nujno omejiti svobodo gibanja. V primeru takšne odločitve bi bilo seveda treba pridobiti soglasje stanovalca ali o omejitvi obvestiti pristojno sodišče, skladno z določbami ZDZdr.

Dom je v odzivnem poročilu med drugim pojasnil, da so svojci in bodoči stanovalci že ob sprejemu seznanjeni, da dom nima varovanega oddelka, predstavitelci pa se jim način in koncept dela, seznanjeni se jih z navzočnostjo psihiatra v domu ter jih napotijo, če menijo, da bi bila varnost stanovalca lahko ogrožena, v zavod, ki z omenjenim oddelkom razpolaga. Ob tem poudarja, da do zdaj psihiater ni podal ocene ogroženosti v nobenem primeru. V domu imajo sprejet tak način dela, da stanovalcem ne omejujejo gibanja, imajo pa način dela z dementnimi, kako jih tudi v primeru begavosti na prijazen in spoštljiv način usmerjati nazaj v dom oziroma preprečevati nezaželene odhode. Dom je prav zaradi prostega izhoda stanovalcev tudi začel gradnjo novega oddelka za dementne, in sicer v pritličju objekta, ki so ga začeli vseljevati konec januarja letos. Na tem oddelku bo zagotovljen prost izhod na zunanje parkovne površine, ki so ograjene. Na teh površinah se bodo stanovalci z demenco gibal brez strahu nenadzorovanega odhoda. Dom v tem letu načrtuje tudi postavitev kamer na izhodih stavb, s čimer bo vzpostavljena še dodatna zagotovitev nadzora izhoda in vhoda.

DMP je glede na pojasnilo doma ugotovil, da gre lahko dejansko za obliko varovanja dementnih stanovalcev, ki jo Usmeritve za delo z osebami z demenco na področju institucionalnega varstva starejših, ki jih je pripravilo MDDSZ, opredeljujejo kot OPP.

Predlagali smo, naj dom ravna skladno z ZDZdr in sodišče obvesti o osebah, ki so nameščene na oddelku v prvem nadstropju v gradu, ter o osebah, ki jih bo na ta oddelek nameščal v prihodnosti, če gre za osebe, ki jih opredeljuje 2. člen ZDZdr in te ne dajo ali ne morejo dati (same oziroma zakoniti zastopnik, če gre za osebe z odvzeto poslovno sposobnostjo) soglasja skladno s 74. členom ZDZdr. S tem bo dom končno presojo o tem, ali varovani oddelek izpolnjuje pogoje po 2. členu ZDZdr, prepustil sodišču.

The ward for dementia sufferers was opened at the time of the visit, and the residents' freedom of movement was not limited. This was confirmed by the residents who were interviewed, in fact, they also stated that they had neither any wish nor any need to leave the ward or even the nursing home.

A question was raised by the NPM, how the protection of residents at the Lastovka ward is guaranteed when they may also just leave the premises (by themselves). In particular, when persons lacking orientation in time and space and in need of constant assistance and supervision are considered. If they may leave freely, there is actually still a possibility for them to get lost, or hurt when outside of the nursing home, or cause a situation that may put them or others in danger. As a result, it was proposed by the NPM that, together with a psychiatrist, it might make sense to develop a safety assessment for residents suffering from dementia, and determine on its basis whether the freedom of movement of an individual resident should urgently be limited for reasons of safety. In a case of such a decision, it would obviously be necessary to obtain a consent by a resident, or notify the competent court of the limitation, in accordance with the provisions of the ZDZdr.

In its response report, the nursing home explained, among other things, that relatives and residents-to-be are informed upon their admission that there is no secure ward within the facility. However, the method and the concept of work are then presented to them, the presence of a psychiatrist in the institution is made known to them, and in cases when it is believed that the safety of a resident may be at risk, such a resident is referred to an institution having such a ward at its disposal. It was also stated that in no case had a psychiatrist issued any at-risk assessment up until now. The method of work adopted in the nursing home does not limit the movement of residents, but there is a method of work with dementia sufferers on how to guide them back to the nursing home in a friendly and respectful manner, in cases of confusion and distraction, and how to prevent unwanted departures. It was on the grounds of enabling a free exit of residents that the construction of a new ward for dementia sufferers actually began, specifically, on the ground floor of the building where the first residents started to be received at the end of January of the year of the visit. Free exit to the outside park will be provided at this ward, and a fence will be set around the park. Residents suffering from dementia can move around there without fearing any unsupervised departure. The nursing home also planned to install cameras at the exits of buildings in the year of the visit, which will ensure further supervision of the exit and the entrance area.

Considering the explanation given by the nursing home, the NPM established that a form of protection of residents suffering from dementia was actually involved which is defined as a high level supervision ward by the Guidelines for the Work with Persons Suffering from Dementia in the Field of Institutional Care of the Elderly, prepared by the Ministry of Labour, Family and Social Affairs.

It was proposed that the conduct by the nursing home be compliant with the ZDZdr and notification to the court be made in regard to persons accommodated in the ward in the first floor of the castle, as well as of persons to be accommodated in that ward in the future when persons defined under Article 2 of the ZDZdr are concerned and in accordance with Article 74 of the ZDZdr, such persons do not provide or cannot provide their consent (on their own or by a statutorily representative in cases of a person declared as contractually incapable). In such manner, the final assessment as to whether the secure ward fulfils conditions under Article 2 of the ZDZdr will be left to the court.

Uporaba posebnih varovalnih ukrepov (PVU)

Po zagotovilih pristojnih v Domu Polzela ne uporabljajo posebnih varovalnih ukrepov. Kljub temu je imel dom v času našega obiska Pravilnik o izvajanju posebnih varovalnih ukrepov v Domu upokojujencev Polzela (Pravilnik), ki ga je sprejel zato, ker naj bi jim tako naložila socialna inšpekcija. Iz inšpekcijskega zapisnika št. 06182-7/2011 z dne 21. 7. 2011 po mnenju DPM to sicer ne izhaja. Polega tega smo ugotovili, da je bilo v Pravilniku navedeno, da je bil sprejet v skladu z določili Zakona o duševnem zdravju (ZDZdr). DPM pa je ob njegovem pregledu razbral, da je bil pripravljen predvsem na podlagi Usmeritev za delo z osebami z demenco na področju institucionalnega varstva starejših, ki jih je izdalo MDDSZ (z dne 6. 6. 2011), vendar po mnenju DPM Pravilnik ni v skladu z ZDZdr. DPM je zato predlagal, naj Dom Polzela Pravilnik uskladi z določbami ZDZdr, predvsem pa je poudaril – čeprav Dom Polzela posebnih varovalnih ukrepov ne uporablja –, da ZDZdr določa, da se posebni varovalni ukrepi lahko uporabljajo le v oddelkih pod posebnim nadzorom (psihiatričnih bolnišnic) in varovanih oddelkih (socialno varstvenih zavodov), teh pa Dom Polzela nima. V odzivnem poročilu nam je dom sporočil, da bo priporočilo DPM upošteval in Pravilnik o posebnih varovalnih ukrepih v domu upokojujencev Polzela uskladili z določbami ZDZdr.

Dom Rakičan je navedel, da po potrebi izvedejo fiksacijo rok stanovalca v primeru infuzije in vstavljanja nazogastrične sonde, če to odredi zdravnik s soglasjem svojcev. DPM je opozoril, da je treba pri fiksaciji, ki izpolnjuje pogoje po 29. členu ZDZdr in jo torej lahko opredelimo kot posebni varovalni ukrep, upoštevati vse pogoje za izvedbo, čas trajanja, obveščanje in izpolnjevanje evidenc, kot so opredeljeni v omenjenem členu. Dom je v odzivnem poročilu navedel, da sicer ima obrazec, ki bi ga izpolnili, če bi takšnih ukrepi bili potrebni. Vendar po navedbah doma ukrepi, ki jih kot PVU opredeljuje ZDZdr, še niso bili potrebni.

Bivalne razmere

V času našega obiska je bila zmogljivost OPP v Domu Preddvor presežena, in sicer je bila ena postelja dodatno nameščena v štiri- in ena v petposteljno sobo. Domu smo predlagali, naj se poskuša izogniti preseganju zmogljivosti oddelka, čeprav le začasno, saj se ob povečanju števila postelj poslabšajo bivalne razmere za vse stanovalce. Hkrati naj dom dodatno nameščenemu stanovalcu zagotovi vse, kar ta potrebuje za ustrezno hrambo osebnih predmetov (nočna omarica, omara za osebne predmete in oblačila v neposredni bližini nameščenega). Dom je v odzivnem poročilu navedel, da so takoj po obisku DPM obe dodatni postelji odstranili in stanovalce prerazporedili v okviru zavoda. Zatrdil je, da si bodo prizadevali, da prekoračitve zmogljivosti na oddelku ne bi več bilo.

Application of special protection measures

As confirmed by the persons responsible for the management of Polzela NH, special protection measures were not applied there. In spite of that, at the time of the visit in the nursing home, there were Rules on the Application of Special Protection Measures in Polzela Nursing Home (“the Rules”) which were supposedly adopted on the order of the social inspection service. In the NPM’s opinion, this, however, does not result from the inspection note no. 06182-7/2011 of 21 July 2011. In addition, it was established that the Rules state that it had been adopted in accordance with the provisions of the Mental Health Act (“the ZDZdr”). When reviewing the Rules, the NPM established that the Rules were developed pursuant to the Guidelines for Work with Persons Suffering from Dementia in the Field of Institutional Care of the Elderly, issued by the Ministry of Labour, Family and Social Affairs (of 6 June 2011). In the NPM’s opinion, the Rules are not compliant with the ZDZdr. It was therefore proposed by the NPM that Rules be harmonized by Polzela NH with the provisions of the ZDZdr, whilst particularly emphasizing that – although no special protection measures were applied in Polzela NH – the ZDZdr stipulates that special protection measures may only be applied in wards under special supervision (in psychiatric hospitals) and secure wards (in social care institutions) which are not established in Polzela NH. In its response report, it was reported by the nursing home that the NPM recommendation would be taken into account and Rules on Application of Special Protection Measures in Polzela Nursing Home would be harmonised with the provisions of the ZDZdr.

Rakičan EH stated that, if necessary, restraining a resident’s hands is applied in a case when an intravenous treatment is given and a nasogastric tube is inserted if so ordered by a doctor whilst having the consent of relatives. It was pointed out by the NPM that, in cases of restraints fulfilling conditions under Article 29 of ZDZdr, and as such may be defined as a special protection measure, all conditions for its implementation, duration, notification and filling-in of records must be taken into account, as defined in the above mentioned Article. In its response report the nursing home stated that a form is available in the institution which would be used if such measures were necessary. But, as stated by the aforementioned nursing home, measures defined as special protection measures under the ZDZdr had not so far been needed.

Living conditions

At the time of the visit, the capacity of the high level supervision ward in Preddvor RH was exceeded, specifically, there was one extra bed in a four-bed room and one extra in a five-bed room. It was proposed that the nursing home avoid exceeding capacities on the ward, even if only on a temporary basis, since, when increasing the number of beds, living conditions deteriorate for all residents in the room. At the same time, an additionally accommodated resident should be provided by the nursing home with everything that the said person needs for the storage of personal belongings (a bed-side table, a closet for personal belongings and clothes in the direct vicinity of such person). In its response report, it was stated by the institution in question that, immediately after the visit of the NPM, both additional beds were removed and residents relocated inside the institution. Their assurance was given that they would strive not to have any excess capacity on the ward ever again.

V času obiska je bila temperatura v Domu Preddvor ob zunanji temperaturi 30 stopinj v prvem nadstropju gradu 28,7 stopinje. Čeprav debeli zidovi stare stavbe nedvomno zadržijo nekaj toplote, smo menili, da je tako visoka temperatura za stanovalce obremenjujoča. Še toliko bolj na OPP, kjer imajo stanovalci samo omejeno možnost izhoda iz oddelka. Zato smo pozdravili prizadevanja Doma Preddvor, da bi se s sanacijo novejših zgradb uredil novi varovani oddelek z možnostjo neposrednega in varovanega izhoda na zelenico in tudi ustreznim prezračevanjem oziroma hlajenjem v najbolj vročih mesecih leta. MDDSZ smo predlagali, naj aktivno pristopi k reševanju vprašanja pridobivanja sredstev za potrebno obnovo prostorov Doma Preddvor. Dom je v odzivnem poročilu navedel, da kljub vsem naporom še vedno nima zagotovljenih sredstev za prepotrebno prenovo prostorov. Na odgovor MDDSZ še vedno čakamo.

Centru Lucija pa smo podali tudi nekaj predlogov, in sicer da redno meri temperaturo in vlažnost v sobah in na hodnikih ter upošteva počutje stanovalcev in temu prilagodi hlajenje prostorov. Čeprav ima vsaka soba klimo, klimatizirani pa so tudi skupni prostori, smo namreč imeli občutek, da je v Centru Lucija dokaj vroče (predvsem v pritličju). Center Lucija je v odzivnem poročilu pojasnil, da je temperatura v sobah in pritličju vzdrževana s klimatskimi napravami, ki so v vseh prostorih. Temperatura v avli Centra Lucija se v času, ko uporabniki odhajajo na vrt in ko se vračajo v center, nekoliko dvigne zaradi vdora toplega zraka skozi vrata, ki ostanejo odprta. Za zapiranje vrat skrbijo zaposleni, ker gibalno ovirani uporabniki sami ne zmorejo tega opravila. Ker so vrata protipožarna, Center Lucija ne more vgraditi patenta za zapiranje. Poskušali so že z zniževanjem temperature v avli, vendar je uporabnike, ki hodijo na vrt in sedijo le v avli in lokalu, zeblo. Center Lucija višino temperature v sobah prilagaja počutju in upošteva želje uporabnikov.

DPM je menil, da sobe na oddelku Lastovka v Domu Rakičan delujejo nekoliko brezosebno, in zato predlagal, naj se stanovalce na oddelku na oddelku za osebe z demenco spodbuja, naj svoje sobe opremijo z manjšimi osebni predmeti, slikami, morebiti fotografijami in izdelki, ki jih ustvarjajo sami, ter tako vnesejo osebno noto v prostor. Dom je v odzivnem poročilu navedel, da bodo predloge DPM glede namestitve osebnih predmetov upoštevali, že zdaj pa spodbujajo sorodnike, naj stanovalcem prinesejo takšne predmete. Tudi ob vzpostavljanju novega oddelka so sprejeli odločitev, da zagotovijo v sobah čim več takšnih predmetov, sočasno pa na vrata sob namestijo slike stanovalcev z demenco zaradi lažjega orientiranja.

Klicni zvonci

Domu Izlake smo predlagali, naj preverja odzivnost na poziv klicnega zvonca in morebiti o tem tudi sprejme ustrezno notranjo ureditev (navodilo). Dom je v odzivnem poročilu med drugim navedel, da se osebje redno odziva na klicne zvonce, saj signalizacija opozarja na klic tako v sestrski sobi kot na vseh hodnikih, glavna sestra in vodja tima pa lahko nadzirata odzivnost tudi v svoji pisarni. Na naš predlog so se odločili, da bodo odzivni čas občasno tudi preverjali.

At the time of the visit in Preddvor RH, in the first floor of the castle, the temperature was 28.7 degrees with the outdoor temperature at 30 degrees Celsius. Although the thick walls of the old building surely resisted some of the warmth, it was believed that such a high temperature is uncomfortable for residents. Even more so in the case of high level supervision ward where residents have a limited possibility of leaving the ward. That is why the endeavours of Preddvor RH were welcomed: to arrange for a new secure ward by restoring the newer building and enabling a direct and protected exit to the lawn, as well as installing suitable air-conditioning for the hottest months of the year. It was proposed to the Ministry of Labour, Family and Social Affairs that it should actively approach the solving of the issue in regard to obtaining funds for the necessary reconstruction of premises in Preddvor RH. In its response report, it was stated by the nursing home in question that, in spite of all their efforts, funds needed for the highly necessary reconstruction of premises were not yet guaranteed. The answer from the Ministry of Labour, Family and Social Affairs is still awaited.

Some proposals were also given to Lucija Centre, specifically, that temperature and moisture in rooms and corridors be regularly measured and the well-being of residents be taken into account by adjusting the cooling of rooms accordingly. Although there is an air-conditioner in every room, and whilst communal rooms are also air-conditioned, the prevailing feeling was that it is rather hot in Lucija Centre (particularly on the ground floor). In its response report, it was explained by Lucija Centre that the temperature in rooms and in the ground floor is maintained by means of air-conditioning devices installed in all rooms. The temperature in the hall of Lucija Centre is slightly raised during the time when residents go outdoors into the park and return to the centre as a result of the inflow of warm air through the doors which remain open. The staff are responsible for closing the doors since movement-impaired residents are not able to do this task. Since the doors are fire-proof, the automatically closing doors cannot be installed. Several attempts at lowering the temperature in the hall were made but residents going into the park and staying in the hall or loitering in the bar were cold. Lucija Centre adapts the temperature level in rooms to the comfort of its residents and respects their wishes.

In the NPM's opinion, rooms at the Lastovka ward in Rakičan EH appear rather impersonal, and, as a result, it was proposed to motivate residents staying at the ward for dementia sufferers to decorate their rooms with small personal belongings, paintings, perhaps photographs and artistic items created by themselves, and introduce a personal touch into their rooms. It was stated by the nursing home in its response report that proposals by the NPM in regard to decorating the rooms with personal items would be taken into account, and that relatives are already encouraged to bring such items to their residents. A decision was also made that with the establishment of the new ward such items will be placed in rooms as far as possible, whilst also putting photographs of residents with dementia on the doors of their rooms in order to ease their orientation.

Call bells

It was proposed to Izlake EH that responses to the call made by the call bell be controlled and perhaps suitable internal instructions in this regard could be adopted. In its response report, the nursing home stated, among other matters, that the staff regularly respond to call bells since the signage puts a warning about the call both in the room for nurses as well as on all corridors, and the head nurse and the team leader may monitor the response in their offices. In the light of the NPM's proposal, it was, however, decided that response time would be occasionally checked.

Ker je zaposlena v Centru Lucija, ki je sprožila klic, imela kar nekaj težav pri uporabi klicnega zvonca, se nam je postavilo vprašanje, ali stanovalci dejansko znajo uporabljati sistem klicnih zvoncev. Centru Lucija smo zato predlagali, naj dosledno preverja, ali klicni sistem deluje, oziroma preveri vse zvonce v stavbi in nedelujoče popravi in da ob sprejemu stanovalcem pojasni, kako sistem klicnih zvoncev deluje in nato tudi sproti preverja, ali stanovalci (še) znajo uporabljati klicne zvonce. Center Lucija je pojasnil, da se vsak uporabnik centra ob sprejemu seznanj z delovanjem vseh naprav, ki jih bo uporabljal v času bivanja. Ker oseba z demenco težko sledi navodilom oziroma si ne zapomni razlage, kako priklicati zaposlene, ko potrebuje pomoč, je center v vse sobe in kopalnice namestil obe možnosti klica – vlečne vrvice in dodatno velik rdeč gumb, ki je v sobi in kopalnici. Center bo po priporočilu DPM preverjal tudi kdo od uporabnikov je še sposoben napravo uporabljati. Pri uporabnikih, ki klicnega zvonca niso sposobni uporabljati, pa center že izvaja pogostejše obhode.

Tudi ob obisku Doma Preddvor smo preizkusili delovanje klicnega sistema. Sistem je deloval, odziv osebja je bil hiter. Dom ima navodila za sestrski klic. V njem je posebej poudarjeno, da se morajo zaposleni v domu takoj oziroma čim hitreje odzvati na vsak zvonec in preveriti razmere, kar smo pozdravili.

V času obiska DPM je bil preverjen tudi odzivni čas medicinskega osebja na klicni zvonec v prvem nadstropju stanovanjskega oddelka Doma Rakičan. Po petih minutah meritve časa ni bilo bolničarja v sobo. DPM je zato predlagal, naj se osebje opozori na potrebo po takojšnjem odzivu na klicne zvonce in vzpostavi sistem preverjanja odzivnega časa zaposlenih ter hkrati tudi redno preverja, ali klicni zvonci oziroma klicni sistem delujeta, in vse morebitne nepravilnosti sprotno odpravlja. Dom je v odzivnem poročilu navedel, da so tudi sami že ugotovili motnje v delovanju klicnega sistema. Te so nastale zaradi energetske sanacije stavbe, saj so bili zaradi izolacije in novih nanosov fasade signali zelo oslavljeni oziroma moteni. Z izvajalcem klicnega sistema so se dogovorili o ojačitvi signalov in so že namestili tudi nove antene. Po namestitvi je bil klicni sistem preverjen, ugotovili so, da so pomanjkljivosti odpravljene, čez leto pa bodo izvajali več kontrol.

Pritožbene poti

Ob obisku Centra Lucija smo ugotovili, da v centru ni določene osebe, ki bi sprejemala pritožbe v skladu z Zakonom o pacientovih pravicah (ZPacP). Zato smo (v skladu s 57. členom ZPacP) predlagali, naj se za zdravstveno osebje v centru določi oseba za sprejemanje in obravnavo zahteve (pritožbe) za prvo obravnavo kršitve pacientovih pravic. Center je v odzivnem poročilu pojasnil, da so določili osebo, ki bo sprejemala in obravnavala zahteve za prvo obravnavo kršitev pacientovih pravic v centru. Posredovali so nam tudi njeno ime in priimek. Informacijo o tem so objavili na vseh informacijskih tablah v centru.

Since an employee of Lucija Centre, testing the functioning of the call bell system, has quite a few problems in using the call bell, a question was raised whether residents were actually able to use the call bell system. It was therefore proposed to Lucija Centre that it consistently check the functionality of the call systems, and to check all bells in the building, to repair those out of order, to explain to its residents upon their admission how the call bell system functions, and then to regularly check whether residents (still) know how to use the call bell. It was explained by Lucija Centre that, upon admission, every Centre's residents is informed about the functioning of all devices to be used during their residence in the institution. Since a person suffering from dementia has difficulties in following instructions and cannot remember an explanation on how to call the staff when in need of assistance, both options for making a call – a pull-cord and, additionally, a big red button are located in a bedroom and in a bathroom. Following the recommendation by the NPM, the Centre will check which of their residents were still capable of using the devices. The staff in the Centre go on more frequent rounds in case residents are not able to use the call bell.

The functioning of the call bell system was also tested during the visit in Preddvor RH. The system was functioning, and the response by the staff was fast. There are instructions on how to call a nurse in place in the nursing home. These particularly emphasize that employees in the nursing home must respond immediately or as fast as possible to every call bell ringing and to verify conditions, which was welcomed by the NPM.

At the time of the visit of the NPM, the response time of the medical staff to the call bell on the first floor of the residential unit of Rakičan EH was also monitored. No nurse came into the room after measuring the time for five minutes. It was therefore proposed by the NPM to warn the staff of the need to respond immediately to the ringing of call bells, and to establish a system of checking the response time of employees, whilst, at the same time, also to check regularly whether call bells or the call system function and to promptly fix all potential deficiencies. In its response report, it was stated by the nursing home that disturbances in the functioning of the call system had already been found by themselves. These occurred as a result of the energy-saving restoration of the building since, due to the new isolation system and new layers of facade, signals were weakened and disturbed. An agreement was reached with the call system operator to strengthen the signal levels and new antennas had already been installed. After such installations, the call system was checked and it was established that deficiencies had been remedied and several further checks would be made in the course of the year.

Complaint procedures

During the visit to Lucija Centre, it was established that there is not a person appointed in the Centre to receive complaints in accordance with the Patient Rights Act (ZPacP). That is why it was proposed (in accordance with Article 57 of the ZPacP) that a person be appointed from among the medical staff to receive and handle complaints in relation to the first dealing with a violation of patient rights. In its response report, it was explained by the Centre that a person to receive and handle requests in relation to the first dealing of a violation of patient rights in the Centre had been appointed. The said person's name and surname was submitted. This piece of information was published on all information boards in the Centre.

Domu Izlake smo predlagali, naj na OPP namesti skrinjico za oddajo pritožb (lahko pa tudi pohval in priporočil). Skrinjica za pritožbe je postavljena že v vhodni avli, na OPP pa v času našega obiska ni bilo posebnega nabiralnika za oddajo anonimnih pritožb. DPM je že večkrat opozoril, da je nepravilno ravnanje doma, ki posameznemu stanovalcu ne omogoča oddaje anonimne pritožbe. Morebiti stanovalci z demenco na OPP praviloma ne bodo sposobni pisno pripraviti pritožbe, vendar je prav, da se jim takšna možnost omogoči. Dom se je v odzivnem poročilu strinjal z našim predlogom in navedel, da bo v tretje nadstropje, kjer stalno deluje skupina OPP, namestil še eno skrinjico, ki bo lažje dostopna stanovalcem z demenco in stanovalcem negovanega oddelka.

Verska oskrba

DPM je Domu Izlake predlagal, naj stanovalce primerno seznaniti z možnostjo pomoči pri zagotavljanju verske oskrbe (predvsem (tudi) stanovalcem drugačne od Rimskokatoliške veroizpovedi). Sogovorniki so ob obisku DPM namreč pojasnili, da jim ni znano, da bi v domu v času obiska DPM prebival stanovalec druge veroizpovedi. Tudi iz preteklosti ne pomnijo takšnega primera. Vendar bi bilo po presoji DPM prav, da bi se stanovalcem, ki bi potrebovali versko oskrbo, ponudila pomoč oziroma bi se navedlo, na koga se lahko obrnejo ob iskanju stika z duhovnikom svoje veroizpovedi. Morebiti bi bilo to smiselno zapisati že v dokumente, ki jih stanovalci prejmejo ob sprejemu, ali pa objaviti na oglasnih deskah doma. Dom je v odzivnem poročilu navedel, da bodo podatke o možnostih vzpostavitve stika z duhovniki različnih veroizpovedi, ki delujejo na območju doma, objavili na oglasni deski in jih tudi vključili v zgibanko o Pravicah stanovalcev.

Bivanje na svežem zraku

Domu Izlake, Domu Preddvor in Dom Rakičan smo predlagali, naj čim večji poudarek namenijo bivanju in gibanju (tudi) stanovalcev OPP oziroma osebam z demenco na svežem zraku.

Dom Izlake je v odzivnem poročilu navedel, da gibanju na svežem zraku namenja veliko pozornost, skrbno načrtuje in zapisuje aktivnosti, povezane z gibanjem in bivanjem na prostem, kar bodo stanovalcem zagotavljali še naprej. Dom Preddvor je v odzivnem poročilu navedel, da že stalno dajejo velik poudarek bivanju in gibanju stanovalcev na svežem zraku, za kar se morajo še posebej zahvaliti naravi, ki jih obdaja, in na kar so še posebej ponosni. Dom Rakičan je v odzivnem poročilu navedel, da ima oddelek večji balkon, ki pa je bil v času obiska DPM zaprt zaradi izvajanja gradbenih del na objektu. Stanovalci bodo na novem oddelku za osebe z demenco imeli na voljo večje zunanje površine, krožno pot tako zunaj kot znotraj stavbe ter poleg prostorov za druženje še zimski vrt.

Kajenje

Na OPP v Centru Lucija ni kadilnice. Ko smo si ogledovali oddelek, je eden izmed stanovalcev prižgal cigareto v sobi, čeprav je v sobah kajenje prepovedano, nato pa se je s prižgano cigareto sprehodil do izhoda. Na oddelku je ostal vonj po cigaretah. Predlagali smo, naj Center Lucija vztraja pri opozorilih, da kajenje na oddelku ni dovoljeno.

It was proposed to Izlake EH that a small box for the submission of complaints (but also comments and recommendations) be placed in the high level supervision ward. A box for complaints has already been placed in the entrance hall, but at the time of the visit, there was no special letter box for submitting anonymous complaints in the high level supervision ward itself. It was pointed out by the NPM several times that it is wrong on the part of a nursing home not to allow an individual resident to submit an anonymous complaint. It is probable that residents suffering from dementia accommodated in the high level supervision wards are generally not able to write a complaint but it is appropriate that such an option is made possible for them. In its response report, the nursing home in question agreed with the proposal and stated that another box would be placed on the third floor where the group under high supervision permanently functions, so that such box will be more easily accessible to residents suffering from dementia and to residents of the nursing ward.

Religious care

It was proposed by the NPM to Izlake EH that residents should be properly informed of the option to be assisted as regards the provision of religious care (particularly (also) residents practising a religion other than Roman Catholicism). As a matter of fact, the persons interviewed explained that it was not known to them whether there was a resident of another religion residing in a nursing home at the time of the visit by the NPM. Neither could anyone recall such a case in the past. Following the judgement by the NPM, however, it would be correct to offer assistance to residents in need of religious care, or to state who to turn to when seeking contact with a priest of their religion. Perhaps, it might make sense to have this written in a document handed to residents upon their admission, or to publish it on notice boards in the institution. It was stated by the nursing home in its response report that details on options for making contact with priests of various religions operating in the territory where the institution is situated would be published on a notice board and they would include them in the leaflet on the Rights of Residents.

Staying outdoors in the fresh air

It was proposed to Izlake EH, Preddvor RH and Rakičan EH that it place as much stress as possible on the benefits of staying outdoors and to exercise in the fresh air for residents of the high level supervision ward and persons suffering from dementia.

Izlake EH stated in its response report that outdoor exercise receives a lot of attention, that activities relating to exercise and staying outdoors were carefully planned and recorded, and would continue to be provided for its residents in the future. In its response report, it was stated by Preddvor RH that a great emphasis is constantly given to staying outdoors and to the exercise of residents in the fresh air, for which they have to thank the countryside surrounding the institution, and of which they are particularly proud. In its response report, it was stated by Rakičan EH that there is a larger balcony in the ward in question which, unfortunately, was closed at the time of the visit by the NPM owing to construction works in progress. The new ward for persons suffering from dementia will provide residents with a larger outdoor area, a circular walk both outside as well as inside the building, and in addition to rooms for socializing, a winter garden.

Smoking

There is no smoking room at the high level supervision ward in Lucija Centre. When inspecting the ward, one of the residents lit a cigarette in a room even though smoking is prohibited in rooms and then walked down the corridor to the exit with a lit cigarette. The smell of cigarettes remained present in the ward. It was proposed that Lucija Centre persist in warning its residents that smoking is not allowed in the ward.

Vodenje evidenc

DPM je Domu Izlake predlagal, da naj večji poudarek da hitremu in učinkovitemu obveščanju o potrebi po izrednem pregledu stanovalca, predvsem pa tudi natančnemu vodenju evidenc (rednih) pregledov tako pri splošnem zdravniku kot psihiatru. Dom ima sicer vzpostavljeno tako evidenco pregledov pri splošnem zdravniku kot tudi pri psihiatru. Čeprav DPM najboljšega vpogleda v omenjene evidence morebiti ni imel, saj je bila ambulantna sestra v času našega obiska odsotna, bi vseeno lahko sklepali na pomanjkljivosti pri vodenju evidenc. Predvsem iz zapisov evidence o rednih pregledih pri psihiatru bi namreč lahko sklepali, da vsi stanovalci OPP niso bili redno pregledani. Dom je v odzivnem poročilu med drugim pojasnil, da vodi natančne evidence pregledov tako pri splošnem zdravniku kot pri psihiatru. Dom meni, da je postopek strokovno popolnoma korekten, ker pa deluje dislocirana enota Zdravstvenega doma Trbovlje prav v domu, je obveščanje o nujnih in izrednih pregledih neposredno in hitro, odziv pa takojšen in učinkovit.

Keeping registers

It was proposed that Izlake EH place greater emphasis on fast and efficient notification of the need for a non-regular examination of a resident, and particularly to a strict keeping of a register of (regular) appointments for examinations by a general practitioner as well as a psychiatrist. The above mentioned nursing home had in fact established a register of appointments for examinations by both a general practitioner as well as a psychiatrist. Although the NPM was perhaps not provided with conditions for the best inspection of the above mentioned register, as the nurse in the infirmary was absent at the time of the visit, it could still be concluded that shortcomings in keeping registers were present. In particular, it might be deduced from notes in the register of regular examinations by a psychiatrist, that not all residents of the high level supervision were regularly examined. In its response report, the nursing home in question explained, among other matters, that exact registers of examinations by both, a general practitioner as well as a psychiatrist were kept. In its opinion, the procedure is entirely correct in professional terms, but, since an independent unit of Trbovlje Community Medical Centre operates within the nursing home, the notification of urgent and non-regular examinations is direct and fast and the response is immediate and efficient.

Obisk Centra za tujce in Azilnega doma

Obisk Centra za tujce

Obisk Centra za tujce (CT) je bil nenapovedan in opravljen 3. 10. 2012. Ob obisku smo opravili uvodni pogovor s pomočnikom vodje CT. Sledili so ogled bivalnih in drugih prostorov na oddelku, pogovor z zaposlenimi, tujci in prosilci za mednarodno zaščito ter sklepni pogovor.

Uradna zmogljivost CT je 220 mest. Na dan našega obiska je bilo v CT 12 tujcev in trije prosilci za mednarodno zaščito z omejenim gibanjem.

DPM je v poročilu o obisku posebej pohvalil:

- da socialne delavke za tujce še vedno organizirajo izdelavo različnih izdelkov s pomočjo ročnih spretnosti,
- da na novo vodijo poročila socialne službe in se zapiše, kateri tujec je bil aktiven oziroma vključen v različne aktivnosti,
- da imajo v ambulanti popise bolezni (podobno kot v splošni ambulanti) in da imajo nekaj popisov urejenih tudi za nazaj,
- da se izdajanje medicinske terapije zapisuje na posebnih obrazcih, ki so jih v CT uvedli pred nekaj meseci pred našim obiskom, in da CT vodi tudi posebno evidenco (vpisi v zvezek z naslovom Zbiranje podatkov za letno poročilo), v katerem so opisani posebni dogodki (samopoškodbe in poskusi samomora ipd),
- da se tujcem omogoči čim več športnih aktivnosti,
- pridobitev računalniške sobe.

Predlagali pa smo, da se proučijo možnosti, da bi se tujcem zagotovilo precej več časa za bivanje na prostem. Po priporočilu DPM naj CT socialne delavce (tudi glede na majhno število tujcev) spodbudi, da bodo ti dejansko začeli tujce (še bolj) motivirati v aktivnosti, da ne bodo le dolgočaseno poležavali v svojih bivalnih prostorih, ter da naj socialne delavke na podlagi poročil o aktivnostih opravijo analizo in s tem ugotovijo, katere aktivnosti so za tujce bolj zanimive, ter na podlagi tega aktivnosti tudi načrtujejo.

Visit to the Asylum Centre and the Aliens Centre

Visit to the Aliens Centre

The visit to the Aliens Centre was not announced. It was carried out on 3 October 2012. During the visit, an introductory interview with the assistant of the Head of the Aliens Centre was carried out. This was followed by an inspection of accommodation areas and other premises in the facility, interviews with employees, foreign nationals and international protection applicants and finished with a concluding discussion.

The official capacity of the Aliens Centre is 220 places. At the time of the visit, there were 12 foreigners in the Aliens Centre, together with three applicants for international protection whose movement had been limited.

In its report on the visit, the NPM particularly commended the following:

- that workshops for the hand-made production of various products are still organised by social workers responsible for foreign nationals;
- that reports of the social service are kept in a new way which records which of the foreign nationals has taken part in the various activities;
- that a list of medical conditions which have been treated is kept in the medical consulting room (similarly to those used in any out-patient clinic), and that some of these lists are arranged also retrospectively;
- that prescriptions of medical treatment are written down on special forms introduced into the Aliens Centre a few months prior to the visit and that the establishment also keeps a special register (registration in a notebook entitled Annual Report Data Collection) in which special events are described (self-induced injuries, suicide attempts, etc.);
- that as many sports activities as possible are provided for foreign nationals;
- that a computer room has been set up.

It was, however, proposed by the NPM that options be examined to enable foreigners to spend much more time outdoors. According to the recommendation by the NPM, the Aliens Centre should encourage social workers (considering also the small number of foreigners) to actually start motivating foreigners (even more) to take up activities, and not to laze around in their accommodation areas; also, social workers should analyse reports on activities and determine on this basis which activities are more interesting for foreigners and plan them accordingly.

Strokovni delavci centra izvajanju delovnih aktivnosti s tujci po pojasnilu MNZ namenijo veliko pozornosti in časa. Dejstvo pa je, da se tujci v centru menjajo, njihova navzočnost v centru je časovno različna, prav tako njihov interes do sodelovanja v aktivnostih. Aktivnosti v centru se izvajajo glede na želje in potrebe tujcev (npr. v času ramadana imajo tujci muslimanske veroizpovedi povsem drugačne potrebe in želje ter prilagojene aktivnosti, ki pa so povsem ločene od drugih aktivnosti po hišnem redu, ki jih izvajajo in so namenjene drugim nastanjenim tujcem, ki ne prakticirajo ramadana). Aktivnosti za tujce se prilagajajo njihovim željam, sposobnostim in potrebam. Tujce z vsemi aktivnostmi seznanijo in k njim spodbujajo socialne delavke. Se pa dogaja, da tujci iz lastnih vzgibov aktivnost odklonijo, pri čemer ni nujno, da navedejo vzrok nesodelovanja. Organizirane aktivnosti so za tujce priložnost, da se vključijo v skupino in sodelujejo v njej s pogovorom ali aktivno z ustvarjanjem, kar jih sproščajo, zlasti zato, ker gre za neformalne pogovore, klepete, kjer se posameznik lažje izrazi in odpre ter se vselej pozove vse tujce, da se jih udeležijo. Tujce s težavami v duševnem zdravju in druge ranljive kategorije tujcev se tako po pojasnilu MNZ še posebej spodbuja k aktivnostim. Družinam in ženskam je še dodatno omogočeno gibanje na zunanjem igrišču. O športnih, družabnih, ustvarjalnih in kulturnih aktivnostih tujcev v centru obstaja veliko dokumentiranega gradiva. Zato se MNZ ni povsem strinjalo z našo trditvijo, da ni izvedeno priporočilo o izvajanju več aktivnosti, ki bi jih vodile socialne delavke Centra za tujce, in ga je tudi sicer presenečalo naše priporočilo, da naj se na tem področju izboljša stanje.

Podali smo tudi več drugih predlogov, kot so:

- glede na majhno število tujcev naj se po predlogu DPM proučijo tudi možnosti, da bi se tujcem pogosteje omogočila uporaba računalniške sobe,
- pri operaterju telefonskih aparatov naj se preverijo možnosti, da se zmanjša piskanje odštevalnika oziroma da se odštevalnik impulzov uredi na drugačen način (morda z elektronskim odštevalnikom),
- glede na to, da skupne prostore CT čisti čistilni servis Celovite storitve, naj se več pozornosti nameni pregledu ustreznosti čiščenja sanitarnih prostorov,
- z oddelka za strožji policijski nadzor (iz prostora št. 7) naj se odstrani strgana (večkrat prerezana) žimnica,
- zaposleni naj v prihodnje samoiniciativno ugotavljajo morebitne poškodbe inventarja oziroma opreme ter poskrbijo za njihovo sprotno odpravo,
- prazni oziroma nezasedeni prostori naj se pogosteje prezračijo,
- v primeru pisne pritožbe tujca naj se pritožniku na pritožbo tudi pisno odgovori (poleg pogovora, ki ga opravijo zaposleni s tujcem, je namreč pomembno pisno obvestilo o rešeni pritožbi),

Expert workers of the centre dedicate a lot of attention and time to carrying out work activities with foreigners, according to the explanation by the Ministry of the Interior. But the fact is that foreigners in the centre change all the time, their presence in the centre varies in terms of time, and so does their interest in participating in activities. Activities in the centre are carried out according to the wishes and needs of foreigners (for example, during Ramadan, foreigners of the Muslim religion have completely different needs and wishes, and, as a result, activities are tailored and completely separated from other activities in place according to the house rules and dedicated to other accommodated foreigners not observing Ramadan). Activities for foreign nationals are adapted to their wishes, capabilities and needs. Foreigners are informed about all activities provided by social workers who encourage them to participate in them. However, it does happen that foreigners refuse to take part in an activity on personal grounds, whereby their reason for lack of cooperation is not necessarily given. Organised activities are an opportunity for foreigners to become involved with a group and to participate in a group by way of a discussion or be active in creative activities; this is relaxing for them particularly because of the informal character of discussions and chats when a person easily opens up and expresses himself/herself. Foreign nationals are always invited to take part in them. Foreigners experiencing mental health disorders and other vulnerable categories of foreign nationals are particularly encouraged to participate in such activities, according to the explanation given by the Ministry of the Interior. Families and women are provided with additional possibilities to move around in the outdoor courtyard. There is a lot of documentary material regarding sports, social, creative and cultural activities of foreigners in the centre. That is why the Ministry of the Interior did not quite agree with the NPM's claim that the recommendation regarding more activities to be run by the social workers of the Centre for Aliens had not been implemented; the NPM's recommendation to improve conditions in this field was actually a surprise to them.

Several other proposals were also given, such as:

- in the light of the small number of foreign nationals, an option, based on a proposal by the NPM, should be examined that foreigners be allowed to use the computer room as often as possible;
- it should be checked with an operator of the telephone apparatus whether there is an option to reduce the beeping of the time counter or to arrange the time counter in a different manner (perhaps with an electronic time counter);
- considering the fact that the communal rooms of the centre are cleaned by the cleaning service Celovite storitve, more attention should be given to monitoring that the cleaning of toilets is adequate;
- a torn-apart mattress (cut up several times) should be removed from the unit to enable stricter police surveillance (room number 7);
- in the future, employees should use their own initiative to spot potential damage to equipment and take care that this damage is regularly repaired;
- fresh air should be let into the empty premises which are less frequently occupied;
- in case of a written complaint by a foreigner, the complainant should also receive a written answer to his complaint (in addition to an interview with a foreigner carried out by an employee, a written notification on the settled complaint is also important);

- v vseh prostorih (kjer je hišni red izobešen) naj se namesti veljavni hišni red (prav bi tudi bilo, da bi bil ta preveden vsaj v angleški jezik in tudi druge jezike, vsaj v tiste tuje jezike držav, iz katerih najpogosteje prihajajo tujci v CT),
- jedilni list (v prevodu) naj bo dejansko nameščen v prostorih kuhinje oziroma jedilnice.

MNZ je glede naših ugotovitev v tem delu, ki naj bi bile po njegovi presoji predvsem logistične, sporočilo, da je že oziroma bo sledilo našim priporočilom oziroma predlogom.

Ob obisku je sodelovala tudi izvedenka zdravstvene stroke. Ta je opozorila, da je na izvidu anamneza, diagnoza in terapija, kar je običajno namenjeno lečečemu zdravniku, ne pa nezdravstvenemu osebj. Izvedenka je še izpostavila, da ni prejela odgovorov na nekatera vprašanja, kot so: kako socialna delavka skrbi za delo ambulante, kakšna je pot od priporočil psihiatra (npr. o nadzoru ali o reševanju problemov ...) do pristojnih oseb v CT ali celo do tistih v Azilnem domu, če formalno spada tja, kdo točno obvešča zdravstveno osebo o bolezni na oddelku, kakšna je vloga sheme za terapijo odtegnitvene krize. MNZ je v tej zvezi pojasnilo, da je CT enovita organizacija brez notranjih oddelkov in enot, zato nima posebnih vodij, razen vodje CT, ki je nadrejen vsem zaposlenim v centru. CT ni medicinska ustanova, ima pa za svoje potrebe in zaradi narave dela zaposlene štiri medicinske sestre in pogodbene zdravnike, ki svoje delo opravljajo v zato urejenih prostorih in v skladu z medicinsko stroko. V času odsotnosti medicinskih sester nihče ne skrbi za delo ambulante, ampak se za nujne primere koristi javna mreža nujne medicinske pomoči in po potrebi lahko pokličejo v službo medicinsko sestro centra. Med vikendi, ko ni vedno navzoča medicinska sestra, so socialne delavke tiste, ki poskrbijo, da tujci ob določeni uri dobijo predpisano terapijo, kar pa ne pomeni, da delajo delo medicinskih sester oziroma da pokrivajo delo ambulante. Shema nadomestila za metadon je le v vednosti medicinskih sester, saj vsakega odvisnika najprej pogleda zdravnik, ki mu predpiše ustrezno terapijo. Z organizacijo delovnih procesov in razporejanjem delavcev sta zagotovljena nemoteno delo in stalna oskrba tujcev. Prav tako nemoteno poteka medsebojno obveščanje o potrebah in željah tujcev ter o njihovih potrebah po zdravstveni oskrbi.

- the valid house rules should be placed in all rooms (where house rules are put on display); (it would also be appropriate to have them translated, at least into the English language, but also into other languages, at least in the foreign languages of countries from which foreigners accommodated in the Aliens Centre come most frequently);
- the menu (and its translation) should be actually placed in the kitchen or the dining room.

In regard to the NPM's findings in this field, which in the view of the Ministry of the Interior are mostly of a practical nature, the Ministry of the Interior replied that the NPM's recommendations had already been taken into consideration or that the NPM's proposals would be followed.

A medical expert also took part in the visit. She drew attention to the fact that the results of the medical examination include a patient's history, diagnosis and therapy which is usually intended for a person's treating physician and not for non-medical personnel. The medical expert also highlighted that no answers were given to some of her questions, such as: how a social worker takes care of the work in the medical consulting room, what are the features of any given procedure from the recommendations by a psychiatrist (for example, regarding the supervision or about solving the issues) to the persons responsible in the Aliens Centre or even to those in the Asylum Centre if a person is formally allocated to that facility, who exactly notifies medical personnel about medical conditions in the facility, what the role of the scheme to treat any withdrawal syndrome is like. In this regard, the Ministry of the Interior explained that the Aliens Centre is an integrated organisation without any internal departments and units; as a result there are no heads of units except for the Head of the Aliens Centre who is in charge of all employees in the centre. The Aliens Centre is not a medical institution but it does have its own needs and owing to the nature of its work, it also employs four medical nurses and cooperates with doctors on a contractual basis who perform their work in specially organised premises and in accordance with medical requirements. There is nobody to take care of the work of the medical consulting room when nurses are absent, but in case of an emergency, a public network of emergency medical assistance can be used, and if necessary, the Centre's nurse can be called in to work. During weekends, when a nurse is not always present, there are social workers who are responsible for the foreigners receiving the prescribed medicaments at the specified hour which, however, does not mean that they carry out the work of nurses or that they handle the work of the medical consulting room. The scheme regarding the substitute for methadone is known only to nurses since every addicted person is first examined by a doctor who prescribes the appropriate therapy for such a person. The organisation of working processes and allocation of personnel enable smooth operation and constant care to be provided to foreign nationals. Mutual notification on needs and wishes of foreigners and their health related needs is also conducted in a smooth manner.

Izvedenka je še ugotovila, da se v CT za gladovno stavko (pravilno) šteje prvi dan, ko posameznik preneha uživati hrano, evidentira pa se tudi že napoved gladovne stavke. Zdravnika se pokliče že prvi dan, ko tujec odkloni hrano, pri čemer se začne tudi opazovanje in zapisovanje obveznih podatkov: vedenje, telesna teža, vitalne funkcije, hidracija, videz vidnih sluznic, vonj po acetonu. Zapišejo se tudi zahteve tujca in navodila zdravnika. Izvedenka ugotavlja, da se vsi navedeni podatki evidentirajo v obrazec, ki so ga izdelali v ambulanti CT. Ob tem je izvedenka prejela pojasnilo medicinske sestre, da se to zgodi nekajkrat na leto, pri čemer je večkrat vzrok izsiljevanje prostosti. Tako okarakteriziran (izsiljevanje prostosti) razlog medicinske sestre je lahko vrednostna sodba, ki je strokovno nesprejemljiva, saj iz nje lahko izhaja (neprimeren) odnos do stakajočega. Zato je spodbudno pojasnilo MNZ, da tujci v CT niso obravnavani na podlagi vrednostnih sodb. Da je izsiljevanje razlog za na primer gladovno stavko, izjavljajo tujci sami, ker se ne strinjajo z omejitvijo gibanja v centru. V primeru gladovne stavke medicinske sestre in zdravniki tujce opozorijo na posledice za njihovo zdravstveno stanje. Medicinske sestre imajo do vseh obravnavanih tujcev korekten in strokoven odnos. Njihovo vedenje ni podcenjujoče ali diskriminatorno. To potrjuje po pojasnilu MNZ tudi dejstvo, da v zadnjih letih niso prejeli nobene pritožbe na delo zdravstvene službe, nasprotno, prejeli so več pohval in zahval. V CT je bilo v zadnjih letih dvakrat izvedeno tudi usposabljanje za vse zaposlene na temo nudenja prve pomoči.

DPM je v poročilu opozoril tudi na potrebo, da CT dosledno izvaja določila 3. člena Pravilnika o postopkih nastanitve v Centru za tujce ter obliki in vsebini izkaznice o dovolitvi zadrževanja na območju Republike Slovenije (Uradni list RS, št. 27/2012 z dne 13. 4. 2012), v katerem je podrobneje opredeljen zdravniški pregled tujca ob sprejemu. MNZ je v tej zvezi pojasnilo, da o zdravniških pregledih ne odločajo medicinske sestre. Vsi tujci so pregledani pri zdravniku ob nastanitvi v center ali prvi delovni dan, ko je zdravnik navzoč. Za vse nadaljnje preglede pri zdravniku pa tujci sami izrazijo željo, kar jim je seveda omogočeno in zagotovljeno.

Obisk Azilnega doma

Uradna zmogljivost Azilnega doma (AD) so 203 prosilci za mednarodno zaščito, na dan našega obiska (30. 8. 2012) pa je bilo v njem nastanjenih skupno 99 oseb. Ob obisku smo opravili uvodni pogovor z vodjo AD, skupaj z vodjo Sektorja za migracijsko politiko in zakonodajo ter sodelavcem, ki skrbi za pravne zadeve v Sektorju za nastanitev, oskrbo in integracijo. Sledili so ogled bivalnih in drugih prostorov na oddelku, pogovor s prosilci za mednarodno zaščito in sklepni razgovor.

The medical expert also established that a hunger strike is (correctly) considered by the Aliens Centre as the first day when an individual stops consuming food and that an announcement of a hunger strike is also registered. The doctor is summoned on the very first day when a foreigner denies food and this is when the observation and recording of the mandatory data commences. These data are: behaviour, weight, vital functions, hydration, the appearance of visible mucous membranes, the smell of acetone. The requests of a foreigner and instructions of a doctor are also written down. The expert established that all of the abovementioned data is recorded in a form which has been designed by the medical consulting room of the Aliens Centre. It was also explained by the nurse to the medical expert that this happens only a few times a year and that the reason for it was normally a foreigner's attempt at blackmailing for freedom. The reason (blackmailing freedom) as classified by the nurse may be a value judgement which is not acceptable from the a professional point of view since it may include (an inappropriate) attitude towards a person on a strike. That is why the explanation by the Ministry of the Interior, specifically, that foreigners in the Aliens Centre are not to be treated according to value judgements, is encouraging. That blackmailing is a reason for a hunger strike, for example, is mentioned by foreigners themselves, since they disapprove of the limitation of movement in the centre. In case of a hunger strike, nurses and doctors warn foreign nationals of the consequences for their health. Nurses have an appropriate and professional attitude towards all foreigners under consideration. Their behaviour is not degrading or discriminatory. According to the explanation by the Ministry of the Interior, this is confirmed by the fact that not a single complaint on the work of the medical service had been received in the past years, on the contrary, several compliments and acknowledgements had been given. Training in regard to first aid provision has been implemented for all employees in the Aliens Centre in the past years.

In its report, the NPM also drew attention to the need that the Aliens Centre should implement the provision of Article 3 of the Rules on Procedure for Accommodation in the Centre for Aliens and on Format and Content of the Identity Card for Permission to Stay on the Territory of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, No. 27/2012 of 13 April 2012) in which a medical examination of a foreigner upon his/her admittance into the centre is defined in detail. The Ministry in this regard explained that nurses do not decide on a medical examination. All foreigners are examined by a doctor when accommodated in the centre or on the first working day when a doctor is present. Foreign nationals ask for themselves about any subsequent examinations by a general practitioner which is obviously provided for them and guaranteed.

Visit to the Asylum Centre

The official capacity of the Asylum Centre is 203 places for applicants for international protection. At the time of the visit (30 August 2012), there were in total 99 persons accommodated in the centre. An introductory interview with the head of the Asylum Centre was first carried out during the visit, which took place together with the head of the Department for Migration Policy and legislation and a co-worker who is responsible for legal matters in the Department for Accommodation, Care and Integration. This was followed by the inspection of accommodation areas and other premises in the facility, interviews with applicants for international protection and a concluding discussion.

DPM je posebej pohvalil, da se prosilcem omogočijo opravljanje dela (npr. sodelujejo lahko pri pleskanju), za katero so (čeprav malo) tudi finančno nagrajeni, in aktivnosti na različnih področjih, hkrati s pričakovanjem, da bo AD to nadaljeval tudi v prihodnje. Predlagali pa smo, naj se proučijo možnosti, da bi AD omogočal delo še več prosilcem. MNZ je v odzivu na to priporočilo pojasnilo, da prosilci v AD opravljajo tista dela, za katera se pojavi potreba. Tako je v AD stalna potreba po čiščenju različnih prostorov in okolice, sestavljanja postelj, pleskanja itd. Občasno pa tudi košenje trave, odstranjevanje plevela, odmetavanje snega, pomoč pri vsakodnevnem sporazumevanju uradnih oseb z drugimi prosilci itd. V letu 2011 je tovrstna dela opravljalo 42 prosilcev. Poudarilo je, da so vsi prosilci seznanjeni z možnostjo opravljanja vzdrževanih del in da se za vsakega prosilca, ki izrazi interes, najde primerno delo.

Predlagali smo tudi, da se ugotovljene pomanjkljivosti v bivalnih prostorih sprejemnega oddelka in napake oziroma poškodbe na inventarju in objektih (kot so izrabljene žimnice, namestitve zavese pri prhi v sanitarnem delu, poškodovana prha v prostoru za namestitve morebitnih invalidnih oseb, pleskanje) sprotno odpravijo. Ker gre predvsem za manjša vzdrževalna dela, naj AD razmisli tudi, da bi ta dela opravili prosilci. MNZ je pojasnilo, da so bile izpostavljene pomanjkljivosti v zvezi s sprejemnimi prostori že odpravljene. Naše priporočilo se že dalj časa izvaja v praksi, saj se pleskanje bivalnih prostorov redno zagotavlja z vzdrževalnimi deli, ki jih opravljajo zainteresirani prosilci. Čeprav se pleskanje prostorov redno zagotavlja z vzdrževalnimi deli, nastanjeni prosilci še vedno namerno poškodujejo stene. Nedavno pleskanje je bilo izvedeno v juniju 2012.

Tudi za poškodovane računalnike smo predlagali, naj se popravijo oziroma odstranijo iz prostora, saj pomenijo nevarnost, da bi se kateri izmed prosilcev (predvsem otroci) lahko poškodoval z elektriko. MNZ je pojasnilo, da zagotavlja redno vzdrževanje računalnikov. Ugotovljeno pa je bilo, da prosilci namerno uničujejo računalnike, iz njih pobirajo dele, obstaja tudi sum, da jih prodajo. Zato je bila sprejeta odločitev, da se vsaj nekaj časa prosilcem ne zamenjajo pokvarjeni računalniki z novimi in se ne popravljajo, saj je njihov odnos do skupnih stvari po mnenju ministrstva neprimeren. Glede na naše priporočilo so bili poškodovani računalniki iz računalniške sobe odstranjeni, čeprav po mnenju ministrstva ni bilo bojazni, da bi se otroci poškodovali z elektriko, saj otrokom vstop na oddelek, kjer je računalniška soba, ni dovoljen.

The NPM particularly commended the practice which enables the applicants to carry out work (for example, taking part in painting) for which financial compensation is also awarded (however, only a small amount), as well as activities in various fields. The expectation was expressed that the Asylum Centre would continue with such practices in the future. It was proposed that options should be examined for the Asylum Centre to provide work for even more applicants. In its response to this recommendation, the Ministry of the Interior explained that applicants in the Asylum Centre carry out those jobs for which the need arises. In the Asylum Centre, there is therefore a constant need to clean various rooms and the centre's surroundings, making up beds, painting, etc. Occasionally this also included mowing the lawn, killing weeds, removing snow, as well as assisting in everyday communication between officials and other applicants, etc. In 2011, tasks of this kind were carried out by 41 applicants. It was stressed that applicants are informed about the opportunity to carry out maintenance work and that a suitable job is found for every applicant who expresses an interest in doing so.

It was also proposed that the deficiencies discovered in accommodation areas in the reception centre and damage to the equipment and in the building (such as for example, worn-out mattresses, placing curtains in the bathrooms, a damaged shower in the sanitary annexe of the room where even disabled persons may be accommodated, and painting) should be regularly resolved. Since this is a case of minor maintenance work, the Asylum Centre should also consider whether other applicants could perform these jobs. The Ministry of the Interior had explained that the highlighted irregularities regarding the reception centre had already been remedied. As a matter of fact, in practice, the NPM's recommendations had been carried out for a longer period of time, and the painting of accommodation areas was regularly carried out by maintenance work performed by the interested applicants. Although the painting of rooms is regularly provided for with maintenance jobs, some applicants accommodated in the Centre still damage the walls on purpose. The most recent painting was carried out in June 2012.

In regard to damaged computers, it was also proposed to have them removed from the room since they pose a risk that any of the applicants (particularly children) may injure themselves by electric shock. The Ministry of the Interior explained that the regular maintenance of computers is provided for. However, it was established that applicants intentionally damage computers, take parts from them, and there is a suspicion that they sell them. That is why a decision was made that, at least for some time, broken computers should not be replaced with new ones and were not to be repaired since, in the Ministry's opinion, their attitude towards these items was inappropriate. The damaged computers were removed from the computer room in accordance with the NPM's recommendation, although in the Ministry's opinion, there was no risk of having children hurt by electric shock since children are not allowed to enter the section of the Centre where the computer room is located.

Glede na to, da je DPM ob svojem obisku zaznal tudi več poškodb inventarja, za kar naj bi bili odgovorni prosilci, je menil, da bi bilo potrebno tudi dosledno sankcioniranje kršiteljev hišnega reda. Odkrivanje storilcev je lahko tudi težavno, zato bi bilo po presoji DPM vredno razmisliti o preventivnih ukrepih, kot je na primer pogostejša navzočnost osebe, ki bi jo prosilci razumeli kot avtoriteto (npr. policist). V primeru kršitev hišnega reda se po pojasnilu MNZ vselej izrekajo ustrezne sankcije, na primer v obliki pisnega opomina, začasne ali trajne odprave dovolilnic za izhode, neizplačevanje žepnine za obdobje enega meseca ali povrnitve morebitne škode, kot to določa 80.a člen ZMZ, v skrajnih primerih pa tudi ukrep omejitve gibanja iz razloga ogrožanja ljudi in premoženja. V primeru nasilniškega obnašanja (pretepi, grožnje ...) se na kraj dogodka vedno pokliče tudi policija. V praksi so težavni primeri poškodovanja inventarja, za kar je odgovoren neznani prosilec, ko sankcij ni mogoče izreči. V letu 2011 je bilo na podlagi 80.c člena ZMZ izrečenih 80 ukrepov zaradi kršitev hišnega reda, v letu 2012 57 in dva ukrepa omejitve gibanja zaradi ogrožanja ljudi in premoženja. MNZ je tudi sporočilo, da bodo naš predlog proučili in uskladili z vsemi relevantnimi enotami notranje organizacije v okviru ministrstva.

Ob obisku smo izrazili pričakovanje, da bodo čim prej zagotovljena sredstva za pomoč oziroma zaposlitev psihiatra. AD prosilcem namreč še vedno ne more zagotavljati psihiatrove pomoči, ki bi bil prisoten v AD. Takšna pomoč se prosilcem zdaj izvaja kot nujni primeri v Zdravstvenem domu Vič oziroma UKC Ljubljana. MNZ je pojasnilo, da se zaveda pomena možnosti redne psihiatrične pomoči prosilcem v okviru AD, saj imajo številni nastanjeni prosilci prilagoditvene težave, nekateri pa tudi resne bolezenske težave (shizofrenija in podobno). Prav zaradi tega je predlog sprememb in dopolnitev Zakona o mednarodni zaščiti predvidel izrecno vključitev psihoterapevtske obravnave v dodaten obseg zdravstvene storitev, saj se je v praksi odsotnost možnosti tovrstne obravnave izkazala kot pomanjkljivost. Ta možnost bo po mnenju ministrstva prosilcem omogočala možnost ustrezne obravnave, saj je bil prosilec zagotovljen le dostop do psihiatrične obravnave redne zdravstvene mreže, v urgentnih primerih pa Urgentnega bloka UKC (PHP). Glede na dosedanje izkušnje bo po pričakovanjih MNZ ustrezna psihoterapevtska obravnava lahko preprečila številne ponovne težave oziroma zagotovila ustrezno sprotno obravnavo ugotovljenih težav.

Considering the fact that several damaged items of equipment were noticed by the NPM during the visit, and that applicants were allegedly responsible for such damage, it was believed that consistent punishment of violators of house rules should also be necessary. It may be hard to find out who the offenders are which is why, according to the NPM's assessment, it would be worthwhile considering preventive measures, such as for example, the more frequent presence of a person perceived by applicants to be in authority (for example, a police officer). According to the explanation by the Ministry of the Interior, appropriate sanctions are always imposed in cases of violations of house rules; for example, in the form of a written warning, temporary or permanent suspension of exit permits, a one-month prohibition on the payment of the monthly allowance, or compensation of any potential damage as stipulated by Article 80.a of ZMZ, and, in extreme cases, also a measure whereby movement is restricted due to causing danger to people and property. In a case of violent behaviour (fights, threats, etc.), police are always summoned to the location of the event. Difficult cases of damage incurred to property take place in practice, when an offender remains unknown and no sanctions can be imposed. In 2011, there were 80 measures imposed due to violations of house rules in accordance with Article 80.c of the ZMZ, compared to 57 in 2012, together with two measures of restriction of movement due to damage posed to people and property. The Ministry of the Interior also communicated that the NPM's proposal would be examined and harmonized with all units being part of the internal organisation within the Ministry.

An explanation was expressed during the visit that funds would be provided to employ a psychiatrist as soon as possible. The Asylum Centre, in fact, still cannot provide the assistance of a psychiatrist who could be present in the Asylum Centre. Such assistance is currently provided as emergency medical aid in Vič Community Health Centre or at the University Medical Centre Ljubljana. The Ministry of the Interior explained that they were aware of the importance of regular psychiatric assistance provided to applicants within the scope of the Asylum Centre since numerous applicants accommodated there had adaptation issues and some even experience serious medical conditions (schizophrenia and similar). Owing to this issue, the proposal for the act amending the International Protection Act has envisaged explicitly including a psychotherapeutic treatment within the additional scope of health care services since lack of such treatment had proved to be a deficiency in practice. In the Ministry's opinion, this option would enable the applicants to be suitably treated since in the past, applicants were only guaranteed access to psychiatric treatment within the regular health-care network, and, in urgent cases, in the Accident and Emergency Unit of the University Medical Centre Ljubljana. Considering current experience and according to expectations from the Ministry of the Interior, suitable psychotherapeutic treatment may prevent numerous repetitive issues and provide for suitable regular treatment of established issues (disturbances).

Vodja AD je ob obisku pojasnil, da se AD srečuje s težavo zagotavljanja tolmačev z znanjem nekaterih tujih jezikov prosilcev, ki pa se v Sloveniji redkeje uporabljajo. Pri tem je izpostavil problematiko zagotovitve tolmača za jezik paštu, ki ga govorijo prosilci iz Afganistana. Zaradi te težave v AD v teh primerih za pomoč pri tolmačenju prosijo prosilce, ki so v AD že nastanjeni in poleg tega jezika znajo še vsaj en širše razumljiv jezik. DPM meni, da je ta rešitev skrajno neprimerna, saj lahko zaradi morebitnih konfliktnih razmerij med prosilci, intervjuvanega in njegove bližnje v izvorni državi tako spravijo v nevarnost. Izrazili smo pričakovanje, da se bo v AD zagotavljala navzočnost uradnega tolmača. Predlagali smo, naj AD razmisli o možnosti sodelovanja z uradnimi tolmači prek videokonference, če je osebna udeležba tolmača težje izvedljiva. Po potrebi naj za pomoč pri iskanju ustreznega prevajalca oziroma tolmača zaprosi Evropski urad za podporo azilu (EASO), pri katerem je seznam tolmačev za 360 jezikov.

MNZ je v zvezi z zagotavljanjem tolmača za paštunski jezik pojasnilo, da se zaveda, da pravica do tolmača ne more biti zagotovljena s pomočjo drugega prosilca za mednarodno zaščito, in se je strinjalo z našim mnenjem, da takšna praksa ni primerna zaradi medsebojnih razmerij med prosilci in zagotavljanja zaupnosti postopka. Glede uporabe tolmačev prek EAS je pojasnilo, da 15. člen Uredbe 2012/349/Es o ustanovitvi Evropskega podpornega urada predvideva, da urad oblikuje seznam tolmačev za podporo interventnim skupinam, tolmače pa uradu zagotovijo države članice.

Glede na navedeno je mreža tolmačev v okviru EAS predvsem interventni mehanizem, namenjen državam članicam, ki so pod posebnimi obremenitvami. Po odločitvi Upravnega odbora urada februarja 2012 pa je seznam prevajalcev na voljo tudi za potrebe držav članic, kar pomeni, da se države članice za tolmača dogovarjajo brez posredovanja EAS. V primeru tolmača za paštunski jezik ministrstvo še ni imelo na voljo seznama EAS, saj je bil ta državam članicam posredovan maja 2012, ko je ministrstvo že navezalo stik s tolmači za paštu iz Avstrije in izvajalo konkretne aktivnosti za zaposlitev tolmača. Kljub temu poudarja, da seznam EAS sicer močno olajša delovni proces, če tolmač za neki jezik ni na voljo, v vsakem primeru pa se je treba pred izvedbo tolmačenja z njim dogovoriti za sodelovanje in urediti ustrezno pravno podlago za plačilo njegovih storitev, ki terjajo določen čas. Sporočilo je še, da je bila konec septembra 2012 pogodba o izvajanju storitev prevajanja in tolmačenja vendarle podpisala tolmačke za paštunski jezik iz Avstrije.

During the visit, the Head of the Asylum Centre explained that the institution faced problems in providing for applicants, interpreters with the knowledge of foreign languages which are rarely used in Slovenia. There is an issue of providing an interpreter for the Pashto language spoken by applicants from Afghanistan. As a result, in cases of providing assistance in interpreting, the Asylum Centre asks for help from other applicants who are accommodated in the Asylum Centre and know at least one broadly understandable language in addition to this language. The NPM believes that this solution is highly inappropriate since, due to potential conflicting relations between applicants, a person interviewed and their close relatives in the country of origin may be put in danger straight away. An expectation was expressed that the presence of an official interpreter would be provided for in the Asylum Centre. It was proposed that the Asylum Centre should consider the option of deploying official interpreters via video-conferencing if the personal presence of an interpreter is difficult to achieve. As and when required, assistance in finding a suitable translator or interpreter should be sought from the European Asylum Support Office (the "EASO") having a list of interpreters for 360 languages.

In regard to the provision of an interpreter for the Pashto language, the Ministry of the Interior explained that the Ministry is aware that the right of an interpreter could not be provided for by engaging another applicant for international protection and agreed with the opinion that such practice is inappropriate owing to mutual relations among applicants and considering the provision of secrecy of a procedure. In regard to the engagement of interpreters through the EASO, the Ministry explained that, Article 15 of Regulation (EU) No 439/2010 of the European Parliament and of the Council establishing a European Asylum Support Office envisages that a list of interpreters should be set by the Office to be made available for the asylum support teams, whereby the interpreters are provided for by the Member States.

In the light of the above mentioned, a network of interpreters within the scope of the EASO is mainly an intervention mechanism intended for Member States with particular problems. Following a decision by the Office's Management Board in February 2012, a list of interpreters is also available for the needs of Member States, meaning that Member States may agree on an interpreter without the intermediary intervention by the EASO. In the case of an interpreter for the Pashto language, the list of the EASO was not yet at the disposal of the Ministry, since it was submitted to Member States only in May 2012 when the Ministry had already made contact with interpreters for the Pashto language from Austria, and actual activities regarding the employment of an interpreter were already underway. In spite of this, the Ministry pointed out that the list of the EASO makes the working process significantly easier, especially when an interpreter for a language is not available. However, in any case, prior to any interpreting engagement, a cooperation agreement must be reached with an interpreter and a relevant legal basis must be arranged to pay for his/her services, for which a certain time period is needed. The Ministry had also communicated that, at the end of September 2012, a contract on the provision of translation and interpreting services was finally signed with an interpreter for the Pashto language from Austria.

Po mnenju vodstva AD so postopki reševanja prošelj za mednarodno zaščito primerno dolgi glede na naravo postopka. Vodja AD je ob obisku še poudaril, da je postopek zaradi pogostih pritožb voden na več stopnjah, kar tudi vpliva na dolžino postopka. DPM je menil, da bi bilo treba v hitro (in kakovostno) reševanje postopka usmeriti več pozornosti – analizirati in odpraviti ovire, ki postopke neutemeljeno zavlačujejo (npr. dolgotrajno postavljanje izvedenca, iskanje tolmača, šibka argumentacija odločitve, neupoštevanje vrstnega reda prošelj itd.). Tudi po mnenju MNZ na splošno postopki na prvi stopnji niso predlogi, še posebej ne ob upoštevanju narave postopkov, čeprav so v praksi primeri postopkov, ki zaradi različnih razlogov trajajo dalj časa kot drugi. To je ministrstvo večkrat izpostavilo tudi v korespondenci z Varuhom v zvezi s konkretnimi pobudami in v odzivu na naš obisk AD v letu 2011. Glede na naš obisk leta 2011 je ministrstvo v praksi skrajšalo čas za pripravo izvedeniškega mnenja na 30 dni (za enega prosilca), kar je povezano s prostovoljnostjo izvedenca, da mnenje pripravi v navedenem času. Poleg tega je ministrstvo izpostavilo še, da je eden izmed razlogov za reorganizacijo ministrstva na področju migracij tudi racionalnejše izvajanje delovnih procesov, kar konkretno na področju postopkov mednarodne zaščite pomeni predvsem učinkovitejšo izrabo kadrovskih virov.

In the opinion of the management of the Asylum Centre, procedures relating to the solving of applications for international protection are already long enough, considering the nature of the procedure. During the visit it was also pointed out by the Head of the Asylum Centre that the procedure is run on several levels, owing to frequent complaints, which consequently has an impact on the length of the procedure. The NPM believed that the fast (and effective) solving of the procedure should be given more attention – obstacles delaying procedures in an unjustified manner should be analysed and removed (for example, a lengthy deployment of an expert, a search for an interpreter, weak argumentation of decisions, lack of observance of the order of applications, etc.). Similarly and in general, in the opinion of the Ministry of the Interior, the procedures at first instance are not too lengthy, especially when taking into consideration the nature of procedure although cases of some procedures lasting longer than others are, however, present in practice. This was highlighted by the Ministry several times also when corresponding with the Ombudsman's Office in relation to actual initiatives and in a response to the visit of the Asylum Centre in 2011. Taking into account the visit in 2011, the Ministry in practice shortened the time for the preparation of an expert opinion to 30 days (for one applicant) and this is linked to the willingness of an expert to produce the opinion in this time frame. In addition, the Ministry also pointed out that one of the reasons for the reorganisation of the Ministry in the field of migration is a more rational implementation of the working process. In actual terms it mainly means the more efficient use of human resources in the field of procedures relating to international protection.

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

Splošno

V Sloveniji je deset zavodov za vzgojo in izobraževanje otrok in mladostnikov s čustvenimi in vedenjskimi motnjami (zavodi), za katere je pristojno Ministrstvo za izobraževanje, znanost in šport (MIZŠ). Za sprejem otrok in mladostnikov z motnjami v duševnem razvoju, ki jim je izrečen vzgojni ukrep oddaje v zavod za usposabljanje, pa je bil določen en zavod za usposabljanje, za katerega je pristojno Ministrstvo za delo, družino in socialne zadeve (MDDSZ). V zavode se tako vključujejo mladostniki na podlagi odločb centrov za socialno delo (na primer zaradi ogroženosti v družini), odločb sodišč (kot vzgojni ukrep) ali z odločbami o usmeritvi (v vzgojni program).

Število obiskov in lokacije

V letu 2012 smo obiskali 4 zavode:

- Vzgojno-izobraževalni zavod (VIZ) Frana Milčinskega Smlednik,
- Mladinski dom Jarše,
- Center za usposabljanje, delo in varstvo Črna na Koroškem (CUDV Črna),
- Osnovno šolo Veržej, organizacijsko enoto Dom Veržej.

Organiziranost zavodov in priporočila DPM

En zavod (Mladinski dom Jarše) je organiziran le v stanovanjskih skupinah – v individualnih hišah oziroma v samostojnih stanovanjih na različnih lokacijah v Ljubljani. Glede na normativ je v skupine vključenih do osem mladostnikov. Vsako stanovanjsko skupino strokovno vodijo praviloma štirje vzgojitelji. V stanovanjskih skupinah, v katerih so poleg srednješolcev vključeni še osnovnošolski otroci, je dodatno zaposlena tudi gospodinja. Zavod ima organizirano interno osnovno šolo od šestega do devetega razreda. Iz stanovanjskih skupin nekaj mladostnikov obiskuje tudi zunanje osnovne šole, vsi srednješolci pa redne srednje šole. Posebnost tega zavoda je tako imenovana produkcijska šola, v katero so vključeni srednješolci, ki so zaradi različnih razlogov izstopili iz rednega srednješolskega izobraževanja. Produkcijska šola ponuja kratko in intenzivno delovno-terapevtsko obravnavo, usmerjeno v razvijanje posebnih osebnostnih lastnosti ter pridobivanje funkcionalnih znanj in socialnih veščin. Mladostniki lahko v programu ostanejo vključeni največ eno šolsko leto, nato se vrnejo v svojo prejšnjo srednjo šolo.

Drugi zavod (VIZ Frana Milčinskega Smlednik) je glede na organizacijo dejavnosti kombiniran. Dejavnost izvaja v zgradbah internatskega tipa s klasičnim modelom vzgoje – v vzgojnih skupinah. Ima pa eno stanovanjsko skupino, ki je na drugi lokaciji. V vzgojnih skupinah je lahko v skladu z normativi največ 12 mladostnikov. Zavod ima svojo interno osnovno šolo. Srednješolci iz stanovanjske skupine pa obiskujejo običajne srednje šole v Ljubljani.

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

General

In Slovenia, there are ten institutions for the care and education of children and adolescents with emotional and behavioural disorders (the “Institutions”) falling under the responsibility of the Ministry of Education, Science and Sports. There is one institution under the responsibility of the Ministry of Labour, Family and Social Affairs which has been established to provide training for children and young people with mental disorders who have been committed to a training institution for educational care by means of an educational measure. Adolescent persons are taken into such institutions on the basis of decisions issued by Centres for Social Work (for example, due to insecurity or risk within the family), court orders (in the form of an educational measure) or decisions on placement in an educational programme.

Number of visits and locations

Four institutions were visited in 2012:

- Smlednik Residential Education Centre Fran Milčinski,
- Jarše Juvenile Home,
- Črna na Koroškem Training, Work and Care Centre,
- Veržej Primary School, Veržej Therapeutic Boarding School.

Organization of institutions and recommendations by the NPM

One institution, Jarše Juvenile Home, is organised in the form of residential communities located in private houses or independent apartments in various locations in Ljubljana. According to the norm, there are 8 young persons included in a group. Generally, each residential community is professionally led by four educators. A housekeeper is additionally employed in residential communities, which, in addition to secondary school students, also include primary school children. The institute carries out its own internal primary school programme from the sixth to the ninth grades. Some adolescents living in residential communities also visit external primary schools, whilst all secondary school students attend regular secondary schools. A special feature of this institution is a production school attended by secondary school students who have dropped out of the regular secondary school education programme for various reasons. The production school provides short and intensive occupational and therapeutic treatments which are oriented towards the development of special personality characteristics and the acquisition of functional and social skills and knowledge. Young persons may attend the programme for not more than one school year and they then return to their previous secondary school.

The second institution, Smlednik Residential Education Centre Fran Milčinski, is a combined institution in terms of its organisation. Its core activity is carried out in boarding facilities with a traditional educational model – in formative groups. It also has one residential community located at another location. There may be no more than 12 adolescents included in these formative groups, in accordance with the norms. There is an internal primary school organised within the institution. Secondary school students from the residential community attend regular secondary schools in Ljubljana.

Preostala dva zavoda (Dom Veržej in CUDV Črna na Koroškem) sta organizirana klasično, saj dejavnost izvajata v zgradbah internatskega tipa. CUDV Črna na Koroškem spada v pristojnost MDDSZ in je bil s sklepom leta 2010 določen za sprejemanje otrok in mladostnikov z motnjami v duševnem razvoju, ki jim je izrečen vzgojni ukrep oddaje v zavod.

DPM meni, da sta življenje in delo z mladostniki s čustvenimi in vedenjskimi motnjami v stanovanjskih skupinah primerna organizacijska oblika. Za čustveno in vedenjsko najbolj oškodovane pa je lahko ta oblika življenja tudi preveč zahtevna, zato je po naši presoji smiselno vsaj v manjšem obsegu ohraniti klasični model organiziranja vzgojne dejavnosti in s tem možnost namestitve otrok in mladostnikov v vzgojne skupine.

DPM je zaradi vseh posebnosti življenja in dela v obiskanih zavodih MZIKŠ predlagal premislek o posebnem zakonu ali o samostojnih določbah v okviru veljavne zakonodaje, ki bi posebej urejale področje organiziranosti in delovanja vzgojnih zavodov. Vendar so pristojni v odzivnem poročilu zapisali, da ravnatelji teh zavodov svojih konkretnih predlogov ne morejo tako uskladiti, da bi bili glede na posebnosti v posameznih zavodih za vse sprejemljivi.

Ob obisku CUDV Črna smo se srečali z zapleti, ki jih povzroča izvajanje vzgojnega ukrepa oddaje v zavod za usposabljanje (več o tem v Letnem poročilu Varuha za leto 2012, v poglavju Omejitve osebne svobode – mladoletniki v vzgojnih zavodih in zavodu za usposabljanje). Kot poudarjamo, je to po naši ugotovitvi skrb vzbujajoče in nujno terja čimprejšnji sprejem vseh potrebnih ukrepov, da se bo lahko izvajal vsak izrečeni vzgojni ukrep oddaje v zavod za usposabljanje, saj se postavlja vprašanje smiselnosti izrekanja tega vzgojnega ukrepa.

Prav nobenega učinka namreč nima vzgojni ukrep oddaje v zavod za usposabljanje, ki je le izrečen, ne pa tudi izveden, ker ni niti (določene in primerne) ustanove, ki bi ta ukrep sploh izvajala. MDDSZ, Ministrstvo za pravosodje in javno upravo in MIZŠ smo zato pozvali, naj čim prej sprejemajo vse potrebne ukrepe (vključno z morebitnimi potrebnimi zakonskimi spremembami in dopolnitvami) za nemoteno izvajanje tega vzgojnega ukrepa.

DPM je CUDV Črna še opozoril, da se posebni varovalni ukrepi po določbah ZDZdr lahko uporabljajo le v oddelkih pod posebnim nadzorom psihiatričnih bolnišnic in v varovanih oddelkih socialnovarstvenih zavodov. CUDV ni psihiatrična bolnišnica niti nima vzpostavljenega varovanega oddelka. Že iz tega razloga je izdaja internega akta o uporabi posebnih varovalnih ukrepov sklicevanjem na ZDZdr nepravilna, saj nima zakonske podlage. Priporočili smo, da CUDV interni akt (Odredbo o izvajanju posebnih varovalnih ukrepov v CUDV Črna na Koroškem) odpravi. Odredba o izvajanju posebnih varovalnih ukrepov je bila nato tudi preklicana.

The two remaining institutions (Veržej Therapeutic Boarding School and Črna na Koroškem Training, Work and Care Centre) are organised in the traditional way and their activities are carried out in houses organised as dormitories. Črna na Koroškem Training, Work and Care Centre falls under the responsibility of the Ministry of Labour, Family and Social Affairs and, as a result of a 2010 decision, it was assigned a role of an institution responsible for children and adolescents with mental disorders who have been committed to an institution as an educational measure.

The NPM believes that for young people experiencing emotional and behavioural disorders living and working in residential communities is a suitable organisational model. However, this type of treatment may be too demanding for those with severe emotional and behavioural difficulties which is why, in the NPM's opinion, it makes sense to keep the traditional organizational model of education and upbringing, at least to a small extent, and therefore provide for the placement of children and minors in formative groups.

Owing to all the special circumstances of life and work in the institutes visited, the NPM proposed to the Ministry of Education, Science and Sport that it consider a special act or independent provisions within the scope of the applicable legislation which would specifically govern the organisation and operation of training institutions for educational care. However, in the response report, it was stated by persons responsible that headmasters of these institutions could not harmonize their actual proposals in such a manner so as to be acceptable for all, considering the special features of individual institutions.

When visiting Črna na Koroškem Training, Work and Care Centre some issues were encountered which are caused when implementing educational measures in regard to the referral of persons into the training centre (more on this topic in the 2012 Ombudsman's Annual Report, chapter Limitation of Personal Freedom). It must be highlighted that, according to the findings by the NPM, this is a very serious matter and it urgently requires that all the necessary measures be adopted as soon as possible so that every educational measure involving a referral to a training institution may be implemented or the soundness of imposing such measures be questioned.

In fact, an educational measure involving a referral of a person into a training centre, which is ordered but not also implemented, has no effect since there is no facility (authorised and suitable) to actually implement such a measure. The Ministry of Labour, Family and Social Affairs, the Ministry of Justice and Public Administration and the Ministry of Education, Science and Sports were therefore urged to adopt all the necessary measures as soon as possible (including potential and necessary statutory amendments and modifications) in order to provide for a smooth implementation of an educational measure of this type.

The NPM also issued a warning notice to the Črna na Koroškem Training, Work and Care Centre stating that, in accordance with the provisions of the ZDZr, special protection measures may only be used in units under special supervision (secure wards) of psychiatric hospitals and in secure wards of social care institutions. The above mentioned institution is neither a psychiatric hospital nor is there a secure ward established. As a result, the issue of an internal legal document regarding the use of special protection measures, by means of a reference to the ZDZdr, is inappropriate since it has no legal basis. It was recommended that the internal legal document (Decree on Implementation of Special Protection Measures in Črna na Koroškem Training, Work and Care Centre) be abolished. Afterwards, the Decree on Implementation of Special Protection Measures was actually repealed.

Ob obisku doma v Veržeju pa smo ugotovili, da vanj ne bi smel biti nameščen eden izmed mladoletnikov z izrečenim vzgojnim ukrepom, saj ta ustanova ni na seznamu zavodov, ki ta ukrep izvajajo. Predlagali smo, da vzgojni dom čim prej (skupaj s pristojnim centrom za socialno delo) poskrbi za namestitev tega mladoletnika, ki bo skladna z določili ZIKS-1.

Kadrovske in prostorske razmere ter priporočila DPM

Ob upoštevanju standardov in normativov za delo z mladostniki s čustvenimi in vedenjskimi motnjami je bilo število strokovnega osebja v obiskanih zavodih primerno, prav tako tudi njihova vrsta in stopnja izobrazbe. Gre za strokovnjake z univerzitetno izobrazbo s področij socialne pedagogike, psihologije, socialnega dela in drugih, ki so še dodatno usposobljeni za delo s to populacijo. Ob obiskih smo zaznali problem pridobitve dodatne socialnopedagoške dokvalifikacije, saj Pedagoška fakulteta tovrstnega izobraževanja že več let ni razpisala. Zato je DPM priporočil, da bi bilo to nujno. MIZŠ je v odgovoru pojasnilo, da se s priporočilom strinja in da je v zadnjih letih na fakulteto naslovilo več pobud v zvezi s tem.

Prostorski pogoji in oprema so v treh obiskanih zavodih primerni (v Mladinskem domu Jarše, CUDV Črna na Koroškem in Domu Veržej), v VIZ Frana Milčinskega Smednik pa je zlasti pohištvo v bivalnicah in sobah mladostnikov precej dotrajano. Zato je DPM MIZŠ priporočil, naj zagotovi finančna sredstva za obnovo. MIZŠ je priporočilo sprejelo in se v odzivnem poročilu zavezalo, da bo poskušalo ustrezna finančna sredstva čim prej zagotoviti.

Izvajanje dejavnosti – pohvale in priporočila DPM

Za zmanjšanje strahu pred institucionalnim življenjem v vseh obiskanih zavodih mladostnikom in staršem pred namestitvijo omogočajo predstavitev posameznega zavoda oziroma stanovanjske skupine. Obiskani zavodi imajo tudi publikacije s temeljnimi informacijami o svojem delu. Informativno gradivo je objavljeno tudi na spletnih straneh posameznega zavoda. Ponekod smo zaznali nekaj pomanjkljivosti in zastarelih informacij, na kar smo opozorili vodstva obiskanih zavodov, ki so se na ta priporočila DPM ustrezno odzvala in v kratkem času dopolnila pomanjkljive ali zastarele informacije.

DPM je zavodom tudi predlagal interdisciplinarno razpravo o potrebnosti ustanovitve triažnega diagnostičnega centra (v preteklosti je bil to prehodni mladinski dom), v katerega bi se v prvi fazi oddaje v zavod nameščali mladostniki za krajše obdobje – od treh do štirih mesecev. Na podlagi opazovanja in spoznavanja posamezne osebnosti bi bila po našem stališču odločitev, v kateri zavod bi posameznik spadal, lažja in bolj strokovna.

Za vsakega mladostnika praviloma v nekaj dneh po sprejemu v obiskanih zavodih pripravijo individualni vzgojno-izobraževalni načrt z aktivnostmi za uspešen osebnostni razvoj. DPM je na podlagi naključno pregledanih osebnih spisov mladostnikov ugotovil, da zavodi dokaj zglede vodijo osebno dokumentacijo mladostnikov. V zvezi z individualnim načrtom pa je zavodom priporočil, naj ga poleg ravnatelja podpiše tudi mladostnik, saj mu je s tem dana primerna veljavnost in večja odgovornost za njegovo sodelovanje v učno-vzgojnem procesu.

During the visit to the Veržej boarding facility, it was established that one of the minors being committed to educational training should not have been accommodated in this institution since the facility is not listed among establishments implementing such a measure. It was proposed that the accommodation of the minor in question be provided for by the institution (in collaboration with the responsible Centre for Social Work) which would be compliant with the provisions of the ZIKS-1.

Staffing and residential conditions and NPM recommendations

Taking into account standards and norms specifying conditions of work with young people experiencing emotional and behavioural disorders, the number of professional staff in institutions visited was appropriate, and so also was their type and level of education. They are experts holding a university degree in the fields of social pedagogy, psychology, or social work, and other staff are additionally trained to work with this population. During the visits, it was noticed that obtaining the supplementary qualification in social and pedagogic science poses a problem since the Faculty of Education had not made this type of educational programme available for several years. That is why it is recommended by the NPM as being urgent. The Ministry of Education, Science and Sports explained in its reply that they agreed with the recommendation and that several initiatives had been addressed to the Faculty in this regard.

In all the three institutions visited (Jarše Juvenile Home, Črna na Koroškem Training, Work and Care Centre and Veržej Therapeutic Boarding Facility), the amount of space and fittings were appropriate, whereas in Smlednik Residential Education Centre Fran Milčinski, it was noticed that the furniture in the accommodation areas and rooms of minors was rather worn out. That is why the Ministry of Education, Science and Sports has been asked by the NPM to ensure financial funds for their repair and renewal. The recommendation was accepted by the mentioned Ministry which committed itself in its response report to strive to ensure provision of the appropriate financial funds as soon as possible.

Activity performance – praise and recommendation by the NPM

In order to reduce the fear of institutional life in all of the institutions visited, a presentation of an individual facility of a residential community is made available to the minors and their parents. The institutions which were visited also have publications with essential information on their work at their disposal. Informational material is also published on a web site of each individual institution. Some deficiencies and obsolete information were observed in some cases and the management of the institutions visited was warned about it accordingly. These responded adequately to recommendations by the NPM and they amended missing or out-of-date information within a short period of time.

It had also been proposed by the NPM that institutions hold an interdisciplinary discussion on the need to establish a triage diagnostic centre (“a transitory juvenile facility” as known in the past) to accommodate young persons for a short period of time during the first phase of their referral to an institution, specifically from three to four months. It is the NPM’s position that, observing and understanding an individual’s personality, will make the decision about which institution to place an individual in easier and more professionally based.

An individual educational programme, together with activities aiming at successful personal development, is usually developed for each adolescent by responsible persons in the institutions visited within a few days of a young person’s admission. Based on randomly inspected personal files of adolescents, it was established by the NPM that the personal documentation of young persons is kept in a quite exemplary way. However, in relation to the individual plan, the NPM made a recommendation to institutions that it be signed by the minor in question, in addition to the principal, as this would give an adolescent the appropriate recognition and greater responsibility for his/her participation in the training and educational process.

Kršitve pravil življenja v zavodu in druge destruktivne vedenjske odklone v vseh zavodih obravnavajo neposredno v odnosu z mladostnikom, z vzpostavljanjem dogovorov in spremljanjem njihovega uresničevanja, in sicer individualno in na sestankih skupin. Težje kršitve pravil kaznujejo z odvzemom računalnika, s prepovedjo prostega izhoda, z izločitvijo v lastno sobo, z zahtevo po dodatnem delu, s poznejšim odhodom domov oziroma s prepovedjo odhoda domov. Nagrade za spoštovanje pravil in primerno vedenje pa so predčasni odhod domov, obisk kino predstave, obisk vodnega parka ali kakšne druge, za mladostnike prijetne in vabljive aktivnosti. Vendar so v zvezi z izrekanjem vzgojnih ukrepov med zavodi tudi razlike, saj ponekod kršitve hišnega reda, neubogljivost in vedenjske odklone kaznujejo tudi s prepovedjo odhoda domov ob koncu tedna. DPM zato priporoča, da glede na različnost vzgojnega ukrepanja po posameznih zavodih ob kršitvah pravil socialnopedagoška stroka prouči možnosti za pripravo smernic za izdelavo vzgojnega načrta (kot je predviden za osnovne šole v skladu z Zakonom o osnovni šoli) ter iz njega izhajajoča pravila bivanja v zavodu, vključno s pritožbenimi možnostmi in potmi.

Ugotovili smo, da obiskani zavodi posebno pozornost namenjajo sodelovanju s starši oziroma skrbniki. Starši se prek sveta staršev in sveta zavoda tudi formalno vključujejo v življenje in delo posameznega zavoda.

Izobraževanje je temeljna vrednota vsakega zavoda. Mladostniki se lahko vključijo v različne programe izobraževanja in poklicnega usposabljanja neposredno v zavodih oziroma obiskujejo zunanje šole. Zavodi mladostnike spodbujajo k aktivnemu preživljanju prostega časa. Vsi organizirajo številne prostočasne dejavnosti, v katerih mladostniki lahko odkrivajo in razvijajo svoje talente.

Težave z nedovoljeno drogo, alkoholom in kajenjem so v nekaterih zavodih bolj, v drugih manj navzoče. Različni so tudi pristopi k obravnavi teh pojavov, zato DPM zavodom predlaga razmislek o izdelavi enotne strategije obravnave odvisnosti od nedovoljenih drog, alkohola in kajenja.

DPM je obiskanim zavodom priporočil še, naj pripravijo sistematično izobraževanje mladostnikov o učinkih in posledicah uživanja nedovoljenih drog, alkohola, kajenja in o posledicah tveganih vedenj, preprečevanju okužb z virusi HIV, s hepatitisom in o odvijanju od škodljivih razvad oziroma odvisnosti. Na to priporočilo se je odzval Mladinski dom Jarše z zagotovilom, da bodo priporočila DPM upoštevali in domišljene aktivnosti, ki jih z mladostniki že izvajajo, še poglobili.

DPM je ob obisku Doma Veržej zaznal problematiko mladostnikov s psihiatričnimi težavami in zelo agresivnim vedenjem, za katere (tudi) po našem mnenju ni dobro poskrbljeno. MIZŠ je v odgovoru zapisalo, da se problematike zavedajo, da pa po njihovem mnenju reševanje spada v pristojnost Ministrstva za zdravje.

In all institutions, any violations of rules of conduct and other destructive deviations in behaviour is handled directly in the relationship between an adolescent and the institution, by making agreements and following up on their implementation, on an individual basis as well as within group meetings. Severe violations of rules are punished by confiscating a computer, by prohibiting exit passes, by confining the violators to their own room, by demanding that they perform additional work, by delaying their departure to their homes or by prohibiting their departure to their family homes. Rewards for their observance of rules and appropriate behaviour are earlier departure to their family homes, a visit to the cinema, a visit to an aqua park or any other activity which is attractive and liked by young persons. But there are differences among institutions as the imposing of educational measures are concerned since in some places violations of house rules, disobedience and deviations in behaviour are also punished by prohibiting a release to go home at weekends. This is why, considering the differences in regard to educational measures in individual institutions when rules are violated, it has been proposed by the NPM that the social and pedagogic profession examine the option of developing guidelines to produce an educational plan (as envisaged for primary schools in accordance with the Primary School Act), together with rules of residence in any institution arising from such a plan, as well as appeal options and complaint procedures.

It was established that special attention was dedicated by the institutions visited to cooperation with adolescents' parents or guardians. Parents are formally involved with the life and work of an individual institution via the Parents' Council and the Institution Council.

Education is the fundamental value of every institution. Minors may become involved in various educational programmes and vocational training programmes, either directly in institutions or by attending schools. Adolescents are encouraged by institutions to spend their free time in an active way. Numerous free-time activities are organised by institutions for young people to discover and develop their talents.

Issues relating to illicit drugs, alcohol and smoking vary from one institution to another. Attitudes on how to treat these issues are also varied; as a result, the NPM has proposed to institutions to consider the development of a uniform strategy in regard to treating the addiction to illicit drugs, alcohol and smoking.

It was also proposed by the NPM that a systematic training of adolescents be prepared by the institutions visited on the impacts and consequences of using illicit drugs, drinking alcohol and smoking, on the consequences of risky behaviour, the prevention of HIV infections, hepatitis and treatment of bad habits and addictions. Only Jarše Juvenile Home replied to the NPM's recommendation by making an assurance that the recommendation would be observed and it would improve those activities that had been well thought through and had already implemented them with their minors.

During the visit to the Veržej Boarding Facility, an issue regarding adolescents with psychiatric difficulties and very aggressive behaviour had been observed. In the NPM's opinion (also), these young people were not being well cared for. In its reply, the Ministry of Education, Science and Sports stated that they were aware of these issues but their opinion was that resolving the problems fell under the responsibility of the Ministry of Health.

DPM je posebej pohvalil idejo mladinskih stanovanj, ki jo razvijajo v Mladinskem domu Jarše. Gre za posebno obliko vodenja mladostnikov zunaj institucije. Nekateri mladostniki se po končani obravnavi v skupini namreč ne morejo vrniti domov (zaradi neugodnih družinskih razmer, slabih stanovanjskih pogojev), za popolnoma samostojno življenje pa še niso dovolj pripravljeni. Za take mladostnike se v dogovoru s CSD odločijo za vključitev v mladinsko stanovanje. Mladostniki bivajo v majhnem najetem stanovanju oziroma najemniški sobi in nadaljujejo šolanje. Občasno oziroma po potrebi imajo stike z vzgojitelji, ki jim svetujejo glede ravnanja v različnih primerih in jih vodijo pri prevzemanju odgovornosti za samostojno življenje.

DPM meni, da je oblika mladinskih stanovanj zelo primerna za vse, ki po odpustu še niso sposobni povsem samostojnega življenja, v lastni družini pa nimajo ustreznih razmer, vzorov, niti pomoči. Predlaga, naj se ideja mladinskih stanovanj še izpopolni in razširi tudi na druge vzgojne zavode.

Na to pohvalo in priporočilo se je odzval Mladinski dom Jarše z zagotovitvijo, da si bo v skladu z možnostmi prizadeval za uveljavitev ideje ne le v praksi, ampak tudi v sistemu skrbi za mladostnike s čustvenimi in vedenjskimi motnjami.

Končno

V pogovorih z mladostniki je bilo pritožb zoper ravnanje zaposlenih v zavodih in zatiranje kršitev človekovih pravic malo, kar je vsekakor spodbuden podatek. Tako DPM meni, da obiskani zavodi delujejo dobro in primerno izpolnjujejo svoje poslanstvo.

The idea of apartments for young persons, developed by Jarše Juvenile Home was especially praised by the NPM. This is a special form of treating adolescents outside an institution. Some young people, as a matter of fact, cannot return to their family homes after their treatment is finished (due to an unfavourable family situation or poor living conditions) whilst not being fully prepared for a completely independent life. In agreement with Centres for Social Work, it is decided that such adolescents should be admitted to apartments for young persons. Young persons live in a small rented apartment or a room and continue with their schooling. Sometimes, or when necessary, they can be in touch with their educators to consult them in regard to conduct in various cases and to assist them in taking over their own responsibility for their independent life.

The NPM believes that the youth apartment as a form of treatment is suitable for all who are not fully capable of an independent life after being discharged from an institution whilst not being afforded proper conditions, role models or assistance within their own families. It is thus proposed that the idea of youth apartments be improved and extended to other training institutions for educational care.

It was Jarše Juvenile Home that responded to this positive idea and recommendation by making an assurance, according to its own capabilities, that it would strive to implement the principle mentioned not only in practice but also within the system responsible for providing care for adolescents with emotional and behavioural disturbances.

Conclusion

There were few complaints against the treatment of employees in institutions as well as claims on violation of human rights expressed by adolescents in the interviews held. This is, most definitely, an encouraging piece of information. It is thus the NPM's opinion that the institutions which were visited function well and fulfil their mission in a suitable manner.

Obisk 17. bataljona vojaške policije Slovenske vojske

V letu 2012 je Varuh človekovih pravic RS na podlagi nalog in pooblastil državnega preventivnega mehanizma (DPM) po Opcijskem protokolu h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju, skupaj s predstavnico pogodbenne nevladne organizacije, brez predhodne napovedi obiskal in opravil pregled prostorov za pridržanje v 17. bataljonu vojaške policije (17. BVP), ki je na območju vojašnice Franc Rozman – Stane (FRS). Pregled prostorov za vojaško pridržanje v tej ustanovi je bil tokrat v vlogi DPM opravljen prvič.

Poročilo in priporočila DPM v zvezi s prostori za pridržanje v Slovenski vojski so nastali na podlagi pregleda prostorov za pridržanje in pogovora z vodstvom 17. BVP. DPM je ob obisku namenil posebno pozornost ugotavljanju materialnih (tehničnih) pogojev pridržanja. Pri tem je izhajal iz ustavne norme, ki zagotavlja spoštovanje človekove osebnosti in njegovega dostojanstva v vseh pravnih postopkih, tako tudi med odvzemom prostosti.

Vojaški policisti od leta 2004 do dneva obiska v prostorih za pridržanje niso pridržali še nobene vojaške osebe.

17. BVP ima dva prostoroma za pridržanje, ki sta v pritličju stavbe 17. BVP in sta po opremljenosti primerna tudi za daljša pridržanja. Oba prostora sta po opremljenosti in velikosti enaka. V hodniku pred prostoroma za pridržanje je prostor namenjen tudi za sprejem pridržane osebe. V hodniku so umivalnik s tekočo vodo, dve večji leseni omari z rezervnimi oblačili, miza z računalnikom in stolom. Poleg računalnika sta bila v času obiska na mizi dva manjša mikrofona, ki sta namenjena za komunikacijo med vojaškim policistom in pridržano osebo.

Ob pregledu prostorov za pridržanje smo se osredotočili predvsem na ustrezno opremljenost, označenost in velikost prostorov, ustrezno osvetlitev (dnevna in umetna svetloba), čistočo, sanitarije, dostop do pitne vode, oskrbe s hrano, dostop do zdravstvene oskrbe, videonadzor prostorov in dokumentacija.

Opremljenost prostorov

V času našega obiska sta bili na lesenih posteljah posteljnina ter na steno prostora pritrjena lesena miza in lesen stol. Ob vhodu v prostor za pridržanje je manjši prostor, v katerem sta stranišče na počep in umivalnik s tekočo vodo.

DPM je ob obisku ugotovil in hkrati predlagal, naj se nekatere ugotovljene pomanjkljivosti preverijo in po potrebi napake odpravijo, in sicer:

- da se voda v stranišče na počep po izpustu ne ustavi oziroma se je iztekanje vode ustavilo šele po vnovičnem izpustu vode,
- da se prostora za pridržanje oštevilčita in da se v primeru pridržanja tudi v uradni zaznamek navede številka prostora, v katerem je bila oseba pridržana,
- da se v prostorih za pridržanje označi z nalepko, da sta prostora videonadzorovana.

Visit to the 17th Military Police Battalion of the Slovenian Armed Forces

In 2012, pursuant to duties and powers granted under the National Preventive Mechanism in line with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, the Human Rights Ombudsman of the Republic of Slovenia, together with a representative of the NGO under a contract, visited, without any prior announcement, and inspected the detention rooms of the 17th Military Police Battalion ("17th MPB"). The battalion is located in the area of Franc Rozman Stane Military Post ("FRS military post"). The inspection of rooms for military detention in this facility was carried out by the NPM for the first time.

A report and recommendations by the NPM in relation to detention rooms of the Slovenian Armed Forces were produced on the basis of an inspection of the detention rooms and an interview held with the management of the 17th MPB. During the visit, special attention was dedicated by the NPM to establishing the state of material (technical) conditions of detention. The NPM activity originated from the constitutional norm granting respect for human individuality and dignity in all legal proceedings, including the deprivation of liberty.

Since 2004 until the day of the visit of the detention room, no military person had been detained by the military police forces.

There are two detention rooms located in the ground floor of the building where the 17th MPB is located. The premises are appropriately equipped for longer periods of detention. Both rooms are equal in terms of their equipment and size. In a corridor in front of the detention rooms, there is a room dedicated to admission of a detained person. In a corridor, there is a washbasin with running water, two larger wooden tables with spare clothes, a table with a computer and a chair. At the time of the visit, in addition to the computer, there were two smaller microphone sets at the table intended for communication between a military police officer and a detained person.

When inspecting detention rooms, the focus was mainly placed on appropriate equipment, signage and the size of the premises, proper lighting (daylight and artificial light), cleanliness, toilets, access to drinking water, the supply of food, access to health care services, video-surveillance of premises and documentation.

Equipment in rooms

At the time of the visit, wooden beds were covered with bed linen, and a wooden table and a wooden chair were fixed to the wall of the room. There is a small area close to the entrance into the detention room, where a squat toilet and a washbasin with running water are located.

During the visit, it was established and simultaneously proposed by the NPM that some deficiencies be checked and, when necessary, remedied, specifically:

- water in the squat toilet continues running after flushing and it is stopped only after a repeated release of water;
- detention rooms should be numbered and the number of a room in which a person was detained be recorded in the official note, in the case of a detention;
- detention rooms be marked with a warning that rooms are under video-surveillance.

Osvetljenost prostorov

Prostora za pridržanje imata po ugotovitvah DPM še zadovoljivo naravno svetlobo, vendar je umetna svetloba slabša. Svetilni telesi za umetno svetlobo sta v obeh prostorih za pridržanje nameščeni neposredno nad vhodom v prostor v obliki približno 8 krat 60 centimetrov dolgi reži. Svetili sta prekri z motnim steklom, kar še dodatno zmanjšuje svetlobo, ki se oddaja v prostor. Ker takšno svetlobno telo v nočnem času s težavo zagotovi dovolj svetlobe, da bi bilo mogoče opravljati videonadzor pridržane osebe, je DPM predlagal, da kolikor svetloba v nočnem času ni zadovoljiva, da se prouči možnost o namestitvi malo močnejšega ali dodatnega svetlobnega telesa v obeh prostorih za pridržanje, da bo omogočen tudi učinkovit nadzor pridržane osebe v nočnem času.

Prehrana in voda

Pridržani osebi bi se hrana v času obratovanja kuhinje v vojašnici FRS zagotovila iz kuhinje. Zunaj delovnega časa kuhinje pa bi se pridržani osebi prek dežurnega vojašnice FRS zagotovil suhi obrok.

Zdravstvena oskrba pridržanih oseb

V času dela zdravstvene službe v vojašnici FRS bi pridržani osebi omogočili zdravstveno oskrbo prek vojaške zdravstvene službe, drugače pa prek nujne medicinske pomoči Univerzitetnega kliničnega centra Ljubljana.

Prostor za zaslišanje

Poleg prostorov za pridržanje ima 17. BVP tudi prostor za zaslišanje, ki je opremljen z večjo mizo, petimi stoli, računalnikom in dvema monitorjema. V tem prostoru se omogoči tudi pogovor odvetnika s pridržano osebo, če bi bilo to potrebno. Ker je prostor videonadzorovan, vendar ni označen, je DPM predlagal, naj se v prostoru oziroma na vhodu v prostor označi z opozorilno nalepko.

Video- in zvočni nadzor

Videonadzor pridržane osebe v prostoru za pridržanje je mogoč na računalniku, ki je nameščen v hodniku pred prostoroma za pridržanje in tudi v sobi dežurnega 17. BVP. Pri pregledu videonadzora v sobi dežurnega 17. BVP je bilo ugotovljeno, da je ta ustrezno nameščen, saj ne pokriva sanitarnega dela (čeprav 12. člen Pravilnika ne povsem ustrezno določa, da se videokamera na strop pritrdi tako, da pokriva celotno površino prostora).

Dokumentacija

Dokumentacija z evidenco pridržanih oseb je bila v času obiska prazna. V obrazcu so za evidentiranje pridržanja namenjene rubrike: zaporedna številka, datum, čin, ime in priimek (pridržanega), rojstni podatki (pridržanega, dan, mesec, leto in kraj), naslov stalnega in/ali začasnega prebivališča, državljanstvo (pridržanega), podatki o pridržanju (kraj, čas in razlogi za pridržanje), vojaški policist, ki je odredil pridržanje (čin, ime in priimek) – čitljivo, in podpis vojaškega policista. Ta evidenca (čeprav je ročna) po mnenju DPM sicer vsebuje večino potrebnih podatkov, ki so potrebni za evidentiranje morebitnega pridržanja. DPM je predlagal, naj se v obrazec doda še rubrika o vojaškem policistu, ki je pridržano osebo sprejel v pridržanje, in rubrika, iz katere bo razviden čas končanja pridržanja.

Lighting in rooms

As established by the NPM, the natural light in the detention room is almost satisfactory, but the artificial light is poor. In both detention rooms, lamps producing artificial light are set directly above the entrance into the room, in a channel of approximately 8 x 60 centimetres. Lamps are covered with obscured glass, thus additionally reducing the light spreading into the room. Since it is difficult to provide for enough light with such lamps at night time to enable the video-surveillance of a detained person, it was proposed by the NPM that if the light is not satisfactory at night time, an option be examined to install a stronger or additional lamp in both detention rooms in order to enable an efficient monitoring of a detained person during the night time.

Food and water

It is envisaged that, during the operation of the kitchen within the FRS military post, a detained person would be provided with food from the kitchen. When the kitchen does not operate a cold meal would be supplied to a detained person via a duty officer of the FRS military post.

Health care of detained persons

During the business hours of the health care centre within the FRS military post, health care would be provided to a detained person through the military medical service, or otherwise via the Accident and Emergency Service of the University Medical Centre Ljubljana.

Interrogation rooms

In addition to detention rooms, the 17th MPB also has an interrogation room, which is equipped with a larger table, five chairs, a computer and two monitors. A discussion held between a lawyer and a detained person is also made possible in this room, if such discussion might be needed. Since the room is under a video-surveillance system but not marked so, it was proposed by the NPM that a warning label be placed in the room or at the entrance to the room.

Video- and audio- surveillance

The video-surveillance of a detained person in a detention room is possible via a computer set in a corridor in front of the detention rooms, as well as in the office of the duty officer of the 17th MPB. When inspecting the video-surveillance system set in the office of the duty officer of the 17th MPB, it was established, that the system was correctly installed since it does not cover the sanitary annexe (although Article 12 of the Rules does not fully and appropriately stipulate that a video-camera is installed on the ceiling so that it covers the entire area of the room).

Documentation

The documentation file holding the register of detained persons was empty at the time of the visit. A form to register cases of detention included the following sections: the Lfd. number, date, rank, name and surname (of a detained person), birth details of a detained person (date and place of birth), permanent and/or temporary address, citizenship (of a detained), information about detention (location, time and grounds for detention), information of a military police officer ordering a detention (rank, name) – in a legible manner, and a signature of the military police officer. This record (although to be filled in manually), in the NPM's opinion, in fact includes the majority of the necessary information needed to register a potential detention. It was, however, proposed by the NPM that a section about the military police officer admitting a detained person into a detention, as well as a section providing information on the conclusion of the detention be added to the form.

Za gradnjo prostorov za pridržanje je bil izdelan Pravilnik, v katerega pa so bili vneseni nekateri standardi za gradnjo, ki so uporabljeni v Upravi RS za izvrševanje kazenskih sankcij za izdelavo prostorov za izločitev. DPM je zato predlagal, naj se, glede na to, da sta bila prostora za pridržanje izdelana očitno po standardih za gradnjo prostorov za pridržanje, ki jih uporablja Ministrstvo za notranje zadeve oziroma Policija, ustrezno spremeni tudi Pravilnik za izgradnjo prostorov za pridržanje v Slovenski vojski oziroma vojaški policiji (zlasti v delu ureditve sten in tal – 9. člen). Po Pravilniku mora biti v sanitarnem delu tudi gasilni aparat (10. člen Pravilnika). Kolikor je mišljeno sanitarni del prostora za pridržanje, DPM pripominja, da to iz razlogov varnosti verjetno ni najboljša rešitev.

Odziv Ministrstva za obrambo Republike Slovenije glede poročila in priporočil DPM v zvezi s prostori za pridržanje v Slovenski vojski

Kot primer dobre prakse odziva pristojnih organov v celoti predstavljamo odziv ministrstva:

»NAČRT ODPRAVE POMANJKLJIVOSTI, ugotovljenih ob obisku DPM v 17. BVP«

	NADZORSTVENI UKREPI/NALOGE	KOREKTIVNE NALOGE	IZVAJALEC	SODELUJE	ROK	OPOMBA
1	Na mizi v predprostoru za pridržanje je mapa z napisom »17 BVP EVIDENCA PRIDRŽANIH OSEB«, v kateri so vstavljeni listi - preglednica, ki so bili v času obiska prazni. V obrazcu – preglednici so za evidentiranje pridržanja namenjene rubrike – zaporedna številka, datum, čin, ime in priimek (pridržanega), rojstni podatki (pridržanega, dan, mesec, leto in kraj), naslov stalnega in/ali začasnega prebivališča, državljanstvo (pridržanega), podatki o pridržanju (kraj, čas in razlogi za pridržanje), vojaški policist, ki je odredil pridržanje (čin, ime in priimek) – čitljivo, in podpis vojaškega policista.	Dopolniti Evidence pridržanih oseb tako, da se doda se rubrika o vojaškem policistu, ki je pridržano osebo sprejel v pridržanje in rubriko, iz katere bo razviden zaključek pridržanja (čas zaključka pridržanja).	Vodja OC/17. BVP	Poveljnik POVLOGV/17. BVP	Takoj	
2	17. BVP razpolaga z dvema prostoroma za pridržanje, ki sta po opremljenosti primerna tudi za daljša pridržanja. Prostora za pridržanje nista številčno označena.	Prostora za pridržanje ustrezno oštevilčiti.	POVLOGV/17. BVP	S4/17 BVP in vodja OC/17. BVP	Takoj	V primeru pridržanja se v uradni zaznamek navede številka prostora, v katerem je bila oseba pridržana.
3	V levem prostoru za pridržanje (gledano od vhoda v hodnik pred prostoroma za pridržanje) je bilo ob obisku ugotovljeno, da se voda v WC na počep po izpustu ne ustavi oziroma je do ustavitve iztekanja vode prišlo šele po ponovnem izpustu.	Redno kontrolirajte/ pregledjte prostore za pridržanje in takoj odpravite tehnične pomanjkljivosti. Redni pregled prostorov zabeležite v knjigo OC 17. BVP.	POVLOGV/17. BVP	S4/17. BVP in vodja OC/17. BVP	Takoj	

For the purpose of the construction of detention rooms, rules were developed which included some standards of construction used by the Prison Administration of the Republic of Slovenia in regard to the construction of isolation rooms. It was therefore proposed by the NPM that, considering the fact that detention rooms were obviously constructed in line with the standards for the construction of detention rooms used by the Ministry of the Interior and the Police, the Rules on the construction of detention rooms in the Slovenian Armed Forces and Military Police be modified (particularly in the part that refers to the arrangement of walls and the floor – Article 9). According to the rules, a fire extinguisher must be placed in any sanitary annexe (Article 10 of the Rules). If the sanitary annexe of detention rooms is also meant, it is remarked by the NPM, that, for safety reasons, perhaps this is not the best solution.

A response by the Ministry of Defence of the Republic of Slovenia in regard to the report and recommendations by the NPM in relation to detention rooms of the Slovenian Armed Forces

As an example of best practice of a response provided by a responsible authority, the following response by the Ministry is hereby fully presented:

“DEFICIENCY REMEDY PLAN, in regard to deficiencies established during the NPM visit to the 17th MPB”

	SUPERVISION MEASURES/TASKS	CORRECTIONAL TASKS	HOLDER	PARTICIPATING	DEADLINE	OPOMBA
1	At the table, there is a file with an inscription “REGISTER OF DETAINED PERSON IN 17th MPB” including lists which were empty at the time of the visit. There are the following section on the form - a table - which are dedicated to register the detention: the Lfd. number, date, rank, name and surname (of a detained person), birth details of a detained person (date and place of birth), permanent and/or temporary address, citizenship (of a detained person), information about detention (location, time and grounds for detention), information of a military police officer ordering a detention (rank, name) – in a legible manner, and a signature of a military police officer.	Complement the Register of Detained Person so as to add a section about a military police officer admitting the detained person into detention, as well as a section providing information on the conclusion of the detention.	Head OC/17th MPB	Commandant POV L OGV/ 17th MPB	Immediately	
2	17. There are two detention rooms at the disposal of the MPB which are suitable for longer periods of detention in terms of their equipment. Room numbers are not marked.	Number detention rooms as appropriate.	Commandant POV L OGV/ 17th MPB	S4/17th MPB and Head OC/17.	Immediately	In case of a detention, the number of a detention room in which a person has been detained, is mentioned in the official note.
3	At the time of the visit it was established that in the left detention room (if viewed from the entrance into the corridor in front of detention rooms) the water in the squat toilet does not stop after being flushed and that it only stops if the flushing is repeated.	Control/verify regularly detention rooms and remedy technical deficiencies immediately. Regular inspection of detention rooms is registered in the book OC 17. MPB.	Commandant POV L OGV/ 17th MPB	S4/17th MPB and Head OC/17.	Immediately	

NADZORSTVENI UKREPI/NALOGE	KOREKTIVNE NALOGE	IZVAJALEC	SODELUJE	ROK	OPOMBA
<p>4 Prostora za pridržanje sta video nadzorovana in imata govorno napravo, kar pa ni označeno z nalepko. Ob vstopu na območje vojašnice FRS je sicer opozorilo, da je območje vojašnice video nadzorovano, vendar pa to obvestilo ne zajema tudi obvestila, da so določeni prostori v notranjosti objektov video nadzorovani.</p>	<p>Označiti z ustrezno nalepko, da sta prostora za pridržanje tudi video nadzorovana.</p>	<p>POVLOGV/17. BVP</p>	<p>S4/17. BVP</p>	<p>Takoj</p>	<p>Obvestilo mora biti vidno in razločno objavljeno na način, ki omogoča posamezniku, da se seznaní z njegovim izvajanjem.</p>
<p>5 Prostora za pridržanje imata še zadovoljivo naravno svetlobo, vendar pa je umetna svetloba slabša. Svetilni telesi za umetno svetlobo sta v obeh prostorih za pridržanje nameščeni neposredno nad vhodom v prostora, in sicer v obliki približno 8 krat 60 cm dolgi »reži«, prekriti z motnim steklom, kar se dodatno zmanjšuje svetlobo, ki se oddaja v prostor. Takšna svetloba v nočnem času po vsej verjetnosti le s težavo zagotovi dovolj svetlobe, da bi bilo mogoče opravljati video nadzor pridržane osebe.</p>	<p>Preveriti ali obstoječa svetloba telesa zagotavljajo v nočnem času dovolj umetne svetlobe, da je omogočen učinkovit video nadzor pridržane osebe. V primeru odstopanja proučiti možnosti o namestitvi nekoliko močnejšega ali dodatnega svetlobnega telesa v obeh prostorih za pridržanje.</p>	<p>POVLOGV/17. BVP</p>	<p>S4/17. BVP</p>	<p>Takoj</p>	
<p>6 Poleg prostorov za pridržanje 17. BVP razpolaga tudi s prostorom za zaslišanje, ki je opremljen z večjo mizo, petimi stoli, računalnikom in dvema monitorjema. Po pojasnilu sogovornika se (oziroma bi se) v tem prostoru omogočil tudi pogovor odvetnika s pridržano osebo, če bi bilo to potrebno. Prostor je video nadzorovan, vendar to ni označeno.</p>	<p>Označiti z ustrezno nalepko, da je predprostor video nadzorovan.</p>	<p>POVLOGV/17. BVP</p>	<p>S4/17. BVP</p>	<p>Takoj</p>	
<p>Ob pogovoru smo ugotovili, da je bil za izgradnjo prostorov za pridržanje izdelan Pravilnik, v katerega pa so bili očitno vneseni nekateri standardi za izgradnjo, ki so uporabljeni v Upravi RS za izvrševanje kazenskih sankcij za izdelavo prostorov za izločitev.</p>	<p>Podati pobudo za spremembo pravilnika.</p>	<p>KRIM/17. BVP</p>	<p>PPzVP</p>	<p>5.7.2012</p>	
<p>7 Prostora za pridržanje sta bila izdelana po standardih za izgradnjo prostorov, ki jih uporablja Ministrstvo za notranje zadeve oziroma Policija (Pravilnik za izgradnjo prostorov za pridržanje v Slovenski vojski oziroma vojaški policiji (zlasti v delu ureditve sten in tal – 9. člen) Po Pravilniku mora biti v sanitarnem delu tudi gasilni aparat (10. člen Pravilnika)).</p>					

	SUPERVISION MEASURES/TASKS	CORRECTIONAL TASKS	HOLDER	PARTICIPATING	DEADLINE	OPOMBA
4	Detention rooms are under video and audio surveillance but this is not marked with a warning label. In fact, there is a warning at the entrance into the territory of the FRS military post, that the area is under video-surveillance but this notification does not include the notification that certain rooms inside the buildings are under video-surveillance	Mark with a suitable warning label that detention rooms are under video-surveillance.	Commandant POVL OGV/ 17th MPB	Commandant POVL OGV/ 17th MPB	Imme- diately	The notification must be visible and published in a way to enable an individual to be informed about its implementation.
5	The natural light in the detention room is satisfactory, but the artificial light is poor. In both detention rooms, lamps producing artificial light are set directly above the entrance into the room, in a channel of approximately 8 x 60 centimetres, which are covered with obscured glass, thus additionally reducing the light spreading into the room. It is most probable that barely enough light is provided by such light at night time to enable the video-surveillance of a detained person.	Verify whether the existing lamps provide for enough artificial light at night time to enable an efficient video- surveillance of a detained person. In case of deviation, verify the option on installing a stronger or additional lamp in both detention rooms.	Commandant POVL OGV/ 17th MPB	Commandant POVL OGV/ 17th MPB	Imme- diately	
6	In addition to detention rooms, the 17th MPB also has an interrogation room, which is equipped with a larger table, five chairs, a computer and two monitors. According to the explanation by the NPM, a discussion held between a lawyer and a detained person is also made possible (or might be made possible) in this room, if such discussion might be needed. The room is under the video-surveillance but not marked.	Mark with a suitable warning label that the lobby is under video-surveillance.	Commandant POVL OGV/ 17th MPB	Commandant POVL OGV/ 17th MPB	Imme- diately	
7	It was established during interviews, that, for the purpose of the construction of detention rooms, rules were developed which included some standards of construction used by the Prison Administration of the Republic of Slovenia in regard to the construction of isolation rooms. Detention rooms were constructed in line with the standards for the construction of detention rooms used by the Ministry of the Interior and the Police (Rules on the construction of detention rooms in the Slovenian Armed Forces and Military Police) (particularly in the part that refers to the arrangement of walls and the floor – Article 9). According to the rules, a fire extinguisher must be placed in any sanitary annexe (Article 10 of the Rules).	Lodge an initiative to modify the Rules.	Commandant POVL OGV/ 17th MPB	PPzVP	5.7.2012	

II. PREGLED DEJAVNOSTI DRŽAVNEGA
PREVENTIVNEGA MEHANIZMA V LETU 2012

II. REVIEW OF THE ACTIVITIES OF THE NATIONAL
PREVENTIVE MECHANISM IN 2012

PREGLED DEJAVNOSTI DRŽAVNEGA PREVENTIVNEGA MEHANIZMA (DPM) V LETU 2012

DATUM	KRAJ	UDELEŽENCI	NASLOV	ORGANIZATOR
13. 1. 2012	Na sedežu Varuha človekovih pravic RS	Ivan Šelih, namestnik varuhinje, Andreja Srebotnik, Robert Gačnik, mag. Jure Markič, Miha Horvat, mag. Simona Šemen in Brigita Urh, svetovalci Varuha	Člani državnega preventivnega mehanizma (DPM) so na letnem srečanju pripravili program obiskov v letu 2012 opravili analizo preteklega dela in postavili vizijo DPM za prihodnje obdobje. Srečanja so se udeležili predstavniki izbranih nevladnih organizacij (NVO) Katarina Brvar Strnad (Pravno-informacijski center PIC), Ciril Klanjšček (Rdeči križ Slovenije), Katja Piršič, Katja Sodja, Neja Gregorc (Primus), Slavica Smrtnik (Novi Pradoks) in Ana Canjko (Zveza društev upokojencev Slovenije).	Varuh človekovih pravic RS
30. 1. 2012	Ministrstvo za pravosodje, Ljubljana	Dr. Zdenka Čebašek - Travnik, varuhinja, in Ivan Šelih, namestnik varuhinje	Od 31. 1. do 6. 2. 2012 je bila v okviru rednih obiskov na svojem že četrtem obisku v Sloveniji delegacija Evropskega odbora za preprečevanje mučenja in nehumanega ali ponižujočega ravnanja ali kaznovanja (CPT). V okviru obiska se je delegacija prvega dne najprej posvetovala z Alešem Zalarjem, ministrom za pravosodje, ter predstavniki drugih ministrstev in institucij države. Na omenjenem srečanju sta sodelovala tudi varuhinja in namestnik varuhinje (v vlogi vodje DPM). Vodja delegacije CPT je Varuhovo navzočnost na uvodnem srečanju s predstavniki pristojnih državnih organov ocenil kot primer dobre prakse, ki v drugih državah ni opazna.	Ministrstvo za pravosodje RS
31. 1. 2012	Na sedežu Varuha človekovih pravic RS	Dr. Zdenka Čebašek - Travnik, varuhinja, Ivan Šelih, namestnik varuhinje, mag. Jure Markič, Robert Gačnik, Andreja Srebotnik, Miha Horvat, mag. Simona Šemen in Jasna Vunduk, svetovalci Varuha	Delovno srečanje Evropskega komiteja za preprečevanje mučenja (CPT) s sodelavci državnega preventivnega mehanizma (DPM) v prostorih Varuha. Na zaupnem sestanku članov DPM z nekaterimi člani CPT ob njegovem četrtem obisku v Sloveniji smo delegacijo seznanili z ugotovitvami DPM v zvezi z obiski krajev odvzema prostosti. Pogovora so se udeležili predstavniki NVO Srečko Brumen, Slavica Smrtnik, Sonja Škrabec Štefančič (Novi paradoks), Vladimira Klun Žerjav, medicinska sestra, Stanka Radojčič, (ZDUS – Komisija za duševno zdravje in zastopnik oseb na področju duševnega zdravja). Člani delegacije CPT so bili Latif Hüseyinov (Azerbajdžan), predsednik CPT in vodja delegacije, Marija Definis Gojanović (Hrvaška), Stefan Krakowski (Švedska), Jörgen Worsaae Rasmussen (Danska), Antonius van Kalmthout (Nizozemska). Sklepni pogovor je bil 6. februarja na Ministrstvu za pravosodje.	Evropski odbor za preprečevanje mučenja (CPT) v sodelovanju z Varuhom človekovih pravic RS
31. 1. 2012	Novo mesto	Robert Gačnik in Andreja Srebotnik, svetovalca Varuha, ter Katja Sodja (Primus)	Obisk in pregled prostorov zavoda za prestajanje kazni zapora Ljubljana, oddelek Novo mesto, ter pogovor z zaprtimi osebami.	Varuh človekovih pravic RS
12. 2. 2012	Skopje, Makedonija	Ivan Šelih, namestnik varuhinje, in Robert Gačnik, svetovalec Varuha	Izmenjava izkušenj in metod delovanja državnih preventivnih mehanizmov Slovenije, Makedonije in Albanije pri obiskih policijskih postaj. Srečanja so se poleg slovenskega DPM udeležili albanski DPM: Albert Pilo in Adil Skuqi ter DPM Makedonije: Anica Tomsic Stojkovska, Merita Aliu Alili in Donche Boskovski.	Evropski NPM Project (National Preventive Mechanism) v sodelovanju z ombudsmanom Makedonije
15. 2. 2012	Dutovlje	Dr. Ingrid Russi-Zagožen in mag. Jure Markič, svetovalca Varuha	Ogled varovanega oddelka v Dutovljah. Ogleda so se udeležili tudi predstavniki NVO: Miha Nabergoj (PIC), Branka Pondelek (Inštitut Primus), Sonja Škrabec Štefančič (Novi Paradoks).	Varuh človekovih pravic RS

NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE - OMBUDSMAN'S ACTIVITIES IN 2012

DATE	LOCATION	PARTICIPANTS	EVENT DESCRIPTION	ORGANISOR
13. 1. 2012	Office of the Human Rights Ombudsman of the Republic of Slovenia	Ivan Šelih, Deputy Ombudsman, and Andreja Srebotnik, Robert Gačnik, MSc. Jure Markič, Miha Horvat, MSc. Simona Šemen, Brigita Urh, Ombudsman's Advisers	At the annual meeting, the programme of visits in 2012 was developed and the analysis of work performed in 2011 was conducted and also the vision of the NPM for the future was set by the members of the National Preventive Mechanism (NPM). The following representatives of the selected NGOs took part in the meeting: Katarina Brvar Strnad (Legal Information Centre of NGOs – PIC), Ciril Klanjšček (Slovenian Red Cross - RKS), Primus (Katja Piršič, Katja Sodja, Neja Gregorc), Slavica Smrtnik (Novi Paradoks) and Ana Canjko (Slovenian Federation of Pensioners' Organisation - ZDUS).	Human Rights Ombudsman of the Republic of Slovenia
30. 1. 2012	Ministry of Justice, Ljubljana	Dr Zdenka Čebašek – Travnik, Ombudsman, and Ivan Šelih, Deputy Ombudsman	The fourth visit paid to Slovenia by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT) within the framework of its regular visits, taking place from 31 January to 6 February 2012. On its first day, the CPT delegation held a discussion with Aleš Zalar, the Minister of Justice, and representatives of other ministries and state institutions. The Ombudsman and the Deputy Ombudsman (in the capacity of the Heads of the NPM) took part in the meeting. The Head of the CPT delegation assessed the presence of the Ombudsman at the introductory meeting held with the representatives of competent state authorities as an example of good practice not present in other countries.	Ministry of Justice of the Republic of Slovenia
31. 1. 2012	Office of the Human Rights Ombudsman of the Republic of Slovenia	Dr Zdenka Čebašek – Travnik, Deputy Ombudsman Jure Markič, MSc, Robert Gačnik, Andreja Srebotnik, Miha Horvat, Simona Šemen, MSc, Jasna Vunduk, Ombudsman's Advisers	A working meeting of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT) with collaborators of the National Preventive Mechanism (NPM) held in the Ombudsman's Office. Upon the committee's fourth visit to Slovenia, at the confidential meeting between the members of the NPM with some members of the CPT, the delegation was informed about findings established by the NPM in regard to the visits to places where persons deprived of their liberty are located. The following representatives of the NGOs took part at the meeting: Srečko Brumen, Slavica Smrtnik, Sonja Škrabec Štefančič (Novi paradoks), Vladimira Klun Žerjav, a nurse; Stanka Radojčič, (ZDUS - Committee for Mental Health and a representative of persons active in the field of mental health). The members of the CPT delegation were: Lətif Hüseynov (Azerbaijan), the President of the CPT and Head of delegation; Marija Definis Gojanović (Croatia); Stefan Krakowski (Sweden); Jørgen Worsaae Rasmussen (Denmark); Antonius van Kalmthout (the Netherlands). The concluding speech was given on 6 February 2012 at the Ministry of Justice.	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT) in cooperation with the Human Rights Ombudsman of the Republic of Slovenia
31. 1. 2012	Novo mesto	Robert Gačnik and Andreja Srebotnik, Ombudsman's Advisors, and Katja Sodja (PRIMUS)	The visit and inspection of premises of Ljubljana Prison, Novo mesto unit, and interviews with prisoners.	Human Rights Ombudsman of the Republic of Slovenia

DATUM	KRAJ	OPIS	UDELEŽENCI	ORGANIZATOR
20. 2. 2012	Ormož in Gorišnica	Robert Gačnik, svetovalec Varuha	Pregled prostorov in postopkov o pridržanju na Policijskih postajah Ormož in Gorišnica. Ogleda so se udeležili tudi predstavniki NVO: Darja Pangerc in Vladimira Klun - Žerjal (Zveza društev upokoencev Slovenije).	Varuh človekovih pravic RS
28. 2. 2012	Maribor	Ivan Šelih, namestnik varuhinje, Andreja Srebotnik in Robert Gačnik, svetovalca Varuha	Obisk Zavoda za prestajanje kazni zapora Maribor, ogled bivalnih prostorov pripora, sobe za izločitev, sprejemnega oddelka, pogovor z vodstvom. Obiska so se udeležili tudi predstavniki NVO: Tina Šimunovič (Primus), Ciril Klajnšček (RKS), Miha Nabergoj (PIC) in izvedenka prim. Darja Boben Bardutzky.	Varuh človekovih pravic RS
29. 2. 2012	Smlednik	Brigita Urh, svetovalka Varuha	Obisk vzgojno-izobraževalnega zavoda Frana Milčinskega Smlednik. Obiska so se udeležili tudi predstavniki NVO: izvedenka Olga Uršič Perhavec, Katja Piršič in Neja Gregorec (Inštitut Primus), Anja Gašperlin (PIC). Navzoči so bili tudi ravnatelj Matjaž Hribar, psihologinja Marjeta Dečman, vzgojitelji in mladostniki.	Varuh človekovih pravic RS
5. 3. 2012	Ljubljana Šentvid	Brigita Urh, svetovalka Varuha	Obisk vzgojno-izobraževalnega zavoda Smlednik in v tem okviru stanovanjske skupine Ježek. Obiska so se udeležili tudi predstavniki NVO: izvedenka Olga Uršič Perhavec, Katja Piršič in Neja Gregorec (Inštitut Primus), Anja Gašperlin (PIC). Navzoči so bili tudi: ravnatelj VIZ-a Matjaž Hribar, vzgojitelji in mladostniki.	Varuh človekovih pravic RS
14. 3. 2012	Šentjur pri Celju, Rače, Rogaška Slatina	Ivan Šelih, namestnik varuhinje, in Robert Gačnik, svetovalec Varuha	Obisk policijskih postaj in pregled prostorov za pridržanje in postopkov o pridržanju. Obiska sta se udeležila tudi predstavnika NVO: Katja Sodja (Inštitut Primus) in Igor Poljanšek (Rdeči križ Slovenije).	Varuh človekovih pravic RS
19. 3. 2012	Ženeva, Švica	Ivan Šelih, namestnik varuhinje	Udeležba na tematskih delavnicah v okviru evropskega projekta državnih preventivnih mehanizmov (European NPM Project 8th Thematic NPM Workshop), pri čemer so osrednjo pozornost namenili emigracijskim procesom odstranjevanja (deportacijam) in preventivnim monitoringom. Govorili so o vlogi zdravnikov pri deportacijah, medicinskih vprašanjih in vprašanjih skrbi za zdravje med procesi deportacije, uporabi sile med procesom deportacije, ukrepih omejevanja in nadzora med deportacijo in drugih vprašanjih.	European NPM Project
20. 3. 2012	Ig pri Ljubljani	Robert Gačnik, svetovalec Varuha	Obisk zavoda za prestajanje kazni zapora Ljubljana, odprti oddelek Ig. Obiska so se udeležili tudi predstavniki NVO: Tina Šimunovič (Inštitut Primus) in Ciril Klajnšček (RKS).	Varuh človekovih pravic RS

DATE	LOCATION	PARTICIPANTS	EVENT DESCRIPTION	ORGANISOR
12. 2. 2012	Skopje, Macedonia	Ivan Šelih, Ombudsman's Deputy, and Robert Gačnik, Ombudsman's Advisor	An exchange of experiences and methods of work of the National Preventive Mechanisms of Slovenia, Macedonia and Albania in regard to visits of police stations. In addition to the Slovenian NPM, the Albanian NPM also took part in the meeting: Albert Pilo and Adil Skuqi; NPM of Macedonia: Anica Tomsic Stojkovska, Merita Aliu Alili and Donche Boskovski.	European NPM Project (National Preventive Mechanism) in cooperation with the Ombudsman of Macedonia
15. 2. 2012	Dutovlje	Dr Ingrid Russi-Zagožen and Jure Markič, Ombudsman's Advisors	Inspection of the secure ward in Dutovlje. The following representatives of the NGOs took part in the visit: Miha Nabergoj – PIC, Branka Pondelek – Primus Institute, Sonja Škrabec Štefancič – Novi Paradoks	Human Rights Ombudsman of the Republic of Slovenia
20. 2. 2012	Ormož and Gorišnica	Robert Gačnik, Ombudsman's Advisor	The inspection of premises and procedures regarding detention in police stations Ormož and Gorišnica. The following representatives of the NGOs also took part in the visit: Darja Pangerc and Vladimira Klun - Žerjal from the Slovenian Federation of Pensioners' Organisation.	Human Rights Ombudsman of the Republic of Slovenia
28. 2. 2012	Maribor	Ivan Šelih, Deputy Ombudsman, and Andreja Srebotnik, Robert Gačnik, Ombudsman's Advisors	Visit of Maribor Prison, the inspection of accommodation rooms, the isolation room, the reception area, an interview with the management. The following representatives of the NGOs also took part in the visit: Tina Šimunovič - Primus, Ciril Klajnšček - RKS, Miha Nabergoj – PIC and the expert, Darja Boben Bardutzky, senior doctor.	Human Rights Ombudsman of the Republic of Slovenia
29. 2. 2012	Smednik	Brigita Urh, Ombudsman's Advisor	Visit to the Smednik Residential Education Centre Fran Milčinski. The following representatives of the NGOs also took part in the visit: Olga Uršič Perhavec, the expert, Katja Piršič and Neja Gregorec from the Primus Institute, Anja Gašperlin from PIC. The following persons were also present: the Principal Matjaž Hribar, the psychologist Marjeta Dečman, educators, adolescents.	Human Rights Ombudsman of the Republic of Slovenia
5. 3. 2012	Ljubljana - Šentvid	Brigita Urh, Ombudsman's Advisor	Visit to the Smednik Residential Education Centre Fran Milčinski and, within this scope, Ježek residential group. The following representatives of the NGOs also took part in the visit: the expert Olga Uršič Perhavec, Katja Piršič and Neja Gregorec from the Primus Institute, Anja Gašperlin from PIC. The following persons were also present: Matjaž Hribar (the Principal of the institution), educators and adolescents.	Human Rights Ombudsman of the Republic of Slovenia
14. 3. 2012	Šentjur pri Celju, Rače, Rogaska Slatina	Ivan Šelih, Ombudsman's Deputy, and Robert Gačnik, Ombudsman's Advisor	Visits to police stations and inspections of detention rooms and procedures regarding detention. The following representatives of the NGOs also took part in the visit: Katja Sodja - Primus Institute and Igor Poljanšek - Slovenian Red Cross.	Human Rights Ombudsman of the Republic of Slovenia
19.3.2012	Geneva, Switzerland	Ivan Šelih, Ombudsman's Deputy	Participation in the European NPM Project 8th Thematic NPM Workshop where the main attention was focused on emigration procedures in regard to deportations and prevention monitoring. The role of general practitioners during deportations was discussed, as well as medical issues and issues in regard to health care during the deportation process, the use of force during the deportation process, limitation and supervision measures during deportation and other issues were discussed.	European NPM Project
20. 3. 2012	Ig pri Ljubljani	Robert Gačnik, Ombudsman's Advisor	Visit to Ljubljana Prison, Ig Open Unit. The following representatives of the NGOs also took part in the visit: Tina Šimunovič Primus Institute and Ciril Klajnšček – RKS.	Human Rights Ombudsman of the Republic of Slovenia

DATUM	KRAJ	OPIS	UDELEŽENCI	ORGANIZATOR
21. 3. 2012	Ljubljana	Brigita Urh, svetovalka Varuha	Obisk mladinskega doma Jarše. Obiska so se udeležili tudi predstavniki NVO: Neja Gregorec (Inštitut Primus), Anja Gašperlin (PIC) in izvedenka Olga Uršič Perhac. Navzoči so bili tudi ravnatelj Borut Kožuh, vzgojitelji in mladostniki	Varuh človekovih pravic RS
29. 3. 2012	Ljubljana	Dr. Zdenka Čebašek - Travnik, varuhinja, mag. Simona Šemen in mag. Jure Markič, svetovalca Varuha, ter Leja Drobnak, pripravnica pri Varuhu	Pregled oddelkov pod posebnim nadzorom Psihiatrične klinike Ljubljana. Pregleda so se udeležili tudi predstavniki NVO: Srečko Brumen in Slavica Smrtnik (Novi paradoks) ter Ana Cajnko (Zveza društev upokoencev Slovenije).	Varuh človekovih pravic RS
4. 4. 2012	Podlehnik, Gruškovje in Bistrica ob Sotli	Ivan Šelih, namestnik varuhinje, in Robert Gačnik, svetovalec Varuha	Pregled prostorov za pridržanje in postopkov o pridržanju na policijskih postajah oziroma PMP. Pregleda sta se udeležili tudi predstavniki NVO: Katja Piršič (Inštitut Primus) in Anja Gašperlin (PIC).	Varuh človekovih pravic RS
6. 4. 2012	Policijska akademija v Tacnu	Ivan Šelih, namestnik varuhinje, in Robert Gačnik, svetovalec Varuha	Predstavitve dela Varuha in državnega preventivnega mehanizma proti mučenju slušateljem Policijske akademije.	Policijska akademija
17. 4. 2012	Črna na Koroškem	Ivan Šelih, namestnik varuhinje, in Brigita Urh, svetovalka Varuha	Obisk centra za usposabljanje, delo in varstvo Črna na Koroškem. Obiska sta se udeležili tudi predstavniki NVO: izvedenka Olga Uršič Perhac in Anja Gašperlin (PIC). Navzoči sta bili tudi v. d. direktorja Vojka Lipovšek ter vodja vzgoje in izobraževanja Mateja Rebolj.	Varuh človekovih pravic RS
23. 4. 2012	Dob pri Mirni	Ivan Šelih, namestnik varuhinje, Andreja Srebotnik, Miha Horvat in Robert Gačnik, svetovalci Varuha, ter Leja Drobnak, pripravnica pri Varuhu	Obisk ZPKZ Dob pri Mirni in pregled bivalnih prostorov ter pogovori z zaprtimi osebami. Obiska so se udeležili tudi predstavniki NVO: Neja Gregorc (Inštitut Primus), Ana Cajnko (ZDUS) in izvedenka prim. Darja Boben Bardutzky.	Varuh človekovih pravic RS
26. 4. 2012	Polzela	Dr. Ingrid Russi-Zagožen in mag. Simona Šemen, svetovalki Varuha	Obisk doma upokoencev Polzela. Obiska sta se udeležila tudi predstavniki NVO: Srečko Brumen (Novi paradoks) in Ana Cajnko (Zveza društev upokoencev Slovenije).	Varuh človekovih pravic RS
8. 5. 2012	Ljubljana	Ivan Šelih, namestnik varuhinje, in Robert Gačnik, svetovalec Varuha	Obisk 17. vojaškega bataljona in pregled prostorov vojaške policije za pridržanje. Obiska se je udeležila tudi predstavnica NVO: Katja Piršič (Inštitut Primus).	Varuh človekovih pravic RS
13. 5. 2012	Budimpešta, Madžarska	Ivan Šelih, namestnik varuhinje	Udeležba na konferenci, ki je bila organizirana z namenom izmenjave izkušenj in znanj delovanja nacionalnih DPM ob pripravah ustanovitve DPM na Madžarskem, v skladu z mednarodnim pravom človekovih pravic.	Madžarski Helsinški odbor in Mental Disability Advocacy Center (MDAC)
15. 5. 2012	Koper	Andreja Srebotnik in Robert Gačnik, svetovalca Varuha	Obisk zavoda za prestajanje kazni zapora Koper. Obiska sta se udeležila tudi predstavniki NVO: Tina Šimunovič (Primus) in Ciril Klajnšček (RKS).	Varuh človekovih pravic RS

DATE	LOCATION	PARTICIPANTS	EVENT DESCRIPTION	ORGANISOR
21. 3. 2012	Ljubljana	Brigita Urh, Ombudsman's Advisor	Visit to Jarše Juvenile Home. The following representatives of the NGOs also took part in the visit: Neja Gregorec from the Primus Institute, Anja Gašperlin from PIC and expert Olga Uršič Perhac. The Principal, Borut Kožuh, educators and adolescents were also present.	Human Rights Ombudsman of the Republic of Slovenia
29. 3. 2012	Ljubljana	Dr Zdenka-Čebašek Travnik, the Ombudsman, and Simona Šemen, MSc, Jure Markič, MSc, the Ombudsman's Advisors and trainee, Leja Drobnak	Visit to units under special supervision within the Ljubljana University Psychiatric Hospital. The following representatives of the NGOs also took part in the visit: Srečko Brumen and Slavica Smrtnik - Novi paradoks and Ana Cajnko, a representative of the Slovenian Federation of Pensioners' Organisation.	Human Rights Ombudsman of the Republic of Slovenia
4. 4. 2012	Podlehnik, Gruškovje and Bistrica ob Sotli	Ivan Šelih, Ombudsman's Deputy, and Robert Gačnik, Ombudsman's Advisor	Inspection of detention rooms and procedures regarding detention in police stations and border police stations. The following representatives of the NGOs also took part in the visit: Katja Piršič – Primus Institute and Anja Gašperlin – PIC.	Human Rights Ombudsman of the Republic of Slovenia
6. 4. 2012	The premises of the Police Academy of Tacen	Ivan Šelih, Ombudsman's Deputy, and Robert Gačnik, Ombudsman's Advisor	Presentation of the work of the Ombudsman and the National Preventive Mechanism against torture to the cadets of the Police Academy.	Police Academy
17. 4. 2012	Črna na Koroškem	Ivan Šelih, Ombudsman's Deputy, and Brigita Urh, Ombudsman's Advisor	Visit to the Črna na Koroškem Training, Work and Care Centre. The following representatives of the NGOs also took part in the visit: expert Olga Uršič Perhavec and Anja Gašperlin from PIC. The acting director Vojka Lipovšek and the Head of the education programme Mateja Rebolj were also present.	Human Rights Ombudsman of the Republic of Slovenia
23. 4. 2012	Dob pri Mirni	Ivan Šelih, Deputy Ombudsman, and Andreja Srebotnik, Miha Horvat, Robert Gačnik, Ombudsman's Advisors and Leja Drobnak, a trainee in the Ombudsman's Office.	Visits to Dob pri Mirni Prison and the inspection of accommodation rooms and interviews with prisoners. The following representatives of the NGOs also took part in the visit: Neja Gregorc from the Primus Institute, Ana Cajnko from ZDUS and the expert Darja Boben Bardutzky, senior doctor.	Human Rights Ombudsman of the Republic of Slovenia
26. 4. 2012	Polzela	Dr Ingrid Russi-Zagožen and Simona Šemen, MSc, Ombudsman's Advisors	The visit to Polzela Nursing Home. The following representatives of the NGOs also took part in the visit: Srečko Brumen from Novi Paradoks and Ana Cajnko from the ZDUS.	Human Rights Ombudsman of the Republic of Slovenia
26. – 27. 4. 2012	Baku, Azerbaijan	Tina Šimunovič (Primus Institute)	Participation at a workshop on detention monitoring and reporting on cases of torture under national preventive mechanisms (NPMs).	OSCE Office in Baku and the Ombudsman Office of Azerbaijan
8. 5. 2012	Ljubljana	Ivan Šelih, Ombudsman's Deputy, and Robert Gačnik, Ombudsman's Advisor	Visit to the 17th MPB and the inspection of detention rooms of the Military Police. The following representative of the NGOs also took part in the visit: Katja Piršič from the Primus Institute.	Human Rights Ombudsman of the Republic of Slovenia
13. 5. 2012	Budapest, Hungary	Ivan Šelih, Ombudsman's Deputy	Participation at the conference organised with the aim to exchange experience and knowledge in regard to the functioning of the national NPMs during the preparatory work for the establishment of the NPM in Hungary, in accordance with the international law of human rights.	Hungarian Helsinki Committee and Mental Disability Advocacy Centre (MDAC)
15. 5. 2012	Koper	Andreja Srebotnik and Robert Gačnik, Ombudsman's Advisors	Visit to Koper Prison. The following representatives of the NGOs also took part in the visit: Tina Šimunovič PRIMUS, Ciril Klajnšček RKS.	Human Rights Ombudsman of the Republic of Slovenia

DATUM	KRAJ	OPIS	UDELEŽENCI	ORGANIZATOR
22. 5. 2012	Bukarešta, Romunija	Ivan Šelih, namestnik varuhinje	Predstavitve delovanja Varuha človekovih pravic RS v vlogi državnega preventivnega mehanizma v okviru predstavitve različnih modelov v Evropi, iz katerih bi bilo mogoče oblikovati najustreznejši model za Romunijo. Predstavljeni so bili tudi modeli Češke, Velike Britanije in Španije.	Centrul de Resurse Juridice
23. 5. 2012	Veržej	Dr. Zdenka Čebašek - Travnik, varuhinja, in Brigita Urh, svetovalka Varuha	Obisk vzgojnega doma Veržej in seznanitev z razmerami. Obiska se je udeležila tudi predstavnic NVO: Branka Pondelek (Inštitut Primus). Navzoči so bili tudi ravnatelj Borut Casar, vodja doma Kamila Kramarič in socialna delavka Vida Šijanec.	Varuh človekovih pravic RS
24. 5. 2012	Na sedežu Varuha človekovih pravic RS	Sodelavke in sodelavci Varuha	Obisk predstavnikov srbskega ombudsmana in seznanitev z delovanjem Varuha človekovih pravic RS ter ukrepanjem v vlogi državnega preventivnega mehanizma. Obiska so se udeležili: Dragana Petković, Predrag Andrić in Maja Jović, predstavniki Zaštitnika ljudskih prava Srbije.	Varuh človekovih pravic RS
29. 5. 2012	Ljubljana	Ivan Šelih, namestnik varuhinje, dr. Ingrid Russi-Zagožen in mag. Jure Markič, svetovalca Varuha	Pogovor o mnenjih in stališčih v zvezi z varovanimi oddelki v socialnovarstvenih zavodih in usmeritev za delo z osebami z demenco. Pogovora so se v imenu MDDSZ udeležili D. Dominkuš, J. Romih, K. Nadižar Habjanič in člani skupine za pripravo Usmeritev za delo z osebami z demenco B. Sunko, B. Mazil-Šolinc, Z. Kavčič in M. Krajnc.	Ministrstvo za delo, družino in socialne zadeve (MDDSZ)
30. 5. 2012	Izlake	Mag. Jure Markič in Miha Horvat, svetovalca Varuha, ter Leja Drobnak, pripravnica pri Varuhu	Obisk doma starejših občanov Izlake, kjer sta bila opravljena pogovor z vodstvom in ogled oddelkov, kjer so osebe z demenco. Obiska so se udeležili tudi predstavniki NVO: Ana Canjko (ZDUS) in Katja Sodja (Inštitut Primus).	Varuh človekovih pravic RS
4. 6. 2012	Tirana, Albanija	Ivan Šelih, namestnik varuhinje, in mag. Jure Markič, svetovalec Varuha	Udeležba na tristranskem srečanju, namen katerega je bila izmenjava izkušenj in oblik dela, predvsem pri nadzoru psihiatričnih bolnišnic. Obisk in ogled psihiatrične bolnišnice št. 5 v Tirani. Srečanja so se poleg slovenskih predstavnikov udeležili tudi predstavniki ombudsmana iz Albanije in Srbije.	Svet Evrope, Ombudsman Albanije
11. 6. 2012	Beograd, Srbija	Robert Gačnik, svetovalec Varuha	Udeležba na deveti, sklepni tematski delavnici evropskega projekta državnih preventivnih mehanizmov, ki je temeljila na razpravah z osme delavnice o deportacijah z zračnimi sredstvi in katere vsebino so razširili še na sprejem deportiranih, prestrezanje in vračanje na morju. Delavnica je bila priložnost tudi za izmenjavo stališč in izkušenj med predstavniki DPM in Frontexa, Evropske agencije za varnost zunanjih meja (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union).	Svet Evrope
14. 6. 2012	Lucija	Ingrid Russi Zagožen in mag. Simona Šemen, svetovalki Varuha	Obisk centra za starejše občane Lucija. Opravljena sta bila pogovor z vodstvom in osebami z demenco ter ogled oddelkov, kjer so osebe z demenco. Obiska sta se udeležili tudi predstavniki NVO: Leja Drobnak in Katja Sodja (Inštitut Primus).	Varuh človekovih pravic RS

DATE	LOCATION	PARTICIPANTS	EVENT DESCRIPTION	ORGANISOR
22. 5. 2012	Bucharest, Romania	Ivan Šelih, Ombudsman's Deputy	Presentation of the functioning of the Human Rights Ombudsman of the Republic of Slovenia in the capacity of the NPM. The NPM models from the Czech Republic, Great Britain and Spain were also presented.	Centrul de Resurse Juridice
23. 5. 2012	Veržej	Dr Zdenka Čebašek – Travnik, Ombudsman, and Brigita Urh, Ombudsman's Advisor	Visit to the Veržej Boarding Facility and examination of conditions. The following representative of the NGOs also took part in the visit: representative of the Primus Institute, Branka Pondelek. The following persons were also present: the Principal Borut Casar, the Head of the Boarding Facility Kamila Kramarič and social worker Vida Šijanec.	Human Rights Ombudsman of the Republic of Slovenia
24. 5. 2012	Office of the Human Rights Ombudsman of the Republic of Slovenia	Ombudsman's collaborators	Visit of the representatives of the Serbian Ombudsman and provision of information on the functioning of the Human Rights Ombudsman of the Republic of Slovenia and the action taken in the capacity of the National Preventive Mechanism. The following persons took part in the visit: Dragana Petković, Predrag Andrić and Maja Jović, representative of Zaštitnika ljudskih prava Srbije (Protector of Citizens - Ombudsman of Serbia).	Human Rights Ombudsman of the Republic of Slovenia
29.5.2012	Ljubljana	Ivan Šelih, Ombudsman's Deputy and Ingrid Russi-Zagožen, Jure Markič, MSc, Ombudsman's Advisors	The discussion on opinions and viewpoints regarding secure wards in social protection institutions and guidelines for work with people suffering from dementia. The following persons took part on behalf of the Ministry of Labour, Family and Social Affairs: D. Dominkuš, J. Romih, K. Nadižar Habjanič and members of the group for the development of the Guidelines for the Work with People Suffering of Dementia: B. Sunko, B. Mazil-Šolinc, Z. Kavčič and M. Krajnc.	Ministry of Labour, Family and Social Affairs (MDDSZ).
30. 5. 2012	Izlake	Jure Markič and Miha Horvat, Ombudsman's Advisors and Leja Drobnak, trainee in the Ombudsman's Office.	Visit to Izlake Elderly Home where an interview with the management and the inspection of wards accommodating persons suffering from dementia were carried out. The following representatives of the NGOs also took part in the visit: Ana Canjko (ZDUS) and Katja Sodja (Primus Institute).	Human Rights Ombudsman of the Republic of Slovenia
4. 6. 2012	Tirana, Albania	Ivan Šelih, Ombudsman's Deputy and Jure Markič, MSc, Ombudsman's Advisors	Participation in a three lateral meeting aiming at the exchange of experience and methods of work, particularly in regard to the supervision of psychiatric hospitals. Visit and inspection of the psychiatric hospital no. 5 in Tirana. In addition to the Slovenian representatives, the representatives of the national Ombudsman's structures from Albania and Serbia also took part.	Council of Europe, Ombudsman of Albania
11. 6. 2012	Belgrade - Serbia	Robert Gačnik, Ombudsman's Advisor	Participation at the 9th Final Thematic Workshop which was based on discussions from the 8th workshop regarding deportation by air which was extended to the admission of the deported people, interception and push-back at sea. The workshop was the opportunity to exchange viewpoints and experience between the representatives of NPM and FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union).	Council of Europe
14. 6. 2012	Lucija	Ingrid Russi-Zagožen and Simona Šemen, MSc, Ombudsman's Advisors	Visit to the Lucija Retirement Centre. Interviews with the management and persons suffering of dementia were carried out as well as the inspection of wards where dementia sufferers are accommodated. The following representatives of the NGOs also took part in the visit: Leja Drobnak and Katja Sodja (Primus Institute).	Human Rights Ombudsman of the Republic of Slovenia

DATUM	KRAJ	OPIS	UDELEŽENCI	ORGANIZATOR
15. 6. 2012	Ljubljana	Dr. Zdenka Čebašek - Travnik, varuhinja, in mag. Kornelija Marzel, namestnica varuhinje	Delovno-spoznavno srečanje z ministrom za obrambo Alešem Hojsom in sodelavci. Govorili so o pobudah in vprašanjih s področja delovnopравниh zadev v pristojnosti ministrstva, ki jih obravnava varuhinja človekovih pravic, ter o širših temah s področja varstva človekovih pravic in človekovega dostojanstva. Varuhinja je ministra tudi obvestila, da je pred kratkim nenapovedano pregledala prostore za pridržanje v Slovenski vojski, ter pohvalila urejenost in vzdrževanje teh prostorov.	Varuh človekovih pravic RS v sodelovanju z Ministrstvom za obrambo
17. 6. 2012	Baku, Azerbajdžan	Tone Dolčič, namestnik varuhinje	Udeležba na konferenci ob 10. obletnici ombudsmana v Azerbajdžanu, na kateri je namestnik varuhinje predstavil vlogo slovenskega ombudsmana kot državnega preventivnega mehanizma s poudarkom na pravicah oseb v priporu.	Ombudsman Azerbajdžana
18. 6. 2012	Švica, Ženeva	Dr. Zdenka Čebašek - Travnik, varuhinja, in Ivan Šelih, namestnik varuhinje	Poročanje odboru OZN za preprečevanje mučenja (SPT) o delovanju Varuha v vlogi državnega preventivnega mehanizma (DPM) ter pogovor s predstavniki Združenja za preprečevanje mučenja (APT).	Odbor OZN za preprečevanje mučenja (SPT)
19. 6. 2012	Nova Gorica	Robert Gačnik in Miha Horvat, svetovalca Varuha	Obisk zavoda za prestajanje kazni zapora Koper, oddelek Nova Gorica, ter pogovor z vodjo oddelka, pregled prostorov in pogovor z zaprtimi osebami. Obiska sta se udeležila tudi predstavnika NVO: Ciril Klajnšček (RKS) in, Branka Pondelek (Inštitut Primus).	Varuh človekovih pravic RS
20. 6. 2012	Ljutomer, Murska Sobota in Lendava	Robert Gačnik, svetovalec Varuha	Obisk policijskih postaj, pregled prostorov za pridržanje, naključno izbranih primerov in pogovor z vodstvom. Obiska so se udeležili tudi predstavniki NVO: Tina Šimunovič (Inštitut Primus) in Vladimira Klun - Žerjal (ZDUS).	Varuh človekovih pravic RS
5. 7. 2012	Preddvor	Mag. Jure Markič in Miha Horvat, svetovalca Varuha, in Leja Drobnač, pripravnica pri Varuhu	Obisk Doma starejših občanov Preddvor. Obiska sta se udeležili tudi predstavnici NVO: Miljanka Simšič (ZDUS) in Tina Šimunovič (Inštitut Primus).	Varuh človekovih pravic RS
9. 7. 2012	Psihiatrična klinika, Ljubljana Polje	Dr. Zdenka Čebašek - Travnik, varuhinja	Pogovor o problematiki arhivov Psihiatrične klinike Ljubljana (PKL), Zakonu o duševnem zdravju (ZDZdr), organizaciji skupnostne psihiatrije, odzivu na obisk državnega preventivnega mehanizma (DPM) in potrebah po inštitutu za forenzično psihiatrijo. Pogovora so udeležili: vodja PKL prof. dr. Bojan Zalar in izr. prof. dr. Blanka Kores - Plesničar, dr. med., spec. za psihiatrijo.	Varuh človekovih pravic RS
25. 7. 2012	Moldavija, Kišinjev	Ivan Šelih, namestnik varuhinje	Udeležba na znanstveno-praktični konferenci v počastitev petletnice ustanovitve državnega preventivnega mehanizma Republike Moldavije, na kateri so govorili o standardih in mehanizmi preventive in boja proti mučenju, pravnih okvirih za delovanje, znanstvenih raziskavah in o realnostih izkoreninjenja mučenja oziroma neprimerne ravnanja. Namestnik je predstavil slovensko ureditev in prakso.	Center za človekove pravice Republike Moldavije v sodelovanju z OZN
1. 8. 2012	Na sedežu Varuha človekovih pravic RS	Dr. Zdenka Čebašek - Travnik, varuhinja, Ivan Šelih, namestnik varuhinje, sodelavke in sodelavci Varuha ter predstavniki NVO, sodelujočih pri delu DPM	Novinarska konferenca o letnem poročilu državnega preventivnega mehanizma (DPM) po Opcijskem protokolu h konvenciji OZN proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju za leto 2011.	Varuh človekovih pravic RS

DATE	LOCATION	PARTICIPANTS	EVENT DESCRIPTION	ORGANISOR
15. 6. 2012	Ljubljana	Dr Zdenka Čebašek Travnik, the Ombudsman, and Kornelija Marzel, MSc, Deputy Ombudsman	Working and initial meeting with the Minister of Defence, Aleš Hojs and his collaborators. The initiatives and issues in the field of labour law under the responsibility of the Ministry and dealt with by the Human Rights Ombudsman, as well as other topics in the field of the protection of human rights and dignity were discussed. The Ombudsman notified the Minister that detention rooms in the Slovenian Armed Forces had been recently inspected without any prior warning and commended the organisation and maintenance of these rooms.	Human Rights Ombudsman of the Republic of Slovenia in cooperation with the Ministry of Defence
17. 6. 2012	Baku, Azerbaijan	Tone Dolčič, Deputy Ombudsman	Participation at the conference marking the 10th anniversary of the Ombudsman in Azerbaijan where the Deputy Ombudsman presented the Slovenian preventive mechanism (NPM) with an emphasis on the rights of persons in detention.	Ombudsman of Azerbaijan
18. 6. 2012	Geneva, Switzerland	Dr Zdenka Čebašek – Travnik, Ombudsman, and Ivan Šelih, Deputy Ombudsman	Reporting to the Subcommittee for the Prevention of Torture (the SPT) on the functioning of the Ombudsman in the capacity of the national preventive mechanism (NPM) and discussion with the representatives of the Association for the Prevention of Torture (APT).	Subcommittee for the Prevention of Torture (the SPT)
19. 6. 2012	Nova Gorica	Robert Gačnik and Miha Horvat, Ombudsman's Advisors	Visit to Koper Prison, Nova Gorica Unit and the interview with the Head of the unit, the inspection of rooms and interview with prisoners. The following representatives of the NGOs also took part in the visit: Ciril Klajnšček (RKS), Branka Pondelek (Primus Institute).	Human Rights Ombudsman of the Republic of Slovenia
20. 6. 2012	Ljutomer, Murska Sobota and Lendava	Robert Gačnik, Ombudsman's Advisor	Visits of police stations, inspection of detention rooms, the review of randomly selected cases and interview with the management. The following representatives of the NGOs also took part in the visit: Tina Šimunovič (Primus Institute) and Vladimira Klun - Žerjal (ZDUS).	Human Rights Ombudsman of the Republic of Slovenia
5. 7. 2012	Preddvor	Jure Markič and Miha Horvat, Ombudsman's Advisors and Leja Drobnak, trainee in the Ombudsman's Office.	Visit to the Preddvor Retirement Home. The following representatives of the NGOs also took part in the visit: Miljanka Simšič (ZDUS), Tina Šimunovič (Primus Institute).	Human Rights Ombudsman of the Republic of Slovenia
9. 7. 2012	Ljubljana - Polje Psychiatric Clinic	Dr Zdenka Čebašek Travnik, Ombudsman	Discussion regarding the issue of the archives of the Ljubljana University Psychiatric Clinic (PCL), the Mental Health Act (ZDZdr), the organisation of group psychiatry, the response to the visit by the NPM and the needs for the establishment of the Institute for Forensic Psychiatry. The following people took part in the discussion: the Head of PCL, Prof Bojan Zalar and Associate Professor Blanka Kores Plesničar, specialist in psychiatry.	Human Rights Ombudsman of the Republic of Slovenia
25. 7. 2012	Moldova, Chişinău	Ivan Šelih, Ombudsman's Deputy	Participation at the scientific and practical conference to celebrate the 5th anniversary of the NPM of the Republic of Moldova, where standards and mechanisms regarding the prevention and fight against torture, legal frameworks in regard to the functioning, scientific research and the reality of the rooting out torture and improper treatment. The Deputy presented the Slovenian arrangement and practice.	The Human Rights Centre of the Republic of Moldova in cooperation with the United Nations.
1. 8. 2012	Office of the Human Rights Ombudsman of the Republic of Slovenia	Dr Zdenka Čebašek Travnik, Ombudsman, Ivan Šelih, Deputy Ombudsman, Ombudsman's collaborators and representatives of the NGOs, taking part in the work of NPM.	Press conference about the 2011 Annual Report in regard to the NPM under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment	Human Rights Ombudsman of the Republic of Slovenia

DATUM	KRAJ	OPIS	UDELEŽENCI	ORGANIZATOR
30. 8. 2012	Ljubljana	Robert Gačnik, svetovalec Varuha	Obisk azilnega doma. Obiska se je udeležila tudi predstavnica NVO: Katja Sodja (Inštitut Primus).	Varuh človekovih pravic RS
10. 9. 2012	Državni svet Slovenije, Ljubljana	Dr. Zdenka Čebašek -Travnik, varuhinja, in mag. Jure Markič, svetovalec Varuha	Udeležba na posvet Sodelovanje na področju duševnega zdravja v Sloveniji? – ustanovitev nacionalne platforme na področju duševnega zdravja v Sloveniji. Nacionalna platforma je struktura (formalna ali neformalna), v okviru katere različni akterji – kot so NVO, organizacije uporabnikov, izvajalci storitev, vladni uradniki in drugi, ki delajo na področju duševnega zdravja in blagostanja – sodelujejo in razpravljajo.	Šent – Slovensko združenje za duševno zdravje je, v sodelovanju z Državnim svetom RS
13. 9. 2012	Pernovo	Dr. Ingrid Russi-Zagožen, svetovalka Varuha, in Leja Drobnak, pripravnica pri Varuhu	Obisk obiska varovanega oddelka v zavodu Nine Pokorn Grmovje. Obiska se je udeležila tudi predstavnica NVO: Stanka Radojčić (ZDUS).	Varuh človekovih pravic RS
13. 9. 2012	Metlika in Črnomelj	Robert Gačnik, svetovalec Varuha	Pregled prostorov za pridržanje in postopkov o pridržanju na policijskih postajah Metlika in Črnomelj. Obiska sta se udeležila tudi predstavnika NVO: Boris Nusdorfer (PIC) in Branka Pondelek (Inštitut Primus).	Varuh človekovih pravic RS
14. 9. 2012	Slovenj Gradec	Dr. Ingrid Russi-Zagožen in mag. Jure Markič, svetovalca Varuha	Udeležba na sestanku delovne skupine Ministrstva za delo, družino in socialne zadeve (MDDSZ) za demenco.	MDDSZ
17. 9. 2012	Na sedežu Varuha človekovih pravic RS	Dr. Zdenka Čebašek - Travnik, varuhinja, Ivan Šelih, namestnik varuhinje, mag. Jure Markič, Miha Horvat, Robert Gačnik, Andreja Srebotnik, dr. Ingrid Russi-Zagožen in Petra Tovornik, svetovalci Varuha, ter Leja Drobnak, pripravnica pri Varuhu	Sestanek članic in članov državnega preventivnega mehanizma (DPM). Sestanka so se udeležili tudi predstavniki NVO in strokovnjaki: Katja Sodja (Inštitut Primus), Ana Čajnko (Zveza društev upokojenecv Slovenije) in Olga Uršič Perhacv (pogodbena strokovnjakinja za področje pedagogike in psihologije).	Varuh človekovih pravic RS
25.–27. 9. 2012	Brno, Češka	Ivan Šelih, namestnik varuhinje, ter Robert Gačnik in mag. Jure Markič, svetovalca Varuha	Obisk pri kolegih s Češkega, ki v okviru institucije ombudsmana delujejo kot nacionalni preventivni mehanizem, in izmenjava izkušnje na področju delovanja DPM.	Office of Public Defender of Rights – National Preventive Mechanism
3. 10. 2012	Postojna	Ivan Šelih, namestnik varuhinje, Robert Gačnik, svetovalec Varuha, in Leja Drobnak, pripravnica pri Varuhu	Obisk in pregled prostorov centra za tujce v Postojni. Obiska se je udeležila tudi predstavnica NVO: Katja Sodja (Inštitut Primus).	Varuh človekovih pravic RS
9. 10. 2012	UKC, Enota za forenzično psihiatrijo, Maribor	Dr. Zdenka Čebašek - Travnik, varuhinja	Nenapovedan obisk oddelka oziroma enote za forenzično psihiatrijo. Varuhinjo je sprejela oddelčna zdravnica Angelca Ficko in ji v spremstvu osebja razkazala oddelek.	Varuh človekovih pravic RS

DATE	LOCATION	PARTICIPANTS	EVENT DESCRIPTION	ORGANISOR
30. 8. 2012	Ljubljana	Robert Gačnik, Ombudsman's Advisor	Visit to the Asylum Centre. The following representative of the NGOs also took part in the visit: Katja Sodja (Primus Institute).	Human Rights Ombudsman of the Republic of Slovenia
10. 9. 2012	The National Council of the Republic of Slovenia, Ljubljana	Dr Zdenka Čebašek Travnik, the Ombudsman, and Jure Markič, MSc, Ombudsman's Advisors	Participation in the panel "Cooperation in the field of Mental Health in Slovenia? - the establishment of a national platform in the field of mental health in Slovenia". The national platform is a structure (of a formal or informal nature) within which various players, such as NGOs, users' organisations, service operators, government officials and others working in the field of mental health and well-being participate and hold discussions.	Šent - Slovenian Association for Mental Health, in cooperation with the National Council.
13. 9. 2012	Pernovo	Dr Ingrid Russi-Zagožen, Ombudsman's Advisor, Leja Drobnak, a trainee in the Ombudsman's Office	Visit of the secure ward in the institution: Nlna Pokorn Grmovje. The following representative of the NGOs also took part in the visit: Stanka Radojčić (ZDUS).	Human Rights Ombudsman of the Republic of Slovenia
13. 9. 2012	Metlika and Črnomelj	Robert Gačnik, Ombudsman's Advisor	Inspection of detention rooms and procedures regarding detention in the police stations of Metlika and Črnomelj. The following representatives of the NGOs also took part in the visit: Boris Nusdorfer (PIC) and Branka Pondelek (Primus Institute).	Human Rights Ombudsman of the Republic of Slovenia
14. 9. 2012	Slovenj Gradec	Dr Ingrid Russi-Zagožen and Jure Markič, Ombudsman's Advisors	Participation at the meeting of the working group for dementia of the Ministry of Labour, Family and Social Affairs.	MDDSZ
17. 9. 2012	Office of the Human Rights Ombudsman of the Republic of Slovenia	Dr Zdenka Čebašek – Travnik, Ombudsman, and Ivan Šelih, Deputy Ombudsman Jure Markič, MSc, Miha Horvat, Robert Gačnik, Andreja Srebotnik, Dr Ingrid Russi Zagožen and Petra Tovornik, Ombudsman's Advisors and Leja Drobnak, trainee in the Ombudsman's Office	Meeting of members of the National Preventive Mechanism (NPM). The following representatives of the NGOs and experts also took part in the meeting: Katja Sodja (Primus Institute), Ana Cajnko (Slovenian Federation of Pensioners' Organisation) and Olga Uršič Perhac (an expert under contract) for the fields of pedagogy and psychology.	Human Rights Ombudsman of the Republic of Slovenia
25. - 27.9. 2012	Brno, Czech Republic	Ivan Šelih, Ombudsman's Deputy, and Robert Gačnik, MSc, Jure Markič, Ombudsman's Advisors	Visit to colleagues from the Czech Republic working in the capacity of the National Preventive Mechanism within the scope of the Ombudsman's structure and the exchange of experience in the field of the NPM.	Office of Public Defender of Rights - National Preventive Mechanism
3. 10. 2012	Postojna	Ivan Šelih, Ombudsman's Deputy, and Robert Gačnik, Ombudsman's Advisor, and Leja Drobnak, a trainee in the Ombudsman's Office.	Visit to and inspection of the Asylum Centre in Postojna. The following representative of the NGOs also took part in the visit: Katja Sodja (Primus Institute).	Human Rights Ombudsman of the Republic of Slovenia
5. 10. 2012	National Assembly of the Republic of Slovenia	The participation at the 8th session of the Commission of Petitions, Human Rights and Equal Opportunities of the National Assembly of the Republic of Slovenia.	The 17th regular Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2011 was dealt with at the session. Within the framework of the handling of the report, the attention of the discussion was dedicated to the functioning of the National Preventive Mechanism against torture.	National Assembly of the Republic of Slovenia.
9. 10. 2012	University Medical Centre - Forensic Psychiatry Unit, Maribor	Dr Zdenka Čebašek Travnik, Ombudsman	Unannounced visit to the ward for forensic psychiatry. The Ombudsman was received by the ward doctor Angelca Ficko and shown the ward, accompanied by the personnel.	Human Rights Ombudsman of the Republic of Slovenia

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17. 10. 2012	Žalec, Velenje in Mozirje	Robert Gačnik, svetovalec Varuha, in Leja Drobnač, pripravnica pri Varuhu	Obisk in pregled prostorov za pridržanje na PP Žalec, PP Velenje in PP Mozirje. Obiska se je udeležila tudi predstavnica NVO: Branka Pondelek (Inštitut Primus).	Varuh človekovih pravic RS
23. 10. 2012	Radeče	Andreja Srebotnik in Robert Gačnik, svetovalca Varuha	Obisk prevzgojnega doma Radeče in pogovor z nastanjenimi mladoletniki. Obiska sta se udeležila tudi predstavnika NVO: Katja Piršič (Inštitut Primus) in Ciril Klajnšček (Rdeči križ Slovenije).	Varuh človekovih pravic RS
06. 11. 2012	Črnomelj	dr. Ingrid Russi-Zagožen in mag. Simona Šemen, svetovalki Varuha, ter Leja Drobnač, pripravnica pri Varuhu	Obisk doma starejših občanov Črnomelj. Pogovor z vodstvom doma in z osebami z demenco. Obiska se je udeležila tudi predstavnica NVO: Stanka Radojičič (Zveza društev upokoјencev Slovenije)	Varuh človekovih pravic RS
12. 11. 2012	Na sedežu Varuha človekovih pravic RS	Ivan Šelih, namestnik varuhinje, in Robert Gačnik, svetovalec Varuha	Predstavitve dela DPM Slovenije in izmenjava izkušenj s kolegi iz Črne gore. Na obisk k slovenskemu DPM so prišli: Petar Ivezic, namestnik Varuha, in Mirjana Simdić, sodelavka Varuha, ki sta sodelovala tudi pri obisku zavoda za prestajanje kazni zapora Celje.	Varuh človekovih pravic RS
13. 11. 2012	Celje	Ivan Šelih, namestnik varuhinje, Robert Gačnik in Andreja Srebotnik, svetovalca Varuha, ter Leja Drobnač, pripravnica pri Varuhu	Obisk ZPMZKZ Celje. Obiska sta se udeležila tudi predstavnika NVO Boris Nusdorfer (PIC) in izvedenka prim. Darja Boben Bardutzky. Pridružila sta se tudi predstavnika Ombudsmana Črne gore, Marijana Sinčić in Petar Ivezic.	Varuh človekovih pravic RS
14. 11. 2012	Odesa, Ukrajina	Ivan Šelih, namestnik varuhinje	Udeležba na četrti Vzhodnoevropski konferenci državnih preventivnih mehanizmov, na kateri je približno 40 udeležencev razpravljalo o prihodnosti delovanja pravkar vzpostavljenega mehanizma v Ukrajini.	OSCE – Project Coordinator in Ukraine, Ombudsman of Ukraine in Kharkiv Institute for Social Researches
19. 11. 2012	Beograd, Srbija	Robert Gačnik, mag. Jure Markič in Andreja Srebotnik, svetovalci Varuha	Sodelovanje na delovnem srečanju o obravnavanju pobud oseb, ki jim je odvzeta prostost. Izmenjava izkušenj med predstavniki Zaštitnika građana Srbije in državnim preventivnim mehanizmom Slovenije. Na delovnem srečanju so sodelovali predstavniki srbskega ombudsmana: Miloš Janković, namestnik srbskega ombudsmana, ter sodelavci Dragana Petković, Nikola Jevtić in Maja Jović.	Varuh v sodelovanju z Zaštitnikom građana Srbije
22. 11. 2012	Na sedežu Varuha človekovih pravic RS	Dr. Zdenka Čebašek - Travnik, varuhinja, Ivan Šelih, namestnik varuhinje, mag. Jure Markič, Robert Gačnik in Andreja Srebotnik, svetovalci Varuha	Na delovnem obisku pri Varuhu so se mudili predstavniki državnega preventivnega mehanizma Hrvaške, ki delujejo v okviru hrvaškega ombudsmana. Šestčlanska delegacija strokovnjakov, ki jo je vodil namestnik ombudsmana Željko Thür, je prišla h kolegom iz slovenskega državnega preventivnega mehanizma (DPM) izmenjat izkušnje pri izvajanju nalog DPM. Zanimala sta jih tako slovenska zakonodaja kot delovanje DPM, ki je kot primer dobre prakse dobro znan tudi v mednarodnih okvirih.	Varuh človekovih pravic RS v sodelovanju s Pučkim pravobraniteljem Hrvaške

DATE	LOCATION	PARTICIPANTS	EVENT DESCRIPTION	ORGANISOR
17. 10. 2012	Žalec, Velenje and Mozirje	Robert Gačnik, Ombudsman's Advisor, and Leja Drobnak, trainee in the Ombudsman's Office	Visits and inspection of detention rooms in police stations of Žalec, Velenje and Mozirje. The following representative of the NGOs also took part in the visit: Branka Pondelek (Primus Institute).	Human Rights Ombudsman of the Republic of Slovenia
23. 10. 2012	Radeče	Andreja Srebotnik and Robert Gačnik, Ombudsman's Advisors	Visit to Radeče Correctional Facility and interview with minors accommodated there. The following representatives of the NGOs also took part in the visit: Katja Piršič (Primus (Institute) and Ciril Klajnšček (Slovenian Red Cross).	Human Rights Ombudsman of the Republic of Slovenia
06. 11. 2012	Črnomelj	Dr Ingrid Russi-Zagožen and Simona Šemen, Ombudsman's Advisors, and Leja Drobnak, trainee in the Ombudsman's Office	Visit to the Črnomelj Retirement Home. The interview with the establishment's management and dementia sufferers. The following representative of the NGOs also took part in the visit: Stanka Radojčić (Slovenian Federation of Pensioners' Organisations)	Human Rights Ombudsman of the Republic of Slovenia
12. 11. 2012	Office of the Human Rights Ombudsman of the Republic of Slovenia	Ivan Šelih, Ombudsman's Deputy, and Robert Gačnik, Ombudsman's Advisor	Presentation of the work of the NPM Slovenia and the exchange of experience with colleagues from Montenegro. The following persons came to visit the Slovenian NPM: Petar Ivezic, Ombudsman Deputy, and Mirjana Simdić, Ombudsman's collaborator who also took part in the visit to Celje Prison.	Human Rights Ombudsman of the Republic of Slovenia
13. 11. 2012	Celje	Ivan Šelih, Deputy Ombudsman, and Robert Gačnik, Andreja Srebotnik, Ombudsman's Advisors and Leja Drobnak, trainee in the Ombudsman's Office.	Visit to Celje Prison and Juvenile Prison. The representative of the NGO Boris Nusdorfer (PIC) and the expert, Darja Boben Bardutzky, senior doctor, also took part in the visit. The following representatives of the Ombudsman of Montenegro also took part in the visit: Marijana Sinčić and Petar Ivezic.	Human Rights Ombudsman of the Republic of Slovenia
14. 11. 2012	Odessa, Ukraine	Ivan Šelih, Ombudsman's Deputy	Participation at the 4th East European Conference on National Preventive Mechanism where approximately 40 participants discussed the future of the recently established mechanism in Ukraine.	OSCE - Project Co-ordinator in Ukraine, Ombudsman of Ukraine in Kharkiv Institute for Social Researches
19. 11. 2012	Belgrade - Serbia	Robert Gačnik, Msc. Jure Markič and Andreja Srebotnik, Ombudsman's Advisors	Participation at the working meeting in regard to the handling of initiatives by persons having been deprived of their liberty. The exchange of experience between representatives of the Ombudsman of Serbia and National Preventive Mechanism of Slovenia. The following persons took part in the meeting on the part of the Serbian Ombudsman: Miloš Janković, Deputy Ombudsman of Serbia and collaborators: Dragana Petković, Nikola Jevtić and Maja Jović.	Human Rights Ombudsman of the Republic of Slovenia in collaboration with the Ombudsman of Serbia
22. 11. 2012	Office of the Human Rights Ombudsman of the Republic of Slovenia	Dr Zdenka Čebašek – Travnik, Ombudsman, and Ivan Šelih, Deputy Ombudsman Jure Markič, Robert Gačnik and Andreja Srebotnik, Ombudsman's Advisors	Representatives of the National Preventive Mechanism of Croatia, functioning within the scope of the Croatian Ombudsman, paid a working visit to the Human Rights Ombudsman of the Republic of Slovenia. The six-member delegation of experts, led by the Deputy Ombudsman, Mr Željko Thür, exchanged experience in regard to the functioning of NPM with their colleagues of the Slovenian National Preventive Mechanism. They were interested both in the Slovenian legislation as well as the functioning of the NPM, which is well-known as an example of good practice in the international arena.	The Ombudsman in cooperation with the Ombudsman of Croatia

DATUM	KRAJ	OPIS	UDELEŽENCI	ORGANIZATOR
23. 11. 2012	Na sedežu Varuha človekovih pravic RS	Dr. Zdenka Čebašek - Travnik, varuhinja, Kornelija Marzel in Ivan Šelih, namestnika varuhinje, ter Liana Kalčina, svetovalka Varuha	Sestanek z ministrom za pravosodje in javno upravo dr. Senkom Pličaničem s sodelavci, na katerem so se pogovarjali tudi o nekaterih vprašanih, povezanih z delom DPM. Varuhinja in namestnik sta opozorila, da bi bilo nujno sprejeti ukrepe za zmanjšanje števila zaprtih oseb ter sprejeti dodatne ukrepe za preprečevanje kršitev, povezanih s prepovedjo mučenja, nečloveškega ali ponižujočega ravnanja. Drugi sklop vprašanj se je nanašal na pričakovane ukrepe države, da se v zaporih zagotovijo ustrežnejše razmere za invalide, starejše in dementne osebe ter zdravstveno oskrbo.	Varuh človekovih pravic RS
23. 11. 2012	Oddelek za psihiatrijo UKC Maribor	Mag. Jure Markič in Robert Gačnik, svetovalka Varuha	Spoznadni obisk enote za forenzično psihiatrijo, pogovor z vodstvom UKC in enote za forenzično psihiatrijo, ogled oddelka, pogovor s pacienti. Obiska so se udeležili člani delegacije Pučkog pravobranitelja Hrvaške – hrvaškega DPM.	Varuh človekovih pravic RS
29. 11. 2012	Kozina in Lucija	Robert Gačnik, svetovalec Varuha, in Leja Drobnač, pripravnica pri Varuhu	Obisk policijskih postaj Kozina in Piran in pregled prostorov za pridržanje in postopkov o pridržanju. Obiska sta se udeležila tudi predstavnika NVO: Miha Nabergoj (PIC) in Katja Sodja (Inštitut Primus).	Varuh človekovih pravic RS
11. 12. 2012	Rakičan	Mag. Jure Markič, svetovalec Varuha, in Leja Drobnač, pripravnica pri Varuhu	Obisk doma starejših Rakičan, pogovor z vodstvom in ogled doma, posebej enote za osebe z demenco. Obiska sta se udeležili tudi predstavnici NVO: Stanka Radojičič (ZDUS) in Katja Sodja (Inštitut Primus).	Varuh človekovih pravic RS
12. 12. 2012	Ljubljana	Robert Gačnik, Andreja Srebotnik in Miha Horvat, svetovalci Varuha	Obisk zavoda za prestajanje kazni zapora Ljubljana, pregled prostorov in pogovori z zaprtimi osebami. Obiska so se udeležili tudi predstavniki NVO: Ciril Klajnšček (RKS), Marija Milavec Kapun (ZDUS) in Branka Pondelek (Inštitut Primus).	Varuh človekovih pravic RS
18. 12. 2012	Krško in Sevnica	Robert Gačnik, svetovalec Varuha	Obisk policijskih postaj Krško in Sevnica, pregled prostorov za pridržanje na PP Krško in postopkov s pridržanimi osebami na PP Krško in PP Sevnica. Obiska sta se udeležila tudi predstavnika NVO: Boris Nusdorfer (PIC) in Katja Piršič (Inštitut Primus).	Varuh človekovih pravic RS

DATE	LOCATION	PARTICIPANTS	EVENT DESCRIPTION	ORGANISOR
23. 11. 2012	Office of the Human Rights Ombudsman of the Republic of Slovenia	Dr Zdenka Čebašek - Travnik, Ombudsman, Kornelija Marzel and Ivan Šelih Deputies Ombudsman and Liana Kalčina, Ombudsman's Advisor	Meeting with the Minister of Justice and Public Administration, Senko Pličanič and collaborators, where some issues relating to the work of the NPM were discussed. The Ombudsman and the Deputy pointed out that measures for reducing the number of prisoners should be urgently adopted and additional measures for the prevention of violations relating to the prohibition of torture, inhuman and degrading treatment would need to be adopted. The second set of issues referred to the expected measures to be adopted by the state for the provision of more appropriate conditions for the disabled, elderly and persons suffering from dementia and for health care in prisons.	Human Rights Ombudsman of the Republic of Slovenia
23. 11. 2012	Psychiatric Ward of the University Medical Centre Maribor	Jure Markič, MSc, and Robert Gačnik, Ombudsman's Advisors	Initial visit of the unit for forensic psychiatry, interviews with the management of the University Medical Centre and the Psychiatric Ward, inspection of the ward, interviews with patients. The members of the delegation of the Croatian Ombudsman, the Croatian NPM took part in the visit.	Human Rights Ombudsman of the Republic of Slovenia
29. 11. 2012	Kozina and Lucija	Robert Gačnik, Ombudsman's Advisor, and Leja Drobnak, trainee in the Ombudsman's Office	Visits to police stations Koper and Piran and inspections of detention rooms and procedures regarding detention. The following representatives of the NGOs also took part in the visit: Miha Nabergoj (PIC) and Katja Sodja (Primus Institute).	Human Rights Ombudsman of the Republic of Slovenia
11. 12. 2012	Rakičan	Jure Markič, MSc, Ombudsman's Advisor, and Leja Drobnak, trainee in the Ombudsman's Office	Visit to Rakičan Elderly Home, interview with the management and inspection of premises, particularly the ward for dementia sufferers. The following representatives of the NGOs also took part in the visit: Stanka Radojčić (ZDUS) and Katja Sodja (Primus Institute).	Human Rights Ombudsman of the Republic of Slovenia
12. 12. 2012	Ljubljana	Robert Gačnik, Andreja Srebotnik and Miha Horvat, Ombudsman's Advisors	Visit to Ljubljana Prison, inspection of premises and interviews with prisoners. The following representatives of the NGOs also took part in the visit: Ciril Klajnšček (RKS), Marija Milavec Kapun (ZDUS) and Branka Pondelek (Primus Institute).	Human Rights Ombudsman of the Republic of Slovenia
18. 12. 2012	Krško and Sevnica	Robert Gačnik, Ombudsman's Advisor	Visit to police stations Krško and Sevnica, the inspection of detention rooms in Krško Police Station and procedures regarding detainees in Krško and Sevnica Police Stations. The following representatives of the NGOs also took part in the visit: Boris Nusdorfer (PIC) and Katja Piršič (Primus Institute).	Human Rights Ombudsman of the Republic of Slovenia

III. DOKUMENTI ZDRUŽENIH NARODOV

III. UN DOCUMENTS

Združeni narodi



Generalna skupščina

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 državljskih 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 ustrahovala ali nanjo izvajal pritisk ali da bi se ustrahoval 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.

United Nations



General Assembly

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.

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 instability 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.

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.

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.

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. 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. 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, vštevši 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.

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 grdih 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, vštevši sredstva, potrebna za njeno čimpopolnejšo 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.

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.

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.

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.

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.

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. 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. 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:

a) za sklepčnost je potrebna navzočnost šestih članov;

b) 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.

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.

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. (amendment (see General Assembly resolution 47/111 of 16 December 1992

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:

(a) Six members shall constitute a quorum;

(b) 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. 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. (amendment (see General Assembly resolution 47/111 of 16 December 1992);

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.

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.

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 pravilih postopka 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 prejemna 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;

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.

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) 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 državama 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 spravno 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 državama 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 članicama. 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.

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 nezdržljivo z določbami te konvencije.

(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. 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. 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 izkoristili 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 upravne 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.

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.

Združeni narodi



Generalna skupščina

OPCIJSKI PROTOKOL H KONVENCIJI PROTI MUČENJU IN DRUGIM KRUTIM, NEČLOVEŠKIM ALI PONIŽEVALNIM KAZNIM ALI RAVNANJU

Zakon o ratifikaciji

Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju (moppm)

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 izvirniku 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,

United Nations



General Assembly

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

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,

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 opcijskega protokola h konvenciji, ki naj bi vzpostavil preventivni sistem rednih obiskov na krajih odvzema prostosti,

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).

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,

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).

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 zavora 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.

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.

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.

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) Preden država pogodbenica predlaga državljana 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 pododborna 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 pododborna s tajnim glasovanjem;
- d) volitve članov pododborna 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.

2. Če na volitvah dva državljana države pogodbenice dobita dovolj glasov za članstvo v pododboru za preprečevanje, postane član pododborna 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 pododborna za preprečevanje;
- b) če je oba kandidata predlagala država pogodbenica, katere državljana sta, poteka ločeno tajno glasovanje, s katerim se odloči, kateri državljan bo član pododborna,
- c) če nobenega kandidata ne predlaga država pogodbenica, katere državljana sta, poteka ločeno tajno glasovanje, s katerim se odloči, kateri kandidat bo član pododborna.

8. člen

Če član pododborna 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 uravnoveženi 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.

(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. 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.

9. člen

Člani pododbora za preprečevanje so izvoljeni za štiri leta. Enkrat so lahko ponovno izvoljeni, če so ponovni predlagani. Polovici članov, izvoljeni 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.

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;

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.

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) 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, člani 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.

4. Če se pododboru za preprečevanje zdi primerno, lahko po rednem obisku predlaga še kratek dopolnilni obisk.

(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. If the Subcommittee on Prevention considers it appropriate, it may propose a short follow-up visit after a regular visit.

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.

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;

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) 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.

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.

- (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.

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.

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.
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.

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. 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.

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.

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 dvotretjinsko večino sprejmejo države pogodbenice, ki so navzoče in glasujejo na konferenci.

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.

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. Sprememba, sprejeta v skladu s prvim odstavkom tega člena, začne veljati, ko jo sprejmejo države pogodbenice tega protokola z dvotretjinsko 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 pododбора za preprečevanje in državnih preventivnih mehanizmov uživajo take privilegije in imunitete, ki so potrebni za neodvisno izvajanje njihovih nalog. Člani pododбора 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.

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.«

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.

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."

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.

(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.

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 or 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) 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., I.r.

Združeni narodi

CAT/OP/2



**Opcijski protokol
h konvenciji proti mučenju
in drugim krutim, nečloveškim
ali poniževalnim kaznim
ali ravnanju**

Distr.: splošno
1. oktober 2012
Angleščina
Izvirnik: španski

**Pododbor za preprečevanje mučenja in drugega krutega,
nečloveškega ali poniževalnega ravnanja ali kaznovanja**

**Začasna izjava o vlogi sodnega nadzora in dolžnega
ravnanja pri preprečevanje mučenja v zaporih,**

ki jo je sprejel Pododbor za preprečevanje mučenja in drugega krutega, nečloveškega ali poniževalnega ravnanja ali kaznovanja na svoji 16. seji, ki je potekala od 20. do 24. februarja 2012

United Nations

CAT/OP/2



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
1 October 2012
English
Original: Spanish

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

**Provisional statement on the role of judicial review and
due process in the prevention of torture in prisons,**

adopted by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or
Degrading Treatment or Punishment at its sixteenth session, 20 to 24 February 2012

Povzetek

1. Napačna predpostavka, da se dolžno ravnanje konča v trenutku obsodbe in da ne velja za konkretne zaporne pogoje in režim, spodbuja uporabo mučenja in okrutnega ravnanja na krajih odvzema prostosti, zlasti v zaporih za odrasle in mladoletnike. Zato je nujno, da države poleg pritožbenih postopkov in nadzora nad takimi kraji odvzema prostosti zagotovijo posebno pravosodno ali podobno telo za spremljanje izvrševanja vseh zapornih ukrepov, povezanih z naložitvijo kazni ali priporom v predkazenskem postopku. Pozneje se bo Pododbor za preprečevanje lotil dolžnega ravnanja in sodnega nadzora na krajih odvzema prostosti, ki ne spadajo v sistem kazenskega pravosodja, kot so kraji, kjer so zaprti duševni bolniki in drugi.

Uvod

2. Pogostost mučenja je tesno povezana z zakonskim okvirom, ki ureja kraje odvzema prostosti.
3. V konkretnem primeru zaporov različni kulturni dejavniki, kot je mnenje, da so zaporniki "izven družbe" ali da so "nevarne" osebe, ali pa odzivi medijev na negotovost javnosti, prispevajo k zanemarjanju in ranljivosti oseb, ki služijo zaporne kazni ali pa so v priporu v predkazenskem postopku.
4. Da bi odpravili pomanjkanje zaščite za zapornike, je treba z zakonom določiti, da priporniki praviloma zadržijo svoje pravice (tudi pravico do integritete in svobode vesti) in da se jim ukinejo le nekatere od pravic (npr. svoboda prebivanja) ali pa se jim te pravice omejujejo (npr. svoboda zbiranja in izražanja). Poleg tega je treba vzpostaviti in zagotoviti pravice, pridobljene ob pridržanju (npr. pravico do hrane, dostojnih življenjskih pogojev in zdravstvenih storitev).
5. Zagotovil za uresničevanje pravic zapornikov ni. Ta zagotovila vključujejo postopkovna telesa in nadzorne ukrepe. Pogosto je rečeno, da "so zakoni dobri, njihovo uresničevanje pa je pomanjkljivo". Vendar problem ni samo praktične narave, ampak je povezan tudi s pomanjkljivostmi pri normativih, ki bi morali zagotoviti razpoložljivost postopkovnih teles in sredstev, potrebnih za njihovo uresničevanje. V resnici imajo priporniki "pravice brez zagotovil".
6. Očitno odsotnost zakonskega okvira, tako organizacijskega kakor postopkovnega, vodi k nekaznovanju kršitev in nadaljnjemu kršenju človekovih pravic.

Pomanjkanje institucionalnega varstva

7. Pomanjkanje pravnega varstva na krajih odvzema prostosti je povezano tudi z rehabilitacijskimi ali prevzgojnimi zasnovami kazni¹, ki so pripomogle k prevladi modela, pri katerem organi zavoda za prestajanje zaporne kazni, tehnično osebje in varnostniki enostransko določajo kazenski režim. Osebe v priporu v predkazenskem postopku in mladi ljudje v navzkrižju z zakonom se soočajo z zelo podobnimi položaji in potrebujejo posebno zaščito svojih pravic kot zaporniki in tudi svojih pravic kot posamezniki, soočeni s pregonom.

¹ To vključuje vizijo, ki je "skupna trem političnim in kulturnim gibanjem, ki so prispevala k oblikovanju (italijanske) ustave in naknadnih zaporniških reform: katoliškemu gibanju, ki kazni dojemata kot preobrazbo kriminalca; liberalno-konzervativnemu gibanju, ki je vir terapevtskega in integracijskega pogleda na kazni; in komunizmu ter njegovim leninističnim in gramscijanskim različicam, ki jih navdihujejo kaznovalni režimi, namenjeni vzgoji in ponovni socializaciji kriminalcev. Podprta s takim zблиževanjem kultur je bila reforma zaporov dosežena za ceno njene preobrazbe v neenako, netipično in negotovo kaznovanje in posledično prenehanje zagotovil glede kaznovanja". Luigi Ferrajoli, *Derecho y razón. Teoría del garantismo penal (Pravo in argumenti. Teorija kazenskih zagotovil)*. Trotta, Madrid. 1995, str. 720.

Summary

1. The erroneous premise that due process ends at the moment of sentencing, and that it does not apply to the actual custodial conditions and regime, encourages the use of torture and ill-treatment in places of detention, and more specifically in prisons for adults and juveniles. This is why there is an urgent need for States to provide, in addition to complaints procedures and supervision of such places of detention, a special judicial or similar body to monitor the enforcement of any custodial measure related either to the imposition of a sentence or to pretrial detention. At a later stage, the Subcommittee on Prevention will address due process and judicial review in places of detention other than those within the criminal justice system, such as the places where mental patients and others are confined.

Introduction

2. The incidence of torture is closely related to the legal framework governing places of detention.
3. In the specific case of prisons, various cultural factors, such as the idea that inmates are “outside society” or that they are “dangerous” persons, or the reactions of the media to public insecurity, contribute to the neglect and vulnerability of persons serving prison sentences or in pretrial detention.
4. To overcome this lack of protection for inmates, it must be stipulated by law that, as a rule, detainees retain their rights (including the right to integrity and freedom of conscience) and only a few of their rights are suspended (e.g. freedom of residence) or restricted (e.g. the freedoms of assembly and expression). In addition, the rights acquired at the time of detention must be established and guaranteed (e.g. the rights to food, decent living conditions and health services).
5. There is a lack of guarantees regarding the realization of inmates’ rights. These guarantees include procedural bodies as well as safeguards. It is often said that “the laws are good, but what is lacking is their implementation”. However, the problem is not only a practical one but also has to do with shortcomings in the norms that should ensure the availability of the procedural bodies and remedies necessary to their realization. In reality, detainees have “rights without guarantees”.
6. Obviously the absence of a legal framework — both organizational and procedural — in turn leads to impunity and further human rights violations.

Lack of institutional protection

7. The lack of legal protection in places of detention is also related to the rehabilitative or correctional conceptions of punishment¹, which have contributed to the predominance of a model whereby the prison authorities, technical staff and security guards unilaterally decide the punishment regime. Persons in pretrial detention and young people in conflict with the law face very similar situations and need special protection of their rights as inmates as well as their rights as individuals facing prosecution.

¹ This involves a vision “shared by the three political and cultural trends that have contributed to the formulation of the [Italian] Constitution and subsequent prison reform: the Catholic trend, which conceives of punishment as reform of the criminal; the liberal-conservative trend, which is the source of the therapeutic and integrationist view of punishment; and communism in its Leninist and Gramscian versions, inspired by punishment regimes intended to educate and resocialize criminals. Endorsed by such a convergence of cultures, prison reform has been achieved at the price of its transformation into unequal, atypical and uncertain punishment, and the resulting dissolution of guarantees with regard to punishment”. Luigi Ferrajoli, *Derecho y razón. Teoría del garantismo penal* (Law and Reason. The Theory of Penal Guarantees). Trotta, Madrid. 1995, p. 720.

8. V tem smislu je bilo napačno razumljeno, da se dolžno ravnanje konča v trenutku izreka kazni in ne vključuje vidikov, povezanih s kakovostjo pripora, s poudarkom na pravicah zapornika. To pomeni, da ureja določitev kazni in njeno dolžino, ne pa tudi njene narave ali strogosti. Tako so hrana, dnevni režimi, pravila ob stiku z zunanjim svetom, materialni pogoji in dobave, posebne potrebe zapornic, premestitve znotraj zaporov in v druge ustanove ter notranja kaznovanja, skupaj s številnimi drugimi zadevami, prepuščeni organom zavodov za prestajanje zaporne kazni, katerih ravnanje ni predmet nobenega sodnega nadzora za zagotovitev človekovih pravic. Kakor je bilo ugotovljeno ob obiskih, ki jih je opravil Pododbor, te okoliščine pogosto tako spremenijo naravo kazni, da postane kruta, nečloveška ali ponižujoča ali pa vodi v mučenje.
9. Trenutno so vsi organi zavodov za prestajanje zaporne kazni podvrženi notranjemu in zunanjemu spremljanju in nadzoru. Mehanizmi notranjega spremljanja in nadzora vključujejo upravno inšpekcijo in nadzorne službe, glavni sistemi zunanjega nadzora pa so varuh človekovih pravic, nacionalni mehanizmi za preprečevanje mučenja in nacionalne ustanove za človekove pravice. Le redko srečamo sodnike, ki so imenovani za nadzor nad zapori ali izvrševanjem kazni. Spremljanje in nadzor na mednarodni ravni vključuje regionalna in mednarodna telesa za zaščito človekovih pravic, vključno s Pododborom, ki ne bi smel opravljati zgolj občasnih obiskov zaporov in poročati o svojih ugotovitvah, ampak bi moral tudi preučiti, kako odsotnost zakonov in sodnega nadzora spodbuja zlorabe, kot je kazen samice. Pododbor je pooblaščen za preprečevanje zlorab pripornikov z ugotavljanjem potrebnih teles in postopkov za ta namen. To je ključni del njegovega pooblastila, ki ga ne more opustiti.
10. Interakcija med celovitejšimi mehanizmi notranjega nadzora in mednarodnimi mehanizmi na podrejeni ravni lahko ustvari pozitivno sinergijo, ki je sposobna obrniti položaj ranljivosti, s katerim se soočajo zaporniki. Vendar pa prizadevanja mednarodnih organizacij, kot je Pododbor, ne morejo biti učinkovita brez učinkovitih nacionalnih ustanov, tudi pravosodnih.

Dolžno ravnanje

11. Dolžno ravnanje pomeni pot, ki ji je treba slediti, da lahko država zakonito uveljavlja temeljne pravice; to pomeni sklop zahtev, ki jih je treba upoštevati, da se posamezniki lahko ustrezno branijo pred vsakim dejanjem države, ki bi lahko škodovalo njihovim pravicam, kakor je o pomembnosti tega dejal Américo Incalcaterra².
12. V sistemu kazenskega pravosodja bi moralo dolžno ravnanje zajemati ne samo določanje kazni, ampak tudi varstvo in zaščito pripornikov z zagotavljanjem okvira za odnose med zaporniki in organi zavodov za prestajanje zaporne kazni z vidika pravic in dolžnosti, vključno s sredstvi obrambe in pravnimi sredstvi za zapornike³.
13. Ker načela dolžnega ravnanja vključujejo dostop do obrambe in odprtost, bo njihovo sprejetje na tej stopnji povečalo preglednost dogajanja na krajih odvzema prostosti, ker bi se na primer primeri neprimernih storitev ali upravičenost premestitev preverjali na javnih obravnavah, kjer zaporniku pomaga zagovornik, in ker bo posameznikom in organizacijam zagotovljen dostop do notranjosti krajev odvzema prostosti kot oblika družbenega nadzora, kar bo vse pripomoglo k učinkovitejšemu preprečevanju okrutnega ravnanja in mučenja:

»Bolj ko je pripornik izoliran pred stikom z zunanjim svetom, večje je tveganje mučenja in okrutnega ravnanja. Pravica do posveta z odvetnikom je pomembno sredstvo za preprečevanja takih položajev in tudi zaščita dolžnega ravnanja.«⁴

² "Pravica do dolžnega ravnanja ima bistveno vlogo znotraj sistema zaščite temeljnih pravic. Ne moremo govoriti o izvršljivosti in zaščiti naših pravic brez dolžnega ravnanja. Zato Mednarodni pakt o državljanskih in političnih pravicah, skupaj z drugimi mednarodnimi instrumenti človekovih pravic znotraj tako splošnih kot notranje-ameriških sistemov postavlja to pravico v vlogo osi, okoli katere se vrti mednarodno pravo o človekovih pravicah." Predgovor iz "Barómetro Local", Asociación Mexicana para las Naciones Unidas, A.C. México, 2007.

³ "Glej "Debido proceso y ejecución penal" (Dolžno ravnanje in izvrševanje kazenskih sankcij) na www.miguelsarre.com.

⁴ Poročilo o obisku Pododboru v Mehiki, 31. maj 2010, 127. odstavek.

8. In this context, it has mistakenly been understood that due process ends at the moment of sentencing and does not include aspects related to the quality of detention, with a focus on the inmate's rights. That is to say, it governs determination of the penalty and length of the sentence, but not the nature or rigour of the penalty. Thus, food, daily routines, regulations on contact with the outside world, material conditions and supplies, the particular needs of female prisoners, transfers within prisons and to other establishments, and internal punishments, among many other matters, are left in the hands of prison authorities whose actions are not subject to any judicial review to guarantee human rights. As has been documented in the visits conducted by the Subcommittee, these circumstances often change the nature of punishments to such an extent that they become cruel, inhuman or degrading, or lead to torture.
9. Currently, all prison authorities are subject to both internal and external monitoring. Internal monitoring mechanisms include administrative inspection and supervision services, while the main external monitoring systems are the Ombudsman, national mechanisms for the prevention of torture and national human rights institutions. Only rarely do we find judges appointed to supervise prisons or the enforcement of sentences. Monitoring at the international level involves both regional and international human rights protection bodies, including the Subcommittee, which should not only conduct periodic visits to prisons and report on its findings, but should also consider how the absence of laws and judicial reviews encourages abuses such as solitary confinement. The Subcommittee has a mandate to prevent abuses of detainees by identifying the necessary bodies and procedures for this purpose. This is a crucial part of its mandate that cannot be waived.
10. The interaction between more comprehensive internal monitoring mechanisms and, at a subsidiary level, international ones can generate a positive synergy capable of reversing the vulnerable situation faced by inmates. However, it is hard for the efforts of international organizations such as the Subcommittee to be effective in the absence of effective national institutions, including judicial ones.

Due process

11. Due process means the path that should be followed so that the State can legitimately give effect to fundamental rights; that is, the set of requirements that must be observed so that individuals can defend themselves properly against any act by the State that might affect their rights. Its importance has been highlighted by Américo Incalcaterra².
12. Within the criminal justice system, due process should cover not only the determination of penalties but also the safeguarding and protection of detainees, providing a framework for the relationship between inmates and prison authorities in terms of rights and obligations, including means of defence and legal remedies for inmates³.
13. Given that the principles of due process include access to a defence and openness, their adoption at this stage will make what happens in places of detention more transparent, because cases of inadequate services or the justification for transfers, for example, would be aired in public hearings where the inmate is assisted by defence counsel, and because individuals and organizations will be guaranteed access to the inside of places of detention as a form of social control, all of which will make for more effective prevention of ill-treatment and torture:

*"The more a detainee is isolated from contact with the outside world, the greater the risk of torture and ill-treatment. The right to consult an attorney is an important means of preventing such situations, as well as a safeguard of due process."*⁴

² "The right to due process holds a place of vital importance within the fundamental rights protection system. We cannot speak of enforceability and protection of our rights without due process. This is why the International Covenant on Civil and Political Rights, along with other international human rights instruments within both the universal and inter-American systems, makes this right the axis around which international human rights law revolves." Prologue from "Barómetro Local", Asociación Mexicana para las Naciones Unidas, A.C. México, 2007.

³ See "Debido proceso y ejecución penal" (Due process and criminal enforcement) at www.miguelsarre.com.

⁴ Report on the visit of the Subcommittee to Mexico, 31 May 2010, para. 127.

Sodni nadzor

14. Pravosodno posredovanje s strani drugih sodnikov od tistih, ki so določili kazenske obtožbe, je med pridržanjem skladno z dolžnim ravnanjem. Da bi zaporniki lahko uveljavljali normative, ki jih varujejo pred malomarnimi ali zlorabljaljivimi organi zavodov za prestajanje zaporne kazni, mora obstajati nepristranska tretja stran za izvrševanje teh normativov glede na to, da nihče ne bi smel delovati hkrati kot sodnik in biti vpletena stran. To pomeni podreditev organov zavodov za prestajanje zaporne kazni nadzornim ustanovam s širokimi pooblastili prisile, ki presegajo obravnavo pritožb ali nadzora s strani upravnih teles.
15. Ker so izvrševanje kazni — in pripor v predkazenskem postopku — del sistema kazenskega pravosodja, je razumljivo, da bi morala biti nepristranska tretja stran sodnik, specializiran za razreševanje konfliktov, značilnih za življenje v priporu, se pravi, sodnik za nadzor nad zaporom.⁵ Na ta način se vzpostavi tristranski odnos, pri katerem sodnik zavzema vrh piramide, medtem ko je položaj organov zavodov za prestajanje kazni zapora in zapornika na spodnjih vogalih skladno z načelom uporabe enakosti orožja. Zapornik ni več “objekt” obravnave in postane “subjekt” v pravnem odnosu ter lahko v konfliktu z organi uveljavlja svoje pravice na podlagi uporabe načela enakosti orožja nasproti upravi.

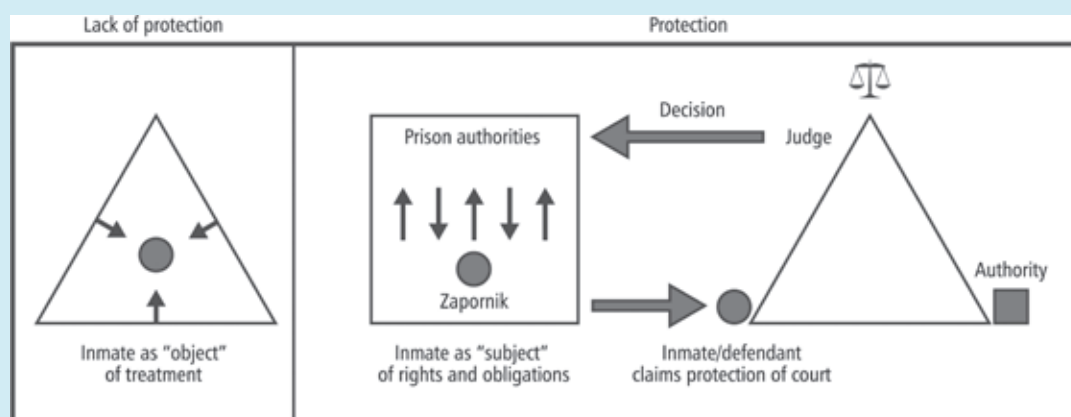


16. Da bi imeli zaporniki dostop do pravosodja v zaporu, se jim mora zagotoviti specializirana pravna pomoč za zaščito njihovih pravic med prestajanjem kazni ali v priporu v predkazenskem postopku.
17. Odvisno od pravnih tradicij in domače zakonodaje posamezne države se vloga sodnika za nadzor nad zapori lahko dodeli upravnemu sodniku ali celo drugemu specializiranemu organu s pooblastili prisile pod pogojem, da je organ ustanovljen z zakonom in da je neodvisen ter nepristranski.

⁵ 9. odstavek splošnih pripomb št. 32 Odbora za človekove pravice določa: “14. člen [Mednarodnega pakta o državljanskih in političnih pravicah] obsega pravico dostopa do sodišč v primerih določanja kazenskih obtožb ter pravic in dolžnosti v zakoniti tožbi. V vseh takih primerih se mora učinkovito zagotoviti dostop do sodnega sistema, da bi zagotovili, da noben posameznik v postopkovnem smislu ni prikrajšan za pravico do zahteve po pravici” (CCPR/C/GC/32, 23. avgust 2007). Če obstaja pravica do dostopa do sodišč za zahtevo po pravici pri določanju kazenskih obtožb, potem mora enak dostop obstajati pri zahtevi po pravici glede izvrševanja kazni ali zaščitnih ukrepov, ki so določeni v kazenskem postopku. Pomanjkanje dostopa do take pravice med izvrševanjem kazni bi naredilo skupno pravosodje za nesmiselno, ker bi pomenilo, da bi se kazni lahko spreminjale brez sodnikove vednosti. Različne države, kot sta Španija in Italija, so dosegle dobre rezultate pri uvedbi sodnikov za nadzor nad zapori, katerih delo se dopolnjuje z delom varuha za človekove pravice, nacionalnimi mehanizmi za preprečevanje mučenja in nacionalnimi ustanovami za človekove pravice.

Judicial review

14. Judicial intervention during the period of confinement, by judges other than those who determined the criminal charges, goes hand in hand with due process. In order for inmates to be able to invoke the norms protecting them from negligent or abusive prison authorities, there must be an impartial third party to enforce those norms, given that no one should act as both judge and party. This means subordinating the prison authorities to watchdog institutions with wide coercive powers that go beyond attending to complaints or supervision by administrative bodies.
15. Given that the enforcement of sentences — and pretrial detention — are part of the criminal justice system, it is natural that the impartial third party should be a judge specialized in resolving conflicts specific to life in detention; that is to say, a prison inspection judge. In this manner a trilateral relationship is established in which such a judge occupies the apex of the pyramid while the prison authorities and the inmate are situated at the lower corners in keeping with the equality of arms principle. The inmate ceases to be the “object” of treatment and becomes a “subject” in a legal relationship and, in the event of a conflict with the authorities, can assert his or her rights on the basis of equality of arms vis-à-vis the administration:



16. In order for inmates to have access to justice in prison, they must be guaranteed specialized legal assistance to protect their rights while they are serving their sentence or in pretrial detention.
17. Depending on the legal traditions and domestic laws of each State, the role played by the prison inspection judge may, however, be assigned to an administrative judge or even another specialized authority with coercive powers, provided that the authority is established by law and is independent and impartial.

5 Paragraph 9 of general comment No. 32 of the Human Rights Committee establishes that: “Article 14 [of the International Covenant on Civil and Political Rights] encompasses the right of access to the courts in cases of determination of criminal charges and rights and obligations in a suit at law. Access to administration of justice must effectively be guaranteed in all such cases to ensure that no individual is deprived, in procedural terms, of his/her right to claim justice” (CCPR/C/GC/32, 23 August 2007). If there exists a right of access to the courts to claim justice in the determination of criminal charges, then the same access must exist when claiming justice regarding the enforcement of sentences or protective measures determined through criminal proceedings. The lack of access to such justice during enforcement of the sentence would render ordinary justice meaningless, because it would mean that sentences could be changed without the judge’s knowledge. Various countries, such as Spain and Italy, have achieved good results with the introduction of prison inspection judges, whose work complements that of the Ombudsman, national mechanisms for the prevention of torture and national human rights institutions.

18. Obstoj mučenja in okrutnega ravnanja na krajih odvzema prostosti ni slučajen pojav, ampak ga spodbujata zakonsko zanemarjanje in pravosodna nedejavnost, ki ustvarjata gojišče za take prakse. Napredek na tem področju bo dosežen, če bodo države pogodbenice Opcijskega protokola h Konvenciji OZN proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju izpolnile obveznost sprejetja “zakonskih, upravnih, sodnih ali drugih učinkovitih ukrepov, da bi na ozemlju pod svojo jurisdikcijo preprečila mučenje” (Konvencija proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju, prvi odstavek 2. člena, ki velja za vse podpisnice Opcijskega protokola).

Priporočilo

19. Države pogodbenice bi morale premisliti o učinkovitem sodnem nadzoru in dolžnem ravnanju med trajanjem pripora posameznikov v kazenskem postopku kot predpogoju za preprečevanje okrutnega ravnanja ali mučenja oseb, ki jim je odvzeta prostost, in kot sredstvu za podelitev legitimnosti izvrševanja kazenskega pravosodja.

18. The existence of torture and ill-treatment in places of detention is not a chance occurrence; rather, it is fostered by legislative neglect and judicial inactivity that create a breeding ground for these practices. Progress will be achieved in this area if the States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment comply with their obligation to adopt “effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction” (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 2, para. 1, which applies to all signatories to the Optional Protocol).

Recommendation

19. States parties should consider effective judicial review and due process during the detention of individuals in criminal proceedings as a prerequisite for the prevention of ill-treatment or torture of persons deprived of their liberty and as a means of conferring legitimacy on the exercise of criminal justice.

**Državni preventivni mehanizem v Republiki Sloveniji po Opcijskem protokolu h Konvenciji OZN
proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju
Poročilo 2012**

**National Preventive Mechanism in the Republic of Slovenia under the Optional Protocol to
the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Report 2012**

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