

Criminal Detention in the EU Conditions and Monitoring

Update of FRA's Criminal Detention Database
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Part I: National standards

Covid-19 measures:

To curb the spread of the Covid-19 virus, various measures were adopted in Slovenia. The Temporary Measures Relating to Judicial, Administrative and Public Law Matters for the Containment of the Spread of the Communicable Disease SARS-CoV-2 (COVID-19) Act (*Zakon o začasnih ukrepih v zvezi s sodnimi, upravnimi in drugimi javnopravnimi zadevami za obvladovanje širjenja nalezljive bolezni SARS-CoV-2 (COVID-19)*), adopted in March 2020, dealt with the enforcement of criminal sanctions. According to this act, summons to prison shall be halted and new procedures shall not be initiated. For preventing the spread of the disease, the law allows for transfer of inmates to other facilities, suspension of imprisonment for up to one month, with the possibility of extension. In cases where no security concerns exist, and, under certain conditions, an early release of prisoners six months before completion of the penalty was possible.¹ Similar measures were again adopted in October 2020.² Within the Prison Administration system, general measures and guidelines produced by the National Institute of Public Health (*Nacionalni inštitut za javno zdravje*) were applied. The Plan on the implementation of measures within the Prison Administration in the crisis conditions of the epidemic of coronavirus SARS-Cov-2 was further adopted in September 2020. Among other things, the purpose of the adopted plan was to ensure awareness of employees and prisoners as regards preventive measures, to contribute to reducing the negative impact of Covid-19 on work processes in the administration, to ensure organisational efficiency, to establish good internal and external communication, as well as to ensure effective action in case of the spread of the virus and to ensure protection against it. The Prison Administration reported no specific changes of standards listed below.³

1. Cells

a) **Cell space:** What is the national standard for cell space available to detainees in m²? Are the calculation requirements spelled out by the CJEU in its *Dorobantu* ruling⁴ observed?

In policy custody, the cell area shall be as follows: free floor area (excluding equipment and sanitary area) of at least 6 m² if the space is intended for the detention of only one person, and at least 2 m² shall be available for every additional detainee, while the height of the area shall be at least 2.5 m (Art. 8). These standards shall be observed by planners, designers, contractors of construction and renovation works and the equipment fitters of police detention facilities (Art. 1). Due to technical possibilities, the following deviations from the norms are allowed during the renovation: the size of the

¹ Slovenia, [The Temporary measures relating to judicial, administrative and public law matters for the containment of the spread of the communicable disease SARS-CoV-2 \(COVID-19\) act](#) (*Zakon o začasnih ukrepih v zvezi s sodnimi, upravnimi in drugimi javnopravnimi zadevami za obvladovanje širjenja nalezljive bolezni SARS-CoV-2 (COVID-19)*), 20 March 2020, and subsequent modifications.

² Slovenia, [The Temporary measures to mitigate and remedy the consequences of COVID-19 act](#) (*Zakon o začasnih ukrepih za omilitev in odpravo posledic COVID-19*), 15 October 2020, and subsequent modifications.

³ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 24 June 2021).

⁴ For the CEU's calculation requirements please see: CJEU, [C-128/18, Dorobantu](#) [GC], Judgment of 15 October 2019, oper. part.

room may be reduced by a maximum of 15 percent, and the height by 10 percent (Art. 5).⁵ Persons may be held in police custody for up to 48 hours (Art. 157).⁶

Persons dealing with a convict while serving a prison sentence shall at all times ensure that their human rights and fundamental freedoms are guaranteed and protected, and shall pay special attention to the protection of their rights and dignity, including with regard to the provision of appropriate accommodation conditions (Art. 2).⁷

The national standard for cell space available to a person in remand or a convict is 9 m² in a single-occupancy cell and 7 m² in a multiple-occupancy cell. There must be at least 2 m of space between the walls and the ceiling height must be at least 2.5 m. The detention authorities shall act in accordance with these standards when constructing new premises and when calculating space capacities, and shall endeavour to act in accordance with these standards when adapting existing premises (Art. 17).⁸

With a view, to ECtHR case law, CPT recommendations and national standards, the courts interpret on a case-by-case basis when the cell space available to detainees, observed with other circumstances of detention, including time out of cell spent by detainees, amount to a violation of their rights.⁹

The national legislation does not explicitly stipulate the calculation requirements referred to by the CJEU in *Dorobantu*, but this is observed in case law.¹⁰

- b) **Cell equipment, furniture and facilities:** Are there any national standards for cell equipment (heating, ventilation, cooling, etc.), furniture (bed, mattress, shelf, wardrobe, seating, table, etc.) and/or facilities (lighting, incl. windows, washbasin, toilet, shower etc.), including any measurements? If so, what do they require?

Police custody

In police custody, as a rule, the detention room is ventilated by buoyancy forces. If this is not possible, forced ventilation shall be provided. There should be 4 to 8 air changes per hour in the room, with the possibility of air flow regulation. Electrical appliances (fans, air conditioners, switches, regulators, etc.) are outside the detention facility, so that the detainee does not have access to them (Art. 10). Heating is usually underfloor. If this heating system is not possible, the room can be heated with hot water pipe registers placed under the bed. The room can also be heated by blowing warm air through the ventilation ducts. Heating shall be regulated outside the detention room, separately for each room, and in such a way that the detained person does not have access to the heating control device. The recommended air temperature in the detention room during the heating season is 21°C. The temperature should not be lower than 18°C. The temperature sensor is usually at a height of 1 m (Art 11). The natural light in the middle of the room shall provide illuminance of 30 to 50 lx, with artificial lighting 50 to 80 lx and with mixed lighting at least 60 lx. During the night rest, artificial lighting of 5 to 10 lx is provided (applicable to rooms with detainees who are held for up to 12 hours) (Art. 12). The illuminance with natural lighting in the middle of the room and

⁵ Slovenia, [The Rules on standards for the construction and equipment of police premises used for detention](#) (*Pravilnik o normativih za izgradnjo in opremljenost policijskih prostorov za pridržanje*), 13 September 2016.

⁶ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

⁷ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

⁸ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

⁹ Slovenia, Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*), [Judgment No. II Ips 88/2017](#), 30 November 2017; Slovenia, Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*), [Judgment No. II Ips 84/2020](#), 20 January 2021.

¹⁰ Slovenia, Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*), [Judgment No. II Ips 88/2017](#), 30 November 2017.

above the table is 50 to 80 lx. The illuminance with mixed lighting in the middle of the room shall be at least 60 lx. During the night's rest, artificial lighting is 5 to 10 lx. The illuminance with artificial lighting above the table is 80 to 150 lx (applicable to rooms with detainees who are held for more than 12 hours) (Art. 20).¹¹

In police custody, the bed has a floor plan of at least 90 x 200 cm and a height of 45 to 50 cm. Its load-bearing structure is made of furniture pipes 50 x 50 x 5 mm and with a load capacity of at least 200 kg. All metal parts of this construction are powder coated. The bed fits the wall at least with the longer side. Contacts are free of gaps, notches or holes. All screws have a torqs or hex head or must be such that they require special tools to unscrew. The bed is made of oak beams 5 x 10 cm, which are doweled together. The bed is also used for sitting. The mattress is equipped with a reclining cushion made of non-combustible foam with a density of 40 kg / m³ and a thickness of 12 cm and is covered with a waterproof canvas, closed or sewn on all sides due to washing with a water stream. The canvas is fireproof. The materials do not contain substances harmful to health. At night, the bed has a pillow, bedclothes (pillow and pillow cover and sheet) and two blankets. During the day, blankets, pillows and bedding are provided at the detainee's request. All textile materials are flame-retardant and self-extinguishing (applicable to rooms with detainees who are held for up to 12 hours) (Art. 16). In rooms with detainees who are held for more than 12 hours, the bed is equipped with a pillow, bedclothes (pillow cover, pillow and sheet) and two blankets during the day. There shall be a massive table in the room. If the bed cannot be used to sit at a table, there is an adequate number of chairs or a bench in the room. The size of the table shall be at least 0.4 m² for one detainee or at least 0.6 m² for two detainees. The chair or bench is of standard size, made of a metal frame and with a wooden seat firmly attached. The equipment shall be firmly attached to the floor or wall so that the detained person cannot move it (Art. 22).¹²

In police custody, floor dimensions of the sanitary area shall be at least 0.9 m x 1.0 m (Art. 8). Sanitary facilities are separated from the living quarters in the detention room. In the sanitary area, there shall be a toilet bowl made of stainless steel without a toilet seat, which must be firmly attached to the floor or wall. The toilet tank shall be placed behind the plaster, and shall include a button allowing the detainee to flush the toilet. In the sanitary area, there is also a toilet paper holder - an opening in the wall. In the detention room, there is a metal washbasin made of stainless steel with running water, installed in such a way that it cannot be removed by physical force. The water supply is provided by a self-closing water tap so that the detained person can independently use running water from the water supply. The water tap must be aligned with the wall and must limit the flow of water in time. Combined toilet and washbasin made of stainless steel may also be used (Art. 13). In the case of detainees who are held for more than 12 hours, combined toilet and washbasin made of stainless steel shall be used (Art. 21).¹³

Pre-/post-trial detention

Cells shall be well-lit, dry and well aired. Sanitary facilities are accessible to convicts at all times (Art. 16). Cells shall have a sanitary area of at least 1.5 m² (Art. 17). Prison facilities strive to equip the rooms with wardrobes enabling functional accommodation in the cell. Each convict shall have their own bed, equipped with a mattress, two sheets

¹¹ Slovenia, [The Rules on standards for the construction and equipment of police premises used for detention \(Pravilnik o normativih za izgradnjo in opremljenost policijskih prostorov za pridržanje\)](#), 13 September 2016.

¹² Slovenia, [The Rules on standards for the construction and equipment of police premises used for detention \(Pravilnik o normativih za izgradnjo in opremljenost policijskih prostorov za pridržanje\)](#), 13 September 2016.

¹³ Slovenia, [The Rules on standards for the construction and equipment of police premises used for detention \(Pravilnik o normativih za izgradnjo in opremljenost policijskih prostorov za pridržanje\)](#), 13 September 2016.

or covers, a pillow and the necessary number of blankets. Bedclothes shall be changed at least every 14 days (Art. 18).¹⁴

The Director-General of the Prison Administration of the Republic of Slovenia issued on 13 February 2013 Recommendations on heating spaces in prison facilities and the correctional home, No. 720-2991/2012-5 (*Priporočila za ogrevanje prostorov v zavodih za prestajanje kazni zapora in prevzgojnem domu, opr. št. 720-2991/2012-5*). For heating and ventilation of working spaces the provisions of Articles 15 to 28 of the Rules on requirements for ensuring the safety and health of workers at workplaces (*Pravilnik o zahtevah za zagotavljanje varnosti in zdravja delavcev na delovnih mestih*) shall be taken into account (Art. 2 of the Recommendations issued by the Director-General). If the technical conditions of heating in the institution allow it, the spaces shall be evenly heated, and the recommended daily temperature in the heating season between 6:00 and 22:00 in individual spaces shall be as follows: 20°C in living quarters, common spaces and office spaces, 18°C in sports areas and workshops, 15°C in corridors and staircases, and 6°C in warehouses. During the night, between 22:00 and 6:00, the temperature may be lower for 2°C, compared to daily temperatures, if there are technical conditions for regulating this (Art. 3 of the Recommendations). If there is automatic ventilation of spaces available, no additional ventilation is required, as set out in the Rules on the ventilation and air conditioning of buildings (*Pravilnik o prezračevanju in klimatizaciji stavb*) (Art. 4 of the Recommendations; pursuant to the mentioned Rules, the air in the space shall be fresh and pleasant, odourless and shall not endanger the health of people in the space (Art. 7)).¹⁵ In spaces where automatic ventilation is not available, the spaces shall be manually ventilated. Ventilation is carried out as short-term and intensive ventilation of the spaces by opening the windows. At regular intervals (e.g. every 6 hours), the windows shall be open for a short time (about 5 minutes). During this time, the entire amount of air in the room is replaced (Art. 4 of the Recommendations).¹⁶

The cell or ward intended for convicts who need additional assistance in meeting basic needs due to age, illness or disability is equipped with adapted equipment enabling the safe implementation of activities in all areas of life (Art. 15).¹⁷

c) **Video-surveillance of cells:** Are there any national standards for video-surveillance of cells? If so, what do they require?

Police custody

In police custody, equipment for supervision of the detention area shall be placed behind the plaster and shall be protected in such a manner that it cannot be damaged or forcibly removed. An appropriate notice of video surveillance shall be installed in the area. The video camera shall be installed on the ceiling or inaccessible place so that it monitors the entire space except the sanitary area. Its sensitivity is adapted to the lighting of the room and must allow a quality colour or monochromatic image (Art. 15).¹⁸

Pre-/post-trial detention

¹⁴ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

¹⁵ Slovenia, [The Rules on the ventilation and air conditioning of buildings](#) (*Pravilnik o prezračevanju in klimatizaciji stavb*), 15 April 2002, and subsequent modification.

¹⁶ Information on the Recommendations on heating spaces in prison facilities and the correctional home, No. 720-2991/2012-5 (*Priporočila za ogrevanje prostorov v zavodih za prestajanje kazni zapora in prevzgojnem domu, opr. št. 720-2991/2012-5*) was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 24 June 2021).

¹⁷ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

¹⁸ Slovenia, [The Rules on standards for the construction and equipment of police premises used for detention](#) (*Pravilnik o normativih za izgradnjo in opremljenost policijskih prostorov za pridržanje*), 13 September 2016.

Cameras shall not be installed in changing rooms, lifts and sanitary areas, and in living areas of imprisoned persons (cells, bedrooms), unless it is not an installation in a safe cell intended for the prevention of self-harm and suicide (Art. 17).¹⁹

d) **Hygienic conditions in cells:** Are there any national standards with regard to cleaning and/or cleanliness of cells? If so, what do they require?

Police custody

In police custody, detention facilities shall meet general safety, accommodation, health and hygiene conditions (Art. 30).²⁰ If a person is brought to the detention facility in wet or inappropriate clothing (poorly dressed according to the time of year, weather conditions, etc.), the police officer shall provide them with appropriate clothing or footwear for the time of detention, which shall be obtained from their relatives or persons close to the detainee, from the competent social work centre or humanitarian organisations (Art. 71).²¹

Pre-trial detention

Spaces in which persons in remand reside shall comply with health, spatial and hygiene requirements (Art. 22). Upon admission to the institution, clothes, underwear, footwear and bedclothes they brought shall be disinfected if necessary. In doing so, care must be taken not to damage things. If necessary, items that the detainee receives later are also disinfected (Art. 28). Detainees must provide for personal hygiene and cleanliness of clothing. They shall be enabled to maintain proper personal hygiene, and bedclothes and living space hygiene. Detainees who lack resources through no fault of their own shall be provided with the necessary means for the maintenance of personal hygiene and for other most urgent needs by the institution (Art. 29). Persons in remand shall regularly provide for cleanliness of spaces, in which they reside. Bedclothes shall be changed at least every 14 days (Art. 30).²²

Post-trial detention

Spaces in which convicts reside must comply with health and hygiene requirements (Art. 42).²³ The clothes and footwear in which the convict came to serve the prison sentence shall be disinfected, if necessary. If the convicted person does not have suitable clothing or footwear, the institution shall provide them (Art. 7). They shall provide that their cells are tidy and ventilated. In order to provide for cleanliness and order for a normal life in the institution, convicts shall clean their cells, among other things (Art. 19). Bedclothes shall be changed at least every 14 days (Art. 18). The convict's clothing, by type, cut or wear, shall not attract attention or offend human dignity. The convict shall receive clothing appropriate to the time of year (Art. 24). A convicted person may wear his/her clothes and footwear if they are properly maintained. At their request, the convict may be assigned prison clothes and footwear, namely: one jacket, two trousers or two skirts, two shirts, five undershirts, pyjamas, five underpants, five pair of socks, low shoes and sandals. If necessary, they are given additional clothes and a hat. Socks shall be replaced by every six months, low shoes and sandals every two years, and underwear and other clothing once a year (Art. 25). The convicted person shall ensure that their clothes and footwear are maintained and clean. The institution shall ensure that clothes

¹⁹ Slovenia, [The Rules on video surveillance in the Prison Administration of the Republic of Slovenia](#) (*Pravilnik o videonadzoru v Upravi Republike Slovenije za izvrševanje kazenskih sankcij*), 21 October 2009.

²⁰ Slovenia, [The Rules on standards for the construction and equipment of police premises used for detention](#) (*Pravilnik o normativih za izgradnjo in opremljenost policijskih prostorov za pridržanje*), 13 September 2016.

²¹ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

²² Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

²³ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

are cleaned in the institution's laundry at least once a month, and underwear and towels at least once a week (Art. 26). At the convict's request, two towels are allocated, and are replaced with new ones once a year. Supervision over the hygiene of convicts and hygienic conditions in the institution shall be performed by a health worker and an employee of the institution appointed by the director of the institution from among the members of the expert group (Art. 28).²⁴

The institution supplies the detainees (persons in remand and convicts) with the necessary means and products to clean their cells.²⁵

The general national standards stipulate that owners and operators of residential and other buildings shall implement measures ensuring: 1) health adequacy of drinking water, food and objects in general use, 2) adequate indoor air quality, 3) sanitary-technical and sanitary-hygienic maintenance of public facilities, including preventive disinfection, disinsection and deratisation, 4) waste management in a manner that does not endanger human health and does not cause an excessive burden on the environment (Art. 9).²⁶

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

In police custody, the cell area available to detainees is smaller in comparison to the space available to other detainees. In police custody, it shall be as follows: free floor area (excluding equipment and sanitary area) of at least 6 m², if the space is intended for the detention of only one person, and at least 2 m² shall be available for every additional detainee. The national standard for cell space available to a person in remand or a convict is 9 m² in a single-occupancy cell and 7 m² in a multiple-occupancy cell.

In police custody, equipment for supervision of the detention area shall be placed behind the plaster and shall be protected in such a manner that it cannot be damaged or forcibly removed. An appropriate notice of video surveillance shall be installed in the area. The video camera shall be installed on the ceiling or inaccessible place, so that it monitors the entire space except the sanitary area. In other detention regimes, cameras shall not be installed in changing rooms, lifts and sanitary areas, and in living areas of persons in remand or convicts (cells, bedrooms).

Cells in all detention regimes shall comply with the general health and hygiene requirements. Persons in remand and convicts are required to provide for hygiene of their living spaces, but no similar standards are applicable to persons in police custody.

f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 1. a) – e), including their respective legal basis.

Police custody

A complaint procedure may be initiated against the work of a police officer (Art. 137). The complaint may involve disagreement with the action of a police officer or their failure to act while performing police tasks, which could constitute a violation of human rights or fundamental freedoms. In a complaint procedure, the circumstances of the application of police procedure and the exercise of police powers (e.g. detention) shall be examined (Art. 138). Complaints shall be filed within 45 days of the day when a police officer by an action or by failing to act while performing police tasks allegedly

²⁴ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

²⁵ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 24 June 2021).

²⁶ Slovenia, [The Communicable diseases act](#) (*Zakon o nalezljivih boleznih*), 16 November 1995, and subsequent modifications.

violated the human rights or fundamental freedoms of the complainant (Art. 146). The ministry responsible for the interior shall inform the complainant of the conclusion of the complaint procedure by written notification (Art. 154). When a complaint that has been considered before a panel is justified or where in a conciliation procedure the conduct of a police officer has been found as contrary to regulations, the police shall submit to the ministry a written report on adopted and implemented measures within 30 days of the conclusion of the complaint procedure (Art. 156).²⁷

Pre-trial detention

If the person in remand custody considers that the employees of the institution are treating them inappropriately or that the living conditions are inadequate, they may appeal to the president of the competent district court or to the Director-General of the Prison Administration. The Director-General shall, within fifteen days, send a written reply to the detainee and, in the event of a well-founded complaint, order the necessary measures to be taken (Art. 70).²⁸ The law does not set out any time limit regarding the submission of the complaint. In 2020, the Prison Administration received 17 complaints, including regarding inadequate food quantities, inadequate walking area, accommodation conditions, inadequate healthcare and inadequate treatment on the part of employees. All complaints proved to be unfounded. Had it been different, the Director-General would have ordered the established irregularities to be rectified.²⁹ Supervision, furthermore, over the treatment of detainees shall be carried out by the president of the district court. The president of the court, or a judge appointed by him/her, shall be obliged at least once a week to visit detainees and to ask them if they consider it necessary, including without the presence of judicial police officers, how they are being treated. They shall be obliged to take the necessary action to remove irregularities, which they noticed during their visit to the institution. The appointed judge may not be the investigating judge. The president of the court and the investigating judge may at any time visit detainees, talk to them and accept complaints (Art. 213.d).³⁰

Post-trial detention

In the case of other violations of rights or other irregularities for which judicial protection is not provided (regarding judicial protection in the case of torture, please see Point e) in Section 7), the convicted person shall have the right to appeal to the Director-General. The institution shall submit to the Director-General the report and documentation from the personal file of the convicted person on his/her requests within eight days of receiving the request. If the convicted person does not receive a response to his/her appeal within 30 days of its filing or if they are not satisfied with the decision of the Director-General, they shall have the right to file an application with the ministry competent for justice. The institution shall forward the report and the personal file of the convicted person to the ministry responsible for justice within three days of receiving the request and shall inform the Head Office about this (Art. 85).³¹ The law does not stipulate any time limit for lodging a complaint. In 2020, for example, the Prison Administration received 84 complaints, including regarding inadequate food, inadequate accommodation conditions, inadequate healthcare, inadequate actions on the part of judicial police officers and expert workers employed in the institutions, as well as regarding inadequate handling of specific situations and inadequate pay for work. Three

²⁷ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

²⁸ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

²⁹ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

³⁰ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

³¹ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

complaints were justified, including a complaint relating to inadequate pay for work. In such cases, the institutions are warned to rectify the established irregularities.³²

All detainees

Anyone who believes that their human rights or fundamental freedoms have been violated by an act or action of a state authority, local community authority or a holder of public authority may file a complaint to initiate proceedings with the Human Rights Ombudsman (Art. 26). In the final report, the Ombudsman shall state their assessment of the facts and circumstances of an individual case, and establish whether or not human rights or fundamental freedoms have been violated, or some other irregularities occurred in the investigated case. At the same time, the Ombudsman shall propose the manner of rectifying the established irregularities. The Ombudsman may also recommend that the authority repeat a certain procedure in accordance with the law, recommend compensation for damage, or recommend another way to eliminate irregularities that have affected the individual. In this regard, the Ombudsman may not prejudice the civil legal rights of the individual regarding compensation for damage. The Ombudsman may propose the instigation of disciplinary proceedings against the officials of the authorities responsible for the established irregularities (Art. 39). The authorities shall be obliged to inform the Ombudsman about measures taken in accordance with the Ombudsman's proposals, opinions, criticisms or recommendations within 30 days. If the authority fails to submit a report on the observance of the Ombudsman's recommendations, or if these are observed only partially, the Ombudsman may notify the superior authority or the competent ministry directly, may submit a special report to the National Assembly, or the matter may be made public. The Ombudsman may publish, at the authority's expenses, their report and recommendations via public outlets if the authority fails to respond appropriately to proposals or recommendations following a repeated request by the Ombudsman (Art. 40).³³

For physical distress suffered, for mental distress suffered owing to a reduction in life activities, disfigurement, the defamation of good name or reputation, the curtailment of freedom or a personal right, or the death of a close associate, and for fear, if the circumstances of the case, particularly the level and duration of distress and fear, so justify, even if there was no material damage, just monetary compensation independent of the reimbursement of pecuniary damage shall pertain to the injured party. The amount of compensation for non-pecuniary damage shall depend on the importance of the good affected and the purpose of the compensation, and may not support tendencies that are not compatible with the nature and purpose thereof (Art. 179). Compensation claims for damage inflicted shall become statute-barred three years after the injured party learnt of the damage and of the person that inflicted it. In any event the claim shall become statute-barred five years after the damage occurred (Art. 352).³⁴ In general, the courts look at compound effect of detention conditions (e.g. cell space available to detainees in relation to other conditions, including access to out of cell activities), and not at a single element in isolation.³⁵

g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as

³² Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

³³ Slovenia, [The Human Rights Ombudsman act](#) (*Zakon o varuhu človekovih pravic*), 20 December 1993, and subsequent modifications.

³⁴ Slovenia, [The Obligations code](#) (*Obligacijski zakonik*), 3 October 2001, and subsequent modifications.

³⁵ Slovenia, Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*), [Judgment No. II lps 88/2017](#), 30 November 2017; Slovenia, Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*), [Judgment No. II lps 84/2020](#), 20 January 2021.

in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

The Human Rights Ombudsman (*Varuh človekovih pravic*) functions as the National Preventive Mechanism (*državni preventivni mehanizem*).³⁶

Annual reports on the work of the National Preventive Mechanism are available at:

www.varuh-rs.si/porocila-projekti/publikacije-gradiva/porocila-drzavnega-preventivnega-mehanizma/ (Slovenian language reports);

www.varuh-rs.si/en/publication-events/publications-documents/national-preventive-mechanism-annual-reports/ (English language reports)

2018 Report:

Recommendations that were accepted but not implemented at the time, on which no responses were provided to the NPM at the time, and those rejected are listed (all English translations of the 2018 recommendations are unofficial).

Recommendations related to Škofja Loka police station (*Policijska postaja Škofja Loka*):

- "MNZ smo ponovno priporočili, naj se ob naslednji prenovi prostorov proučijo možnosti ureditve dostopa do tekoče vode v prostoru za krajše pridržanje, označenem s številko 1."³⁷ / "We reiterated our recommendation to the MI to examine the possibilities of arranging access to running water in the short-term detention facility marked with number 1 during the next renovation of the premises."

(*MNZ stands for Ministrstvo za notranje zadeve, namely the Ministry of the Interior – MI)

Recommendations related to Dravograd police station (*Policijska postaja Dravograd*):

- "MNZ smo ponovno priporočili, naj se proučijo možnosti (ob morebitnih prenovitvenih delih) namestitve umivalnika s tekočo vodo v prostora za krajše pridržanje, označena s številko 3 in 4."³⁸ / "We again recommended to the MI to examine the possibilities (in case of possible renovation works) of installing a washbasin with running water in the spaces for short detention, marked with Nos. 3 and 4."

Recommendations related to Ravne na Koroškem police station (*Policijska postaja Ravne na Koroškem*):

- "MNZ smo ponovno priporočili, naj se prouči možnost namestitve umivalnika v oba prostora za pridržanje."³⁹ / "We again recommended to the MI to consider the possibility of installing a washbasin in both detention spaces."

³⁶ Slovenia, [The Act ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#) (Zakon o ratifikaciji Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju), 29 September 2006.

³⁷ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 194.

³⁸ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 204.

³⁹ Varuh človekovih pravic (2019), [Poročilo Varuha človekovih pravic Republike Slovenije o izvajanju nalog državnega preventivnega mehanizma po Opcijskem protokolu h Konvenciji OZN proti mučenju in drugim](#)

Recommendations related to Maribor I police station (*Policijska postaja Maribor I*):

- "MNZ smo ponovno priporočili, naj se v prostorih za daljše pridržanje proučijo možnosti za popravilo razpokanih sten in naj se najde dolgoročnejša rešitev, da stene ne bodo več pokale." / "We again recommended to the MI to examine the possibilities for repairing cracked walls in the space for longer detention, and that a longer-term solution be found so that the walls would no longer be cracked."

- "MNZ smo ponovno priporočili, naj se v prostoru za pridržanje številka 3 in po potrebi tudi v drugih prostorih za pridržanje preveri ustreznost delovanja prezračevalnega sistema. Če izvora neprijetnih vonjav ne bo mogoče pripisati prezračevalnemu sistemu v tem prostoru, DPM ponovno predlaga, naj zaposleni PP razmislijo o učinkovitejšem zračenju prostora med izvedbo pridržanja, saj mora biti to izvedeno humano, ne da bi bila pridržana oseba izpostavljena neprijetnim vonjavam." / "We again recommended to the MI to check the adequacy of the operation of the ventilation system in detention room No. 3 and, if necessary, in other spaces for detention. If the origin of unpleasant odours cannot be attributed to the ventilation system in the room, NPM again suggests that staff consider more efficient room ventilation during detention, as this must be done humanely, so that the detainee is not exposed to unpleasant odours."

- "MNZ smo ponovno priporočili (glede na odgovor MNZ številka 070-17/2016/7 (2G7-GS) z dne 12. 5. 2016, v katerem je bilo sporočeno, da je ta predlog evidentiran), naj se v okviru morebitnih prenovitvenih del na PP prouči možnost, da se v vsak prostor za krajše pridržanje namesti vsaj umivalnik."⁴⁰ / "We again recommended to the MI (in view of the response of the MI No. 070-17 / 2016/7 (2G7-GS) of 12 May 2016, in which it was announced that this proposal was registered) to consider the possibility of installing at least a washbasin in each room for short detention during possible renovation work at the PS."

Recommendations related to Trebnje police station (*Policijska postaja Trebnje*):

- "MNZ smo priporočili, naj pristojna služba MNZ v dogovoru z občino Trebnje prouči možnosti, da bi se v sklopu sanacije sanitarnih prostorov v pritličju PP poskušalo zagotoviti tudi tekočo vodo v prostorih za pridržanje, na kar DPM opozarja že od leta 2010."⁴¹ / "We recommended to the MI that the competent service of the MI, in agreement with the municipality of Trebnje, examine the possibility of trying to provide running water in the detention spaces as part of the repairment of sanitary facilities on the ground floor. NPM has been warning about this since the year 2010."

Recommendations related to Bovec police station (*Policijska postaja Bovec*):

- "MNZ smo priporočili, naj se preveri ustreznost pritiska iztekanja vode v umivalniku prostora za pridržanje, označenem s številko 1."⁴² / "We recommended to the MI to check the adequacy of the water flow pressure in the washbin in detention room, marked with No. 1."

[krutim, nečloveškim ali poniževalnim kaznim ali ravnanju za leto 2018](#), Ljubljana, Varuh človekovih pravic, p. 208.

⁴⁰ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 210.

⁴¹ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 222.

⁴² Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 234.

Recommendations related to Celje police station (*Policijska postaja Celje*):

- "MNZ smo ponovno priporočili, naj se ob morebitnih vzdrževalnih delih prouči možnosti namestitve umivalnika tudi v prostoru za krajša pridržanja, označenem s številko 3. Priporočili smo tudi, naj se proučijo možnosti, da se stene prostora za krajša pridržanja, označenem s številko 3, čim prej prepleskajo."⁴³ / "We reiterated our recommendation to the MI to examine the possibility of installing a washbasin, during any maintenance work, in the room for short detention, marked with No. 3. We also recommended that the walls of the room for short detention, marked with No. 3, be repainted as soon as possible."

Recommendations related to Slovenske Konjice police station (*Policijska postaja Slovenske Konjice*):

- "MNZ smo ponovno priporočili, naj se ob morebitni novi prenovi prostorov za pridržanje prouči tudi možnost zagotovitve dostopa do tekoče vode."⁴⁴ / "We again recommended to the MI that, in the event of a renovation of spaces for detention, the possibility of providing access to running water be examined."

Recommendations related to Maribor prison (*Zavod za prestajanje kazni zapora Maribor*):

- "Izrazili smo pričakovanje, da bo tudi v zaprtem režimu prestajanja kazni zapora v čim krajšem času izvedena zamenjava starih in po večini zelo iztrošenih kovinskih garderobnih omar." / "We expressed the expectation that even in the closed regime of serving prison sentences, the replacement of old and mostly very worn metal wardrobes will be carried out as soon as possible."

- "Priporočali smo, da Zavod poskrbi za čimprejšnje popravilo oziroma zamenjavo talnih oblog bivalnega prostora številka 105/B in 102." / "We recommended that the institution provide for the repair or replacement of the floor coverings of the living space numbers 105/B and 102 as soon as possible."

- "Priporočali smo, da Zavod v čim krajšem času poskrbi za pleskanje in popravilo ometa, ki odpada v bivalnih prostorih polodprtega režima prestajanja kazni zapora." / "We recommended that the institution provide for the painting and repairing of the plaster that falls off in the living quarters of the semi-open prison regime in the shortest time possible."

- "Prav tako predlagamo, da Zavod še posebno skrb nameni zaprtim osebam, ki pri urejanju (pospravljanju) bivalnega prostora potrebujejo pomoč."⁴⁵ " We also suggest that the institution pay special attention to inmates who need help arranging (cleaning) their living space."

Recommendations related to Maribor prison, Rogoza open unit (*Zavod za prestajanje kazni zapora Maribor, Odprti oddelek Rogoza*):

⁴³ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 244.

⁴⁴ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 250.

⁴⁵ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 152.

- "Priporočali smo, da se tudi preostale kovinske postelje in omare v najkrajšem možnem času zamenjajo z lesenimi."⁴⁶ / "We recommended that the remaining metal beds and wardrobes be replaced with wooden ones in the shortest time possible."

Recommendations related to Maribor prison, Murska Sobota unit (*Zavod za prestajanje kazni zapora Maribor, Oddelek Murska Sobota*):

- "Izrazili smo pričakovanje, da bodo v naslednjem letu Oddelku za potrebe zaprtih oseb dejansko dobavljeni televizorji, radijski sprejemniki in kuhalniki."⁴⁷ / "We have expressed the expectation that televisions, radios and hot plates will actually be supplied to the department for the needs of inmates next year."

Recommendations related to Ljubljana prison (*Zavod za prestajanje kazni zapora Ljubljana*):

- "Ker smo na ugotovljene pomanjkljivosti (nemožnost zapiranja okna v bivalnih prostorih številka 139 in 146, nepokrita »doza«, v kateri je električni kabel, in zamakanje v bivalnem prostoru številka 146) vodstvo zavoda opozoril že ob zaključku obiska, smo izrazili pričakovanje, da so bile te napake že odpravljene. Za bivalni prostor številka 146 smo dodatno predlagali, da se iz zgornjega pograda (gledano levo do vhoda v bivalni prostor) odstrani del vijaka, da se obsojenci ne bi mogli poškodovati." / "As we warned the institution's management about the identified shortcomings (impossibility to close the window in the living rooms Nos. 139 and 146, uncovered "junction box" containing the electric cable and leaking in the living room number 146) already at the end of the visit, we expressed the expectation that these deficiencies had already been rectified. For living room number 146, we additionally suggested that part of the screw be removed from the upper bunk (seen from the left to the entrance to the living room) so that convicts could not be injured."

- "Priporočili smo, da se po vzoru iz drugih ZPKZ in njihovih oddelkov (npr. Maribor, ZPKZ Maribor, Odprti oddelek Rogoza, ZPKZ Ljubljana, Oddelek Novo mesto) proučijo možnosti ureditve kableskega dostopa za TV tudi v bivalnih prostorih."⁴⁸ / "We recommended that, following the example of other prison facilities and their departments (e.g. Maribor, Maribor Prison, Rogoza Open Department, Ljubljana Prison, Novo mesto Department), the possibilities of also arranging cable access for TV in living quarters be examined."

Recommendation related to Celje juvenile and adult prison (*Zavod za prestajanje mladoletniškega zapora in kazni zapora Celje*):

- "Pri pregledu bivalnih prostorov mladoletniškega oddelka je bilo ugotovljeno, da so stene bivalnih prostorov številka 244 in 245 umazane in kot take potrebne pleskanja. DPM je predlagal, da se stene bivalnih prostorov številka 244 in 245 v čim krajšem času prepleskajo."⁴⁹ / "Upon inspection of the living quarters of the juvenile ward, it was

⁴⁶ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 164.

⁴⁷ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 168.

⁴⁸ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 170.

⁴⁹ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 176.

found that the walls of the living quarters Nos. 244 and 245 were dirty and as such required painting. NPM suggested that the walls of living rooms number 244 and 245 be painted in the shortest time possible.”

2019 Report:

Unlike previous reports produced by the NPM which included full lists of NPM’s recommendations and information on responses by the authorities (i.e. recommendations accepted and implemented, recommendations accepted but not yet implemented at the time, recommendations rejected), the 2019 report only includes selected information on implemented or rejected recommendations.

No relevant data available.

2. Sanitary conditions

- a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do detainees have access to these facilities without undue delay, even during the night? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

Police custody

In police custody, the detainee shall be provided with constant access to sanitary facilities (Art. 71). In police custody, floor dimensions of the sanitary area shall be at least 0.9 m x 1.0 m (Art. 8). Sanitary facilities are separated from the living quarters in the detention room. In the sanitary area, there shall be a toilet bowl made of stainless steel without a toilet seat, which must be firmly attached to the floor or wall. The toilet tank shall be placed behind the plaster, and shall include a button allowing the detainee to flush the toilet. In the sanitary area, there is also a toilet paper holder - an opening in the wall. In the detention room, there is a metal washbasin made of stainless steel with running water, installed in such a way that it cannot be removed by physical force. The water supply is provided by a self-closing water tap so that the detained person can independently use running water from the water supply. The water tap must be aligned with the wall and must limit the flow of water in time. Combined toilet and washbasin made of stainless steel may also be used (Art. 13). In the case of detainees who are held for more than 12 hours, combined toilet and washbasin made of stainless steel shall be used (Art. 21).⁵⁰

Pre-/post-trial detention

Sanitary facilities are accessible to convicts at all times (Art. 16). Cells shall have a sanitary area of at least 1.5 m² (Art. 17).⁵¹ There are no particular national standards regarding privacy of detainees when using sanitary facilities.

- b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

⁵⁰ Slovenia, [The Rules on standards for the construction and equipment of police premises used for detention](#) (*Pravilnik o normativih za izgradnjo in opremljenost policijskih prostorov za pridržanje*), 13 September 2016.

⁵¹ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

Pre-trial detention

Bathing shall be mandatory for persons in remand upon their admission to the institution (Art. 28), and shall be further mandatory at least every seven days (Art. 29).⁵²

Post-trial detention

The convicts shall take a shower upon their admission to the institution (Art. 6). The institution shall, as a rule, allow the convicts to take a shower every day (Art. 28).⁵³

There are no particular national standards regarding privacy of detainees when accessing bathing/shower facilities. Furthermore, there are no national standards regarding access to bathing for persons in police custody.

c) What are the national standards with regard to cleaning and cleanliness of sanitary facilities?

Police custody

In police custody, detention facilities shall comply with health and hygiene requirements (Art. 6).⁵⁴

Pre-trial detention

Spaces in which persons in remand reside shall comply with health, spatial and hygiene requirements (Art. 22). They shall be enabled to maintain proper hygiene of their living space (Art. 29). Persons in remand shall regularly provide for cleanliness of spaces, in which they reside (Art. 30).⁵⁵

Post-trial detention

Spaces in which convicts reside must comply with health and hygiene requirements (Art. 42).⁵⁶ In order to provide for cleanliness and order for a normal life in the institution, convicts shall clean their cells, work and other areas, among other things (Art. 19).⁵⁷

The general national standards stipulate that owners and operators of residential and other buildings shall implement measures ensuring: 1) health adequacy of drinking water, food and objects in general use, 2) adequate indoor air quality, 3) sanitary-technical and sanitary-hygienic maintenance of public facilities, including preventive disinfection, disinsection and deratisation, 4) waste management in a manner that does not endanger human health and does not cause an excessive burden on the environment (Art. 9).⁵⁸

The institution supplies the detainees (persons in remand and convicts) with the necessary means and products to clean sanitary area.⁵⁹

⁵² Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

⁵³ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

⁵⁴ Slovenia, [The Rules on standards for the construction and equipment of police premises used for detention](#) (*Pravilnik o normativih za izgradnjo in opremljenost policijskih prostorov za pridržanje*), 13 September 2016.

⁵⁵ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

⁵⁶ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

⁵⁷ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

⁵⁸ Slovenia, [The Communicable diseases act](#) (*Zakon o nalezljivih boleznih*), 16 November 1995, and subsequent modifications.

⁵⁹ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 24 June 2021).

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

In all regimes, sanitary areas shall be available to detainees at all times. In police custody, floor dimensions of the sanitary area shall be at least 0.9 m x 1.0 m, which is less, compared to the sanitary space available to persons in remand and to convicts (at least 1.5 m²).

As regards equipment, standards applicable to police custody are laid down in more comprehensive manner (e.g. in sanitary area, there shall be a toilet bowl made of stainless steel without a toilet seat, which must be firmly attached to the floor or wall. In the detention room, there is a metal washbasin made of stainless steel with running water. Combined toilet and washbasin made of stainless steel may also be used. In the case of detainees who are held for more than 12 hours, combined toilet and washbasin made of stainless steel shall be used), while there seems to be no explicit comprehensive standards set out in relation to other regimes (i.e. detention of persons in remand and convicts).

In all detention regimes, hygiene conditions must be in line with general health and hygiene standards.

In comparison to standards aimed at persons in remand and convicts (e.g. bathing shall be mandatory for persons in remand upon their admission to the institution, and shall be further mandatory at least every seven days. The convicts shall take a shower upon their admission to the institution, and the institution shall, as a rule, allow the convicts to take a shower every day), there are no standards regarding access to bathing facilities for persons in police custody.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 2. a) – d), including their respective legal basis.

Police custody

A complaint procedure may be initiated against the work of a police officer (Art. 137). The complaint may involve disagreement with the action of a police officer or their failure to act while performing police tasks, which could constitute a violation of human rights or fundamental freedoms. In a complaint procedure, the circumstances of the application of police procedure and the exercise of police powers (e.g. detention) shall be examined (Art. 138). Complaints shall be filed within 45 days of the day when a police officer by an action or by failing to act while performing police tasks allegedly violated the human rights or fundamental freedoms of the complainant (Art. 146). The ministry responsible for the interior shall inform the complainant of the conclusion of the complaint procedure by written notification (Art. 154). When a complaint that has been considered before a panel is justified or where in a conciliation procedure the conduct of a police officer has been found as contrary to regulations, the police shall submit to the ministry a written report on adopted and implemented measures within 30 days of the conclusion of the complaint procedure (Art. 156).⁶⁰

Pre-trial detention

If the person in remand custody considers that the employees of the institution are treating them inappropriately or that the living conditions are inadequate, they may appeal to the president of the competent district court or to the director-general of the Prison Administration. The director-general shall, within fifteen days, send a written reply to the detainee and, in the event of a well-founded complaint, order the necessary

⁶⁰ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

measures to be taken (Art. 70).⁶¹ The law does not set out any time limit regarding the submission of the complaint. In 2020, the Prison Administration received 17 complaints, including regarding inadequate food quantities, inadequate walking area, accommodation conditions, inadequate healthcare and inadequate treatment on the part of employees. All complaints proved to be unfounded. Had it been different, the Director-General would have ordered the established irregularities to be rectified.⁶² Supervision, furthermore, over the treatment of detainees shall be carried out by the president of the district court. The president of the court, or a judge appointed by him, shall be obliged at least once a week to visit detainees and to ask them, if they consider it necessary, including without the presence of judicial police officers, how they are being treated. They shall be obliged to take the necessary action to remove irregularities which they noticed during their visit to the institution. The appointed judge may not be the investigating judge. The president of the court and the investigating judge may at any time visit detainees, talk with them and accept complaints (Art. 213.d).⁶³

Post-trial detention

In the case of other violations of rights or other irregularities for which judicial protection is not provided (regarding judicial protection in the case of torture, please see Point e) in Section 7), the convicted person shall have the right to appeal to the Director-General. The institution shall submit to the Director-General the report and documentation from the personal file of the convicted person on his/her requests within eight days of receiving the request. If the convicted person does not receive a response to his appeal within 30 days of its filing or if they are not satisfied with the decision of the Director-General, they shall have the right to file an application with the ministry competent for justice. The institution shall forward the report and the personal file of the convicted person to the ministry responsible for justice within three days of receiving the request and shall inform the Head Office about this (Art. 85).⁶⁴ The law does not stipulate any time limit for lodging a complaint. In 2020, for example, the Prison Administration received 84 complaints, including regarding inadequate food, inadequate accommodation conditions, inadequate healthcare, inadequate actions on the part of judicial police officers and expert workers employed in the institutions, as well as regarding inadequate handling of specific situations and inadequate pay for work. Three complaints were justified, including a complaint relating to inadequate pay for work. In such cases, the institutions are warned to rectify the established irregularities.⁶⁵

All detainees

Anyone who believes that their human rights or fundamental freedoms have been violated by an act or action of a state authority, local community authority or a holder of public authority may file a complaint to initiate proceedings with the Human Rights Ombudsman (Art. 26). In the final report, the Ombudsman shall state their assessment of the facts and circumstances of an individual case, and establish whether or not human rights or fundamental freedoms have been violated, or some other irregularities occurred in the investigated case. At the same time, the Ombudsman shall propose the manner of rectifying the established irregularities. The Ombudsman may also recommend that the authority repeat a certain procedure in accordance with the law,

⁶¹ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

⁶² Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

⁶³ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

⁶⁴ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

⁶⁵ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

recommend compensation for damage, or recommend another way to eliminate irregularities that has affected the individual. In this regard, the Ombudsman may not prejudice the civil legal rights of the individual regarding compensation for damage. The Ombudsman may propose the instigation of disciplinary proceedings against the officials of the authorities responsible for the established irregularities (Art. 39). The authorities shall be obliged to inform the Ombudsman about measures taken in accordance with the Ombudsman's proposals, opinions, criticisms or recommendations within 30 days. If the authority fails to submit a report on the observance of the Ombudsman's recommendations, or if these are observed only partially, the Ombudsman may notify the superior authority or the competent ministry directly, may submit a special report to the National Assembly, or the matter may be made public. The Ombudsman may publish, at the authority's expenses, their report and recommendations via public outlets if the authority fails to respond appropriately to proposals or recommendations following a repeated request by the Ombudsman (Art. 40).⁶⁶

For physical distress suffered, for mental distress suffered owing to a reduction in life activities, disfigurement, the defamation of good name or reputation, the curtailment of freedom or a personal right, or the death of a close associate, and for fear, if the circumstances of the case, particularly the level and duration of distress and fear, so justify, even if there was no material damage, ust monetary compensation independent of the reimbursement of pecuniary damage shall pertain to the injured party. The amount of compensation for non-pecuniary damage shall depend on the importance of the good affected and the purpose of the compensation, and may not support tendencies that are not compatible with the nature and purpose thereof (Art. 179). Compensation claims for damage inflicted shall become statute-barred three years after the injured party learnt of the damage and of the person that inflicted it. In any event the claim shall become statute-barred five years after the damage occurred (Art. 352).⁶⁷ In general, the courts look at compound effect of detention conditions (e.g. cell space available to detainees in relation to other conditions, including access to out of cell activities), and not at a single element in isolation.⁶⁸

- f) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

2018 Report:

Recommendations that were accepted but not implemented at the time, on which no responses were provided to the NPM at the time, and those rejected are listed.

Recommendations related to Maribor prison (*Zavod za prestajanje kazni zapora Maribor*):

- "Ponovno smo priporočali, da Zavod prouči možnosti preureditve sanitarnega dela oziroma vsaj odstranitve ovire (stene) pri vstopu pod tuš v prostoru številka 27, ki je namenjen nameščanju zaprtih oseb z gibalnimi ovirami."⁶⁹ / "We again recommended

⁶⁶ Slovenia, [The Human Rights Ombudsman act](#) (*Zakon o varuhu človekovih pravic*), 20 December 1993, and subsequent modifications.

⁶⁷ Slovenia, [The Obligations code](#) (*Obligacijski zakonik*), 3 October 2001, and subsequent modifications.

⁶⁸ Slovenia, Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*), [Judgment No. II lps 88/2017](#), 30 November 2017; Slovenia, Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*), [Judgment No. II lps 84/2020](#), 20 January 2021.

⁶⁹ Varuh človekovih pravic (2019), [Poročilo Varuha človekovih pravic Republike Slovenije o izvajanju nalog državnega preventivnega mehanizma po Opcijskem protokolu h Konvenciji OZN proti mučenju in drugim](#)

that the institution examine the possibilities of rearranging the sanitary part or at least removing the barrier (wall) at the entrance to the shower in room number 27, which is intended for the accommodation of prisoners with mobility limitations.”

Recommendations related to Koper prison, Nova Gorica unit (*Zavod za prestajanje kazni zapora Koper, Oddelek Nova Gorica*):

- “Izrazili smo pričakovanje, da bodo težave z dotokom tople vode in nedelovanjem enega tuša v tuširnici pripornega oddelka odpravljene v najkrajšem času.” “We expressed the expectation that the problems with the flow of hot water and the non-functioning of one shower in the shower room of the remand department will be eliminated as soon as possible.”

- “Izrazili smo pričakovanje, da bo dejansko v čim krajšem času prišlo do zaključka postopka oziroma izbire ponudnika za sanacijo kotlov in sanitarij.”⁷⁰ “We expressed the expectation that the procedure or selection of a bidder for the repairment of boilers and toilets will actually be completed in the shortest time possible.”

2019 Report:

Unlike previous reports produced by the NPM which included full lists of NPM’s recommendations and information on responses by the authorities (i.e. recommendations accepted and implemented, recommendations accepted but not yet implemented at the time, recommendations rejected), the 2019 report only includes selected information on implemented or rejected recommendations.

No relevant data available.

3. Time out of cell

- a) What is the national standard set for time per day/week spent by detainees outside of their cells:
- Outdoors (within the boundary of the prison)?
 - Indoors in the common area?

Police custody

In police custody, a person who stays more than 12 hours in a detention room shall be allowed to stay outdoors, unless security reasons do not permit this (Art. 71). The outdoor movement area shall meet the following conditions: it shall be at least 12 m² in size, the wall shall be at least 3 m high and smooth, the area shall be partly covered, and the open part shall be covered with net, the floor shall be concrete or paved, the external public shall have no insight into the area. The area shall have a concrete ashtray fixed to the ground, connection for the installation of a video surveillance system, voice device and lighting (Art. 23).⁷¹

Pre-trial detention

[krutim, nečloveškim ali poniževalnim kaznim ali ravnanju za leto 2018](#), Ljubljana, Varuh človekovih pravic, p. 152.

⁷⁰ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 162.

⁷¹ Slovenia, [The Rules on standards for the construction and equipment of police premises used for detention \(Pravilnik o normativih za izgradnjo in opremljenost policijskih prostorov za pridržanje\)](#), 13 September 2016.

Persons in remand custody must be allowed to stay outdoors for at least two hours every day (Art. 26). This may be interrupted prematurely, if this is necessary for the successful conduct of the proceedings, for the maintenance of order and discipline, or for the prevention of escape (Art 27).⁷² Children in remand shall be allowed to stay outdoors for at least three hours a day (Art. 473).⁷³

Post-trial detention

Convicts must be allowed to stay outdoors for at least two hours every day (Art. 43). The convicted juvenile should be allowed to be outdoors for at least three hours a day, usually in his/her spare time (Art. 117).⁷⁴ Children between 16 and 18 years of age may be imprisoned.

There are no specific standards set for time spent by detainees indoors in the common area.

b) Do sports or other recreational and/or educational facilities have to be available to detainees? If so, what types?

Rather than on sports or other recreational and/or educational facilities, the legislation focuses on the provision of certain activities and programmes. Please see section d) below.

c) Is there a national standard for time spent in cells? If so, what does it require?

There is no such a standard.

d) Are there any national standards with regard to activities and/or programmes that should be available to detainees when they are outside their cells? If so, what do they require?

Pre-trial detention

During their stay outdoors, the institution may, according to possibilities and under the supervision of judicial police officers, organise various sports activities for persons in remand (Art. 27).⁷⁵

In order to ensure a minor's further inclusion in educational and other programmes in which they were already included before the commencement of remand, and for inclusion in other relevant programmes according to their needs, wishes and abilities, the institution shall immediately after the commencement of remand custody obtain information from the social work centre or the programme provider on the previous treatment of the minor. After obtaining the information, the institution shall examine the possibilities for the minor's further inclusion in appropriate programmes in accordance with the restrictions necessary to ensure security and maintain order in the institution where the minor is held and in accordance with the restrictions arising from the reasons for remand (Art. 473).⁷⁶

In accordance with the possibilities of the institution and provided that it does not have an adverse effect on criminal proceedings, a person in remand shall be provided with work that suits their mental and physical abilities. The investigating judge or the

⁷² Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

⁷³ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

⁷⁴ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

⁷⁵ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

⁷⁶ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

president of the panel shall decide on this in agreement with the prison's management (Art. 213.a).⁷⁷ A detainee who has been subject to remand or whose detention has been extended after the pronouncement of the first instance judgment may be allowed to work in the work premises where the convicts work (Art. 41). Their working hours are usually 40 hours per week. The detainee performs the work in accordance with the schedule applicable to the work of convicts (Art. 42).⁷⁸

Post-trial detention

In accordance with the possibilities, the convicts shall be provided with sports and recreational activities (Art. 16). The institution provides for sports participation of underage convicts (Art. 115).⁷⁹

Further particularities regarding sports and recreational activities are not spelled out.

In accordance with the possibilities, the institution shall enable convicts to acquire knowledge while serving their sentence, and in particular to complete their primary school obligations and acquire a profession, based on their abilities and interests (Art. 16).⁸⁰

Institutions must provide for the education and vocational training of convicts. The education of convicts shall be carried out in accordance with the regulations governing the field of education. Education can be organised inside the institution or outside the institution in cooperation with educational organisations and educational institutions. When selecting the educational programme and the convict's profession, their abilities and inclinations, the possibilities of the institution and other circumstances shall be observed. Convicts may complete the educational programme in a shorter period of time than stipulated in the curriculum and regulations on the duration of schooling, but it is necessary to ensure that the level of knowledge required by the regular school educational programme is met. Individual convicts may also be provided with education at other educational organisations at their expense in accordance with their personal plan (Art. 102).⁸¹

The institution pays special attention to the pedagogical, psychosocial and special therapeutic treatment of minors. It organises classes for the completion of primary school and the acquisition of a profession. When selecting educational programme for a minor, the institution shall take into account their personal characteristics and abilities and their interests for a certain profession, as well as the possibilities for organising education. A minor who attends classes in primary or secondary school and performs other school obligations shall have their working time reduced accordingly (Art. 115).⁸²

The implementation of imprisonment and juvenile imprisonment must be organised in such a way as to provide the convict and the juvenile with programmes and activities aimed at improving their quality of life and at their greater social inclusion after serving the sentence (Art. 14).⁸³

⁷⁷ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

⁷⁸ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

⁷⁹ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

⁸⁰ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

⁸¹ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

⁸² Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

⁸³ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

In accordance with the possibilities, the convict shall be provided with cultural and educational activities, sports and recreational activities, the possibility to follow events at home and abroad, and with other activities that are useful for his/her physical and mental health (Art. 16).⁸⁴

A convict who is capable of work must be enabled to work in accordance with the possibilities in the institution. For a convict who is not fit for regular work, the institution must, within possibilities, provide occupational therapy. The convict's work must provide for the preservation, acquisition and increase of his/her professional abilities in order to make it easier for them to become involved in life after serving their sentence. The convict's work shall be organised, within the possibilities, according to modern technological and other procedures, similar to those performed outside the institution (Art. 15).⁸⁵

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Persons in police custody are subject to stricter arrangements: those who are held for up to 12 hours do not leave the detention room, while those staying more than 12 hours are referred to a specific outdoor area (it shall be at least 12 m² in size, the wall shall be at least 3 m high and smooth, the area shall be partly covered, and the open part is covered with net, the floor shall be concrete or paved, the external public shall have no insight into the area).

The national standards provide for more out-of-cell opportunities for convicts, compared to persons in remand. For example, some provisions related to education only cover persons in remand below 18 years of age. As regards work, for instance, persons in remand are allowed to work, if this does not interfere with the criminal proceedings, while encouraging convicts to work seems to be the norm. The same, in general, holds for other activities, apart from sports activities.

f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 3. a) – e), including their respective legal basis.

Police custody

A complaint procedure may be initiated against the work of a police officer (Art. 137). The complaint may involve disagreement with the action of a police officer or their failure to act while performing police tasks, which could constitute a violation of human rights or fundamental freedoms. In a complaint procedure, the circumstances of the application of police procedure and the exercise of police powers (e.g. detention) shall be examined (Art. 138). Complaints shall be filed within 45 days of the day when a police officer by an action or by failing to act while performing police tasks allegedly violated the human rights or fundamental freedoms of the complainant (Art. 146). The ministry responsible for the interior shall inform the complainant of the conclusion of the complaint procedure by written notification (Art. 154). When a complaint that has been considered before a panel is justified or where in a conciliation procedure the conduct of a police officer has been found as contrary to regulations, the police shall submit to the ministry a written report on adopted and implemented measures within 30 days of the conclusion of the complaint procedure (Art. 156).⁸⁶

⁸⁴ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

⁸⁵ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

⁸⁶ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

Pre-trial detention

If the person in remand custody considers that the employees of the institution are treating them inappropriately or that the living conditions are inadequate, they may appeal to the president of the competent district court or to the director-general of the Prison Administration. The director-general shall, within fifteen days, send a written reply to the detainee and, in the event of a well-founded complaint, order the necessary measures to be taken (Art. 70).⁸⁷ The law does not set out any time limit regarding the submission of the complaint. In 2020, the Prison Administration received 17 complaints, including regarding inadequate food quantities, inadequate walking area, accommodation conditions, inadequate healthcare and inadequate treatment on the part of employees. All complaints proved to be unfounded. Had it been different, the Director-General would have ordered the established irregularities to be rectified.⁸⁸ Supervision, furthermore, over the treatment of detainees shall be carried out by the president of the district court. The president of the court, or a judge appointed by him, shall be obliged at least once a week to visit detainees and to ask them, if they consider it necessary, including without the presence of judicial police officers, how they are being treated. They shall be obliged to take the necessary action to remove irregularities which they noticed during their visit to the institution. The appointed judge may not be the investigating judge. The president of the court and the investigating judge may at any time visit detainees, talk with them and accept complaints (Art. 213.d).⁸⁹

Post-trial detention

In the case of other violations of rights or other irregularities for which judicial protection is not provided (regarding judicial protection in the case of torture, please see Point e) in Section 7), the convicted person shall have the right to appeal to the Director-General. The institution shall submit to the Director-General the report and documentation from the personal file of the convicted person on his/her requests within eight days of receiving the request. If the convicted person does not receive a response to his appeal within 30 days of its filing or if they are not satisfied with the decision of the Director-General, they shall have the right to file an application with the ministry competent for justice. The institution shall forward the report and the personal file of the convicted person to the ministry responsible for justice within three days of receiving the request and shall inform the Head Office about this (Art. 85).⁹⁰ The law does not stipulate any time limit for lodging a complaint. In 2020, for example, the Prison Administration received 84 complaints, including regarding inadequate food, inadequate accommodation conditions, inadequate healthcare, inadequate actions on the part of judicial police officers and expert workers employed in the institutions, as well as regarding inadequate handling of specific situations and inadequate pay for work. Three complaints were justified, including a complaint relating to inadequate pay for work. In such cases, the institutions are warned to rectify the established irregularities.⁹¹

All detainees

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⁸⁷ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

⁸⁸ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

⁸⁹ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

⁹⁰ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

⁹¹ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

Ombudsman (Art. 26). In the final report, the Ombudsman shall state their assessment of the facts and circumstances of an individual case, and establish whether or not human rights or fundamental freedoms have been violated, or some other irregularities occurred in the investigated case. At the same time, the Ombudsman shall propose the manner of rectifying the established irregularities. The Ombudsman may also recommend that the authority repeat a certain procedure in accordance with the law, recommend compensation for damage, or recommend another way to eliminate irregularities that has affected the individual. In this regard, the Ombudsman may not prejudice the civil legal rights of the individual regarding compensation for damage. The Ombudsman may propose the instigation of disciplinary proceedings against the officials of the authorities responsible for the established irregularities (Art. 39). The authorities shall be obliged to inform the Ombudsman about measures taken in accordance with the Ombudsman's proposals, opinions, criticisms or recommendations within 30 days. If the authority fails to submit a report on the observance of the Ombudsman's recommendations, or if these are observed only partially, the Ombudsman may notify the superior authority or the competent ministry directly, may submit a special report to the National Assembly, or the matter may be made public. The Ombudsman may publish, at the authority's expenses, their report and recommendations via public outlets if the authority fails to respond appropriately to proposals or recommendations following a repeated request by the Ombudsman (Art. 40).⁹²

For physical distress suffered, for mental distress suffered owing to a reduction in life activities, disfigurement, the defamation of good name or reputation, the curtailment of freedom or a personal right, or the death of a close associate, and for fear, if the circumstances of the case, particularly the level and duration of distress and fear, so justify, even if there was no material damage, just monetary compensation independent of the reimbursement of pecuniary damage shall pertain to the injured party. The amount of compensation for non-pecuniary damage shall depend on the importance of the good affected and the purpose of the compensation, and may not support tendencies that are not compatible with the nature and purpose thereof (Art. 179). Compensation claims for damage inflicted shall become statute-barred three years after the injured party learnt of the damage and of the person that inflicted it. In any event the claim shall become statute-barred five years after the damage occurred (Art. 352).⁹³ In general, the courts look at compound effect of detention conditions (e.g. cell space available to detainees in relation to other conditions, including access to out of cell activities), and not at a single element in isolation.⁹⁴

g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

2018 Report:

Recommendations that were accepted but not implemented at the time, on which no responses were provided to the NPM at the time, and those rejected are listed.

Recommendations related to Ormož police station (*Policijska postaja Ormož*):

⁹² Slovenia, [The Human Rights Ombudsman act](#) (*Zakon o varuhu človekovih pravic*), 20 December 1993, and subsequent modifications.

⁹³ Slovenia, [The Obligations code](#) (*Obligacijski zakonik*), 3 October 2001, and subsequent modifications.

⁹⁴ Slovenia, Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*), [Judgment No. II lps 88/2017](#), 30 November 2017; Slovenia, Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*), [Judgment No. II lps 84/2020](#), 20 January 2021.

- "MNZ smo ponovno priporočili, naj se sprehajališče opremi s pepelnikom oziroma v skladu s prvo alinejo drugega odstavka 23. člena Pravilnika o normativih za izgradnjo in opremljenost policijskih prostorov za pridržanje."⁹⁵ / "We again recommended to the MI that the recreation yard be equipped with an ashtray, namely in accordance with the first indent of the second paragraph of Article 23 of the Rules on standards for the construction and equipment of police premises used for detention."

(*MNZ stands for Ministrstvo za notranje zadeve, namely the Ministry of the Interior – MI)

Recommendations related to Maribor prison (*Zavod za prestajanje kazni zapora Maribor*):

- "Izrazili smo pričakovanje, da bo Zavodu za pripornike uspelo urediti oziroma bo začel izvajati skupinske aktivnosti oziroma ustvarjalne delavnice." / "We expressed the expectation that the institution will be able to arrange or start carrying out group activities or creative workshops aimed at persons in remand."

- "Priporočili smo, da Zavod tudi v prihodnje skrbi, da bodo imele zaprte osebe (predvsem tudi priporniki) še naprej možnosti vključevanja v različne oblike aktivnosti."⁹⁶ / "We recommended that the institution continue to ensure that detainees (especially persons in remand) will have the opportunity to participate in various forms of activities."

Recommendations related to Koper prison, Nova Gorica unit (*Zavod za prestajanje kazni zapora Koper, Oddelek Nova Gorica*):

- "Priporočali smo, da v Oddelku poskrbijo, da se streha notranjega dvorišča oziroma sprehajališča ustrezno sanira, da v primeru slabega vremena (npr. dežja) ne bo več prihajalo do zamakanja." / "We recommended that the department make sure that the roof of the inner courtyard, namely the recreation yard, is properly repaired, so that, in case of bad weather (e.g. rain), there will be no more leaks."

- "Priporočali smo, da v Oddelku vložijo več navora tudi v iskanje možnosti za izboljšanje stanja glede omogočanja dela pripornikom." / "We recommended that the department also make more efforts to find ways to improve the situation regarding the provision of work to persons in remand."

- "Prosili smo za sporočilo, ali so dejansko že potekale kakšne aktivnosti glede možnosti povezave notranjega in zunanjega sprehajališča. Če so, prosimo za sporočilo, kakšne so ugotovitve o tej možnosti."⁹⁷ " We asked for a notice on whether any activities have actually taken place regarding the possibility of connecting the inner or outer recreation yard. If so, please let us know what the findings are about this option."

Recommendations related to Maribor prison, Rogoza open unit (*Zavod za prestajanje kazni zapora Maribor, Odprti oddelek Rogoza*):

⁹⁵ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 270.

⁹⁶ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 156.

⁹⁷ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, pp. 160,162.

- "Priporočali smo, da se v ZPKZ Maribor ponovno oziroma v čim krajšem času uredi vse potrebno, da se začne(-jo) izvajati program(-i) nacionalne poklicne kvalifikacije (NPK).⁹⁸ / "We recommended that in Maribor Prison everything necessary be arranged again or as soon as possible in order to start the implementation of the programme(s) of national vocational qualification (NVQ)."

Recommendations related to Ljubljana prison (*Zavod za prestajanje kazni zapora Ljubljana*):

- "Priporočili smo, da se proučijo možnosti sanacije (popravilo lukenj) poti do velikega sprehajališča in možnosti popravila stropa WC na sprehajališču. Prav tako smo priporočili, da se po zaključku sprehoda pregleda WC in se ga po potrebi očisti." / "We recommended that the possibilities of recovery (repair of holes) of the path to the large recreation yard and the possibility of repairing the toilet ceiling on the recreation yard be examined. We also recommended that after the walk takes place, the toilet be inspected and cleaned if necessary."

- "Ponovno smo priporočili, da Zavod in UIKS vložita več navora pri iskanju možnosti za izboljšanje stanja glede zagotavljanja dela za obsojence. Ob tem smo poudarili, da je treba še posebej omeniti, da delo pripomore k socialni rehabilitaciji in pozitivno vpliva na posameznikovo psihično stanje ter zadovoljstvo, prav tako pa tudi spremeni doživljanje časa in omogoča občutek, da je storil nekaj koristnega." / "We again recommended that the institution and the Prison Administration make more efforts to find ways to improve the situation regarding the provision of work for convicts. At the same time, we stressed that it should be pointed out that work contributes to social rehabilitation and has a positive effect on an individual's mental state and satisfaction. It also changes the experience of time and allow them to feel that they have done something useful."

- "Priporočili smo, da se preverijo možnosti sanacije strehe in stropa kovinarske delavnice ter se preveri, ali je pred sanacijo delavnica sploh varna, da se v njej izvaja delo."⁹⁹ / "We recommended that the possibilities of renovating the roof and ceiling of the metal workshop be examined, and that it be checked whether the workshop is indeed safe that work is being carried out in it before the renovation."

2019 Report:

Unlike previous reports produced by the NPM which included full lists of NPM's recommendations and information on responses by the authorities (i.e. recommendations accepted and implemented, recommendations accepted but not yet implemented at the time, recommendations rejected), the 2019 report only includes selected information on implemented or rejected recommendations.

"Ob obisku na PP Velenje je bilo na primer ugotovljeno, da ni bilo uresničeno priporočilo DPM s prejšnjega obiska, naj se uredi sprehajališče za osebe, ki jim je odvzeta prostost, saj PP še vedno nima sprehajališča, čeprav je MNZ ob prejšnjem obisku sporočil, da bo pred-log za ureditev sprehajališča izveden, če je to tehnično mogoče. PP gibanje na prostem osebam, ki jim je bila odvzeta prostost, tako še vedno zagotavlja le ob neposrednem fizičnem nadzoru policista/ov. MNZ smo zato znova priporočili, naj se

⁹⁸ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 166.

⁹⁹ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, pp. 170,172.

uredi primerno ograjeni prostor, ki bi osebam, ki jim je odvzeta prostost, omogočal gibanje na prostem brez stalnega fizičnega nadzora dveh policistov. Ob tem smo znova opozorili na priporočilo Evropskega odbora za preprečevanje mučenja in nečloveškega ali ponižujočega ravnanja ali kaznovanja ob obisku v Sloveniji, da je treba sprejeti ukrepe, da se vsem osebam, ki jih policija pridrži štiriindvajset ur ali več, zagotovi gibanje na prostem."¹⁰⁰

"When visiting Velenje PS, it was determined, for example, that the NPM recommendation from our previous visit stating that a recreation area be arranged for persons deprived of their liberty was not realised as the police station still lacks the recreation area although the MNZ responded that the proposal for arranging the recreation area would be implemented if technically feasible. The police station still ensures outdoor exercising to persons deprived of their liberty by means of direct physical supervision of police officer(s). We thus again proposed that the MNZ provide a suitably fenced area where persons deprived of their liberty would be able to exercise outside without permanent physical supervision of two police officers. On that note, we highlighted the recommendation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment given during their visit to Slovenia that measures must be taken to ensure outdoor exercise to all persons detained by the police for 24 hours or more."¹⁰¹

(*PP stands for policijska postaja, namely police station - PS.)

"Dve nesprejeti priporočili sta se nanašali na aktivnosti, in sicer prvo za ZPKZ Ig, ki smo mu priporočili, naj nakupe v zavodski trgovini in oddajo perila v pralnico uredijo tako, da to ne bo potekalo v času, namenjenem popoldanskemu sprehodu, saj imajo zaprte osebe pravico do najmanj dvehurnega bivanja na svežem zraku. Od zaprtih oseb smo med obiskom v zvezi z nakupovanjem v popoldanskem času namreč prejeli pripombe, da zavodska trgovina obratuje prav v času popoldanskega sprehoda. Zaradi tega zaprte osebe, kadar želijo opraviti nakup v zavodski trgovini, porabijo čas, ki je sicer namenjen za bivanje na svežem zraku. Hkrati so zaprte osebe poudarile, da v času sprehoda poteka tudi oddajanje perila v pralnico, kar še dodatno skrajšuje čas, namenjen bivanju na svežem zraku. V zvezi s tem je Generalni urad URSIKS sporočil, da ZPKZ Ig meni, da navedeno ne posega v pravico zaprtih oseb do najmanj dvehurnega bivanja na prostem. Obsojenke, ki prestajajo kazen zapora v zaprtem režimu, imajo po dnevnem redu možnost bivanja na prostem na notranjem dvorišču v dopoldanskem času od 9.00 do 10.00 (delavke, ki so razporejene na delo, tudi v času od 8.00 do 9.00), v popoldanskem času pa od 16.00 do 18.00. Obsojenke, ki prestajajo kazen zapora v polodprtem režimu, imajo možnost bivanja na prostem v dopoldanskem času od 9.00 do 12.00, v popoldanskem času od 13.40 do 16.00 oziroma od 13.40 do 18.00 v poletnem času ter v poletnem času še dodatno od 19.15 do 20.30 ure. Oddaja perila v pranje poteka ob po-nedeljkih, sredah in petkih ob 16.45, prevzem perila pa ob torkih in četrtek ob 16.45. Obsojenke se v tem času lahko prosto gibljejo na notranjem dvorišču in počakajo, da so na vrsti za oddajo oziroma prevzem perila, ki traja v povprečju minuto ali dve. Enako je pri zavodski prodajalni, odprti ob torkih in četrtek ob 16.00 do 17.00, kjer prav tako nakup blaga ne traja več kot nekaj minut."¹⁰²

¹⁰⁰ Varuh človekovih pravic (2020), [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 2019](#), Ljubljana, Varuh človekovih pravic, p. 50.

¹⁰¹ Human Rights Ombudsman (2020), [The Report of the Human Rights Ombudsman of the Republic of Slovenia on Implementing the Tasks of the National Preventive Mechanism according to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment for 2019. Ljubljana](#), Human Rights Ombudsman, p. 49.

¹⁰² Varuh človekovih pravic (2020), [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 2019](#), Ljubljana, Varuh človekovih pravic, p. 64.

"Two rejected recommendations involved activities, i.e. one in Ig Prison, where we recommended that purchases in the prison shop and delivery of clothes to the laundry room be arranged at times that would not coincide with the afternoon walk as prisoners have the right to spend at least two hours in the fresh air. During the visit, we received specific complaints from prisoners regarding shopping in the afternoon, stating that the prison shop operates at the time of the afternoon walk. If they wish to make a purchase, prisoners must use their time intended for walking in the fresh air. Prisoners also added that the delivery of laundry to the laundry room also takes place during the afternoon walk, which additionally shortens the time intended for walking in the fresh air. With regard to the fore-going, the Head Office of the Prison Administration of the Republic of Slovenia replied that Ig Prison believed that the issue did not interfere with the prisoners' right to spend at least two hours outdoors. Female prisoners who serve their sentences under a closed regime may spend time outdoors in the inner courtyard between 9.00 and 10.00 in the morning (and those who work also between 8.00 and 9.00) and between 16.00 and 18.00 in the afternoon. Those who serve their sentences under a semi-open regime can stay outdoors between 9.00 and 12.00 in the morning, and between 13.40 and 16.00 or between 13.40 and 18.00 in the summer, and additionally between 19.15 and 20.30 in the summer. The delivery of laundry to the laundry room takes place on Mondays, Wednesdays and Fridays at 16.45, and the collection of laundry on Tuesdays and Thursdays at 16.45. During this time, female prisoners can freely move in the inner courtyard and wait their turn to hand over or collect laundry, which usually takes a minute or two. The same applies for the prison shop, which is open on Tuesdays and Thursdays between 16.00 and 17.00 and where the purchase of goods also takes only several minutes."¹⁰³

"Drugo neuresničeno priporočilo glede aktivnosti se je nanašalo na ZPKZ Ljubljana – Oddelek Novo mesto, naj se v prostoru za rekreacijo uredijo vodne armature tudi pri drugem umivalniku. Generalni urad URSIKS je sporočil, da je ZPKZ Ljubljana – Oddelek Novo mesto pojasnil, da so morali zaradi puščanja cevi v kletnih prostorih obnoviti in zamenjati del vodovodne napeljave. Del cevi je bil povezan s sodiščem, zato so morali napeljati nove cevi. Zaradi zahtevnosti napeljave je bila nova cev napeljana le do enega umivalnika, ki po njihovi oceni zadostuje potrebam. Drugi umivalnik so že odstranili in tja prestavili avtomat za tople in hladne napitke ter tako pridobili prostor za rekreacijo zaprtih oseb."¹⁰⁴

"The second unrealised recommendation regarding activities referred to Novo mesto Unit of Ljubljana Prison and it stated that the tap of the second wash basin be fixed in the gym. The Head Office of the Prison Administration of the Republic of Slovenia replied that Novo mesto Unit of Ljubljana Prison explained that part of the plumbing had to be replaced in the basement due to leakage. A section of the piping was linked to the court and a new pipe had to be laid which was only connected to one wash basin due to the complexity of the installation, and according to their assessment this met the needs. The second wash basin had already been removed and a vending machine for hot and cold drinks was installed there, which provided more space in the gym."¹⁰⁵

¹⁰³ Human Rights Ombudsman (2020), [The Report of the Human Rights Ombudsman of the Republic of Slovenia on Implementing the Tasks of the National Preventive Mechanism according to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment for 2019, Ljubljana](#), Human Rights Ombudsman, pp. 63-64.

¹⁰⁴ Varuh človekovih pravic (2020), [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 2019](#), Ljubljana, Varuh človekovih pravic, p. 64.

¹⁰⁵ Human Rights Ombudsman (2020), [The Report of the Human Rights Ombudsman of the Republic of Slovenia on Implementing the Tasks of the National Preventive Mechanism according to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment for 2019, Ljubljana](#), Human Rights Ombudsman, p. 64.

4. Solitary confinement

a) What are the national standards regarding solitary confinement?

Post-trial detention

Solitary confinement is a disciplinary sanction, which can only be imposed on convicts. They may face solitary confinement of up to 21 days with the right to work or up to 14 days without the right to work (Art. 88).¹⁰⁶ This disciplinary penalty shall be imposed for the shortest possible time to achieve the purpose of disciplinary punishment, which shall be assessed particularly with a view to the convict's conduct after the disciplinary offence and the gravity of the consequences of the offence (Art. 84). A person sent to solitary confinement shall reside alone in a certain cell, except during visits and during a two-hour stay outdoors. During this time, the convict shall be provided with appropriate hygienic and health conditions. The cell is equipped with a bed, table, chair and sanitary facility (Art. 85).¹⁰⁷ The law as well as other regulations are silent on the issue of whether solitary confinement of up to 21/14 days can be ordered sequentially for different indisciplines. The Prison Administration of the Republic of Slovenia is of the opinion that this is not applicable, and that the placement in solitary confinement of more than 14/21 days would be inconsistent with the intention of the legislature when limiting the duration of this strictest of disciplinary sanctions.¹⁰⁸

Pre-trial detention

A person in remand custody may be placed in a special area if apprehended after escape, if caught in the course of preparation of escape or an attempt to escape, or if they forcibly resist or otherwise endanger their safety or the safety of persons in their vicinity (Art. 62).¹⁰⁹ They may be held in the special area for up to 12 hours, subject to further extensions of up to 12 hours, but no more than 72 hours in total (Art. 213.č of the Criminal procedure act in conj. with Art. 236 of the Enforcement of criminal sanctions act).¹¹⁰ After 72 hours, the person concerned shall be released from the special area. If there are justified reasons that the person is again placed in the special area, this can be done upon the issuance of a new decision.¹¹¹

b) Are there any national standards with regard to checking and/or monitoring the wellbeing of detainees in solitary confinement? If so, what do they require?

Post-trial detention

While serving the disciplinary sanction of solitary confinement, the convicted person shall be visited daily by a doctor who provides medical services in the institution or by another medical employee of the institution. If the doctor finds that further serving of the disciplinary sanction of solitary confinement would endanger the convict's health,

¹⁰⁶ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹⁰⁷ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

¹⁰⁸ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 24 June 2021).

¹⁰⁹ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

¹¹⁰ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications; Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹¹¹ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 9 July 2021).

they shall notify the director of the institution, who in turn shall decide that serving the disciplinary sanction is to be stopped (Art. 91).¹¹²

Pre-trial detention

The placement of a person in remand in a special area shall be immediately notified to the medical staff, who shall order the necessary measures for protection of their life and health (Art. 213.č of the Criminal procedure act in conj. with Art. 236 of the Enforcement of criminal sanctions act).¹¹³

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Post-trial detention

Solitary confinement is a disciplinary sanction, which can only be imposed on convicts.

Pre-trial detention

Persons in remand cannot be placed in solitary confinement but may be placed for a shorter period of time in a special area if apprehended after escape, if caught in the course of preparation of escape or an attempt to escape, or if they forcibly resist or otherwise endanger their safety or the safety of persons in their vicinity.

Police custody

There are no provision allowing for placement of persons in police custody in solitary confinement.

d) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 4. a) - c), including their respective legal basis.

Pre-trial detention

If the person in remand custody considers that the employees of the institution are treating them inappropriately or that the living conditions are inadequate, they may appeal to the president of the competent district court or to the director-general of the Prison Administration. The director-general shall, within fifteen days, send a written reply to the detainee and, in the event of a well-founded complaint, order the necessary measures to be taken.¹¹⁴ The law does not set out any time limit regarding the submission of the complaint. In 2020, the Prison Administration received 17 complaints, including regarding inadequate food quantities, inadequate walking area, accommodation conditions, inadequate healthcare and inadequate treatment on the part of employees. All complaints proved to be unfounded. Had it been different, the Director-General would have ordered the established irregularities to be rectified.¹¹⁵ Supervision, furthermore, over the treatment of detainees shall be carried out by the president of the district court. The president of the court, or a judge appointed by him, shall be obliged at least once a week to visit detainees and to ask them, if they consider it necessary, including without the presence of judicial police officers, how they

¹¹² Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹¹³ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications; Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹¹⁴ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

¹¹⁵ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

are being treated. They shall be obliged to take the necessary action to remove irregularities which they noticed during their visit to the institution. The appointed judge may not be the investigating judge. The president of the court and the investigating judge may at any time visit detainees, talk with them and accept complaints (Art. 213.d).¹¹⁶

Post-trial detention

In the case of other violations of rights or other irregularities for which judicial protection is not provided (regarding judicial protection in the case of torture, please see Point e) in Section 7), the convicted person shall have the right to appeal to the Director-General. The institution shall submit to the Director-General the report and documentation from the personal file of the convicted person on his/her requests within eight days of receiving the request. If the convicted person does not receive a response to his appeal within 30 days of its filing or if they are not satisfied with the decision of the Director-General, they shall have the right to file an application with the ministry competent for justice. The institution shall forward the report and the personal file of the convicted person to the ministry responsible for justice within three days of receiving the request and shall inform the Head Office about this.¹¹⁷ The law does not stipulate any time limit for lodging a complaint. In 2020, for example, the Prison Administration received 84 complaints, including regarding inadequate food, inadequate accommodation conditions, inadequate healthcare, inadequate actions on the part of judicial police officers and expert workers employed in the institutions, as well as regarding inadequate handling of specific situations and inadequate pay for work. Three complaints were justified, including a complaint relating to inadequate pay for work. In such cases, the institutions are warned to rectify the established irregularities.¹¹⁸

All detainees

Anyone who believes that their human rights or fundamental freedoms have been violated by an act or action of a state authority, local community authority or a holder of public authority may file a complaint to initiate proceedings with the Human Rights Ombudsman (Art. 26). In the final report, the Ombudsman shall state their assessment of the facts and circumstances of an individual case, and establish whether or not human rights or fundamental freedoms have been violated, or some other irregularities occurred in the investigated case. At the same time, the Ombudsman shall propose the manner of rectifying the established irregularities. The Ombudsman may also recommend that the authority repeat a certain procedure in accordance with the law, recommend compensation for damage, or recommend another way to eliminate irregularities that has affected the individual. In this regard, the Ombudsman may not prejudice the civil legal rights of the individual regarding compensation for damage. The Ombudsman may propose the instigation of disciplinary proceedings against the officials of the authorities responsible for the established irregularities (Art. 39). The authorities shall be obliged to inform the Ombudsman about measures taken in accordance with the Ombudsman's proposals, opinions, criticisms or recommendations within 30 days. If the authority fails to submit a report on the observance of the Ombudsman's recommendations, or if these are observed only partially, the Ombudsman may notify the superior authority or the competent ministry directly, may submit a special report to the National Assembly, or the matter may be made public. The Ombudsman may publish, at the authority's expenses, their report and recommendations via public outlets

¹¹⁶ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

¹¹⁷ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹¹⁸ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

if the authority fails to respond appropriately to proposals or recommendations following a repeated request by the Ombudsman (Art. 40).¹¹⁹

For physical distress suffered, for mental distress suffered owing to a reduction in life activities, disfigurement, the defamation of good name or reputation, the curtailment of freedom or a personal right, or the death of a close associate, and for fear, if the circumstances of the case, particularly the level and duration of distress and fear, so justify, even if there was no material damage, just monetary compensation independent of the reimbursement of pecuniary damage shall pertain to the injured party. The amount of compensation for non-pecuniary damage shall depend on the importance of the good affected and the purpose of the compensation, and may not support tendencies that are not compatible with the nature and purpose thereof (Art. 179). Compensation claims for damage inflicted shall become statute-barred three years after the injured party learnt of the damage and of the person that inflicted it. In any event the claim shall become statute-barred five years after the damage occurred (Art. 352).¹²⁰

- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

2018 Report:

No relevant recommendations.

2019 Report:

Unlike previous reports produced by the NPM which included full lists of NPM's recommendations and information on responses by the authorities (i.e. recommendations accepted and implemented, recommendations accepted but not yet implemented at the time, recommendations rejected), the 2019 report only includes selected information on implemented or rejected recommendations.

No relevant data available.

5. Access to healthcare

- a) What is the national standard with regard to access to medical services in prisons, including emergency care? (E.g.: Do detainees have prompt access to medical services within prisons and/or externally? Do detainees have access to dentists, opticians, etc.?) If so, what does it require?

Police custody

In police custody, if a detained person needs emergency medical assistance, this shall be ensured by police officers in accordance with the regulations governing emergency medical service, irrespective of whether the person in question requests it or not. A detained person has the right to be examined at their own expense by a doctor of their

¹¹⁹ Slovenia, [The Human Rights Ombudsman act](#) (*Zakon o varuhu človekovih pravic*), 20 December 1993, and subsequent modifications.

¹²⁰ Slovenia, [The Obligations code](#) (*Obligacijski zakonik*), 3 October 2001, and subsequent modifications.

choice. A medical examination shall be performed without the presence of police officers, unless the doctor requests otherwise (Art. 68).¹²¹

Pre-/post-trial detention

Persons in remand and convicts are included in the mandatory healthcare insurance scheme (Art. 15), which also covers out-of-work injuries, as well as work-related injuries and illness (Art. 16). Their access to healthcare services is fully covered by the state budget (Art. 7).¹²²

A person in remand who falls ill or is injured receives medical assistance in the institution's outpatient clinic. If the detainee needs to be treated in a medical organisation, such treatment shall be ordered by the competent court on the proposal of the institution's doctor. In urgent cases, the treatment of a detainee in a medical organisation may be ordered by the director of the institution, who shall immediately inform the competent court (Art. 32).¹²³

Convicts who are compulsorily insured under the general regulations on health care and health insurance, have the right to health services under these regulations, except rights to the free choice of a doctor, a specialist doctor and a health institution, health care in connection with the donation of tissues and organs for transplantation to other persons, treatment and care at home, treatment abroad, spa treatment, funeral and bereavement payment, and reimbursement of travel expenses in relation to health services (Art. 58).¹²⁴

Every institution shall have conditions for the provision of basic healthcare and dental services. The medical care of convicts in institutions shall be provided by the healthcare centres in the area, in which the institution operates, on the basis of an agreement concluded between the institution and the healthcare centre. Medical services for convicts may also be provided in appropriate healthcare organisations outside the institution. The referral of a convicted person for a medical examination or treatment in an outside organisation shall be decided upon by a doctor who provides medical services in the institution, of which they are obliged to inform the director of the institution (Art. 59). Every institution shall have a hospital room in which convicts live and receive treatment. The hospital room shall be equipped in accordance with general regulations (Art. 60). The selected pharmacy in the area where the institution is located shall have a stock of medicines in the institution for the needs of the treatment of convicts. The pharmacy in the institution operates in accordance with the general regulations on pharmacy services (Art. 61).¹²⁵

In prison facilities, healthcare at primary level is thus provided by the regional healthcare centres. Provision of services is based on agreements between the institutions and healthcare centres. These agreements are based on the needs of the institutions. To this end, standards are agreed with the Ministry of Health and included in the General agreement adopted by the Health Insurance Institute of Slovenia (*Zavod za zdravstveno zavarovanje Slovenije*).

¹²¹ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

¹²² Slovenia, *The Healthcare and health insurance act* (*Zakon o zdravstvenem varstvu in zdravstvenem zavarovanju*), 12 February 1992, and subsequent modifications.

¹²³ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications

¹²⁴ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹²⁵ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

As noted above, the same as other groups of population, persons in remand and convicts have access to other healthcare services and organisations in the country, including hospitals, provided the consent is given.

b) Are there any national standards concerning the availability of qualified medical and nursing personnel? If so, what do they require?

In prison facilities, healthcare at primary level is thus provided by the regional healthcare centres. Provision of services is based on agreements between the institutions and healthcare centres. These agreements are based on the needs of the institutions. To this end, standards are agreed with the Ministry of Health and included in the General agreement adopted by the Health Insurance Institute of Slovenia (*Zavod za zdravstveno zavarovanje Slovenije*). Pursuant to the General agreement the following standards are in place: 1 team in general outpatient clinic per 240 convicts, 1 team for children and schoolchildren per 150 convicts, 1 team of psychiatrists per 500 convicts, 1 team from the illicit drugs addiction treatment centre per 1,000 convicts, 1 team from women's clinic per 2,000 convicts, 1 team of dentists per 1,500 convicts and a juvenile dentist per 750 convicts. The General agreement provides that general practitioners, psychiatrists, specialists for drugs addiction treatment, dentists, gynaecologists and clinical psychologists visit the institutions.¹²⁶

Working hours of specific teams depend of the number of detainees. For example, in the Dob pri Mirni Prison, the largest institution in the country, a general practitioner is present for eight hours every day, and a nurse is also part of the team. Six largest institutions also employ nurses (15 in total) who, for example, distribute medicine, arrange appointments with specialists, provide care to e.g. detainees placed in the institutions' hospital rooms, chronic patients and persons sent to solitary confinement. They are present every day until 15:00, while in the mentioned largest national institution they are present until 19:00. In emergency cases, the institutions call the competent emergency care providers. Judicial police officers are also trained to provide emergency assistance.¹²⁷

c) Are there any national standards for an initial medical examination upon deprivation of liberty or transfer of a detainees? If so, what do they require?

Pre-trial detention

Each person in remand shall be examined by a doctor no later than 48 hours after admission to the institution. The doctor also examines the detainee before release from the institution. If there is a reasonable suspicion that a detainee is physically injured, has an infectious or other serious illness upon admission, they shall be examined immediately by the institution's doctor (Art. 31).¹²⁸

Post-trial detention

The institution's doctor immediately after admission, and no later than the next working day after admission, conducts an interview with the convict and examines him/her. During the examination, the doctor shall determine possible injuries and other medical peculiarities of the convict and document them (Art. 8). Upon admission, the institution shall assess the risk of suicidality in the convict, check if their medical condition requires immediate action, and shall assess if the convict needs to be examined by a psychiatrist or a specialist (Art. 9). The institution shall provide for confidentiality of communication between the convict and the doctor, including as regards appointments and medical

¹²⁶ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 24 June 2021).

¹²⁷ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 24 June 2021).

¹²⁸ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

treatment (Art. 37). Before being released from the institution, the convict is examined by a doctor (Art. 96).¹²⁹

Pre-/post-trial detention

Persons in remand and convicts are also subject to medical screening before commencing work.¹³⁰

d) Are there any national standards relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly detainees, the mentally ill, drug addicted detainees, etc.) If so, what do they require?

Convicts, who due to age, illness or disability, need additional assistance in satisfying basic living needs in the form of care or social care, may reside in a specially adapted room or ward of one of the institutions (Art. 60).¹³¹

Convicts in need of psychiatric treatment shall be referred to the Forensic Psychiatry Unit of the University Medical Centre Maribor (Art. 38).¹³²

A convict who has been diagnosed with problems with alcohol or illicit psychoactive substances may be referred for treatment to an appropriate healthcare organisation or other organisation outside the institution, if, according to the convict's safety assessment, the director of the institution agrees to the referral (Art. 38).¹³³

e) Are there any national standards with regard to a medical treatment of the detainee's own choosing? If so, what do they require?

A **person in remand** who is ill or is injured receives medical assistance in the institution's clinic. If the detainee is to be treated in a healthcare organisation, such treatment shall be ordered by the competent court on the proposal of the institution's doctor, or by the institution's director in urgent cases (Art. 32). With the permission of the competent court, the detainee may be visited and examined at their request and at their expense by a doctor of their choice. The detainee shall also bear the costs of transport if such an examination is carried out outside the institution (Art. 33).¹³⁴

Persons serving a prison sentence and juvenile imprisonment who are compulsorily insured under the general regulations on healthcare and health insurance, have the right to healthcare services under these regulations, except the right to the free choice of a doctor, a specialist doctor and a health institution, health care in connection with the donation of tissues and organs for transplantation to other persons, treatment and care at home, treatment abroad, spa treatment, funeral and bereavement payment and reimbursement of travel expenses in relation to healthcare services (Art. 58).¹³⁵

f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

¹²⁹ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

¹³⁰ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications; Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹³¹ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹³² Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

¹³³ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

¹³⁴ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

¹³⁵ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

Apart from the possibility that persons in remand can access a doctor of their own choice at their expenses, provided the court's permission, no substantial distinctions apply, compared to convicts. Access to healthcare services for convicts is laid down in more detail in the legislation, compared to persons in remand custody, but both groups are equally covered by healthcare insurance, fully funded from the state budget. As noted, however, convicts who are compulsorily insured under the general regulations on health care and health insurance, have the right to health services under these regulations, except rights to e.g. the free choice of a doctor, a specialist doctor and a health institution.

Persons in police custody are entitled to emergency medical care, if necessary. They shall also have the right to be examined by a doctor of their choice, also at their own expense.

Upon admission and release, persons in remand and convicts are examined by a doctor, but there are no similar standards applicable to persons in police custody.

g) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 5. a) – f), including their respective legal basis.

Police custody

A complaint procedure may be initiated against the work of a police officer (Art. 137). The complaint may involve disagreement with the action of a police officer or their failure to act while performing police tasks, which could constitute a violation of human rights or fundamental freedoms. In a complaint procedure, the circumstances of the application of police procedure and the exercise of police powers (e.g. detention) shall be examined (Art. 138). Complaints shall be filed within 45 days of the day when a police officer by an action or by failing to act while performing police tasks allegedly violated the human rights or fundamental freedoms of the complainant (Art. 146). The ministry responsible for the interior shall inform the complainant of the conclusion of the complaint procedure by written notification (Art. 154). When a complaint that has been considered before a panel is justified or where in a conciliation procedure the conduct of a police officer has been found as contrary to regulations, the police shall submit to the ministry a written report on adopted and implemented measures within 30 days of the conclusion of the complaint procedure (Art. 156).¹³⁶

Pre-trial detention

If the person in remand custody considers that the employees of the institution are treating them inappropriately or that the living conditions are inadequate, they may appeal to the president of the competent district court or to the Director-General of the Prison Administration. The Director-General shall, within fifteen days, send a written reply to the detainee and, in the event of a well-founded complaint, order the necessary measures to be taken.¹³⁷ The law does not set out any time limit regarding the submission of the complaint. In 2020, the Prison Administration received 17 complaints, including regarding inadequate food quantities, inadequate walking area, accommodation conditions, inadequate healthcare and inadequate treatment on the part of employees. All complaints proved to be unfounded. Had it been different, the Director-General would have ordered the established irregularities to be rectified.¹³⁸ Supervision, furthermore, over the treatment of detainees shall be carried out by the president of the district court. The president of the court, or a judge appointed by him,

¹³⁶ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

¹³⁷ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

¹³⁸ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

shall be obliged at least once a week to visit detainees and to ask them, if they consider it necessary, including without the presence of judicial police officers, how they are being treated. They shall be obliged to take the necessary action to remove irregularities which they noticed during their visit to the institution. The appointed judge may not be the investigating judge. The president of the court and the investigating judge may at any time visit detainees, talk with them and accept complaints (Art. 213.d).¹³⁹

Post-trial detention

In the case of other violations of rights or other irregularities for which judicial protection is not provided (regarding judicial protection in the case of torture, please see Point e) in Section 7), the convicted person shall have the right to appeal to the Director-General. The institution shall submit to the Director-General the report and documentation from the personal file of the convicted person on his/her requests within eight days of receiving the request. If the convicted person does not receive a response to his/her appeal within 30 days of its filing or if they are not satisfied with the decision of the Director-General, they shall have the right to file an application with the ministry competent for justice. The institution shall forward the report and the personal file of the convicted person to the ministry responsible for justice within three days of receiving the request and shall inform the Head Office about this.¹⁴⁰ The law does not stipulate any time limit for lodging a complaint. In 2020, for example, the Prison Administration received 84 complaints, including regarding inadequate food, inadequate accommodation conditions, inadequate healthcare, inadequate actions on the part of judicial police officers and expert workers employed in the institutions, as well as regarding inadequate handling of specific situations and inadequate pay for work. Three complaints were justified, including a complaint relating to inadequate pay for work. In such cases, the institutions are warned to rectify the established irregularities.¹⁴¹

All detainees

Anyone who believes that their human rights or fundamental freedoms have been violated by an act or action of a state authority, local community authority or a holder of public authority may file a complaint to initiate proceedings with the Human Rights Ombudsman (Art. 26). In the final report, the Ombudsman shall state their assessment of the facts and circumstances of an individual case, and establish whether or not human rights or fundamental freedoms have been violated, or some other irregularities occurred in the investigated case. At the same time, the Ombudsman shall propose the manner of rectifying the established irregularities. The Ombudsman may also recommend that the authority repeat a certain procedure in accordance with the law, recommend compensation for damage, or recommend another way to eliminate irregularities that has affected the individual. In this regard, the Ombudsman may not prejudice the civil legal rights of the individual regarding compensation for damage. The Ombudsman may propose the instigation of disciplinary proceedings against the officials of the authorities responsible for the established irregularities (Art. 39). The authorities shall be obliged to inform the Ombudsman about measures taken in accordance with the Ombudsman's proposals, opinions, criticisms or recommendations within 30 days. If the authority fails to submit a report on the observance of the Ombudsman's recommendations, or if these are observed only partially, the Ombudsman may notify the superior authority or the competent ministry directly, may submit a special report to the National Assembly, or the matter may be made public. The Ombudsman may publish, at the authority's expenses, their report and recommendations via public outlets

¹³⁹ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

¹⁴⁰ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹⁴¹ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

if the authority fails to respond appropriately to proposals or recommendations following a repeated request by the Ombudsman (Art. 40).¹⁴²

For physical distress suffered, for mental distress suffered owing to a reduction in life activities, disfigurement, the defamation of good name or reputation, the curtailment of freedom or a personal right, or the death of a close associate, and for fear, if the circumstances of the case, particularly the level and duration of distress and fear, so justify, even if there was no material damage, ust monetary compensation independent of the reimbursement of pecuniary damage shall pertain to the injured party. The amount of compensation for non-pecuniary damage shall depend on the importance of the good affected and the purpose of the compensation, and may not support tendencies that are not compatible with the nature and purpose thereof (Art. 179). Compensation claims for damage inflicted shall become statute-barred three years after the injured party learnt of the damage and of the person that inflicted it. In any event the claim shall become statute-barred five years after the damage occurred (Art. 352).¹⁴³

h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

2018 Report:

Recommendations that were accepted but not implemented at the time, on which no responses were provided to the NPM at the time, and those rejected are listed (only Slovenian language quotations are available).

Recommendations related to Koper prison, Nova Gorica unit (*Zavod za prestajanje kazni zapora Koper, Oddelek Nova Gorica*):

- "Priporočili smo, da se v t. i. bolniški sobi oziroma sobi za gibalno ovirane proučijo možnosti dodatne izolacije stene, da v prostor ne bo več prihajal hladen zrak." / "We recommended that the possibilities of additional wall insulation in the so-called patient's room or the room for the persons with mobile limitations be examined, so that cold air no longer enters the room."

- "Priporočali smo, da se pripombe zaprtih oseb glede prekratke prisotnosti psihiatra v Oddelku preverijo oziroma se sprejmejo potrebni ukrepi, da bodo vse zaprte osebe v času namestitve v Oddelku ustrezno psihiatrično oskrbljene."¹⁴⁴ / " We recommended that the remarks of detainees regarding the short presence of a psychiatrist in the ward be examined or that the necessary measures be taken to ensure that all detainees are adequately psychiatrically treated during their placement in the ward."

Recommendations related to Ljubljana prison (*Zavod za prestajanje kazni zapora Ljubljana*):

- "Priporočili smo, da vodstvo zavoda v zvezi s pritožbami obsojencev, da dolgo čakajo na sprejem pri psihiatru, to preveri in sporoči ugotovitve. Hkrati smo tudi priporočili, da

¹⁴² Slovenia, [The Human Rights Ombudsman act](#) (*Zakon o varuhu človekovih pravic*), 20 December 1993, and subsequent modifications.

¹⁴³ Slovenia, [The Obligations code](#) (*Obligacijski zakonik*), 3 October 2001, and subsequent modifications.

¹⁴⁴ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, pp. 162,164.

se v primeru, da obsojenci na pregled pri psihiatru čakajo dalj časa, opravi pogovor s psihiatrom in po potrebi sprejme potrebne ukrepe, da do tega ne bo več prihajalo.”¹⁴⁵ / “We recommended that the management of the institution examine the complaints of convicts that they have been waiting a long time for an appointment with a psychiatrist and report their findings. At the same time, we also recommended that in the event that convicts wait a longer period for a psychiatric examination, a conversation with a psychiatrist be held and, if necessary, the necessary measures be taken to prevent this from happening again.”

2019 Report:

Unlike previous reports produced by the NPM which included full lists of NPM’s recommendations and information on responses by the authorities (i.e. recommendations accepted and implemented, recommendations accepted but not yet implemented at the time, recommendations rejected), the 2019 report only includes selected information on implemented or rejected recommendations.

“Tri nesprejeta priporočila so se nanašala na področje zdravstvene oskrbe, in sicer eno za ZPKZ Ig, naj se izvede vnovično priporočilo zdravnika izvedenca, naj se v zavodski ambulanti skuša zagotoviti stalna dežurna služba medicinskega osebja. V zvezi s tem priporočilom je Generalni urad URSIKS sporočil, da glede na zdajšnji zaposlitveni načrt ni predvidena zaposlitev dodatnega medicinskega osebja.”¹⁴⁶

“Three unaccepted recommendations involved health care, i.e. one in Ig Prison to realise the repeated recommendation of the external expert/doctor to ensure a continuous emergency medical service in the infirmary. In connection with this recommendation, the Head Office of the Prison Administration of the Republic of Slovenia noted that the current employment plan did not include the employment of additional medical staff.”¹⁴⁷

“Drugo nesprejeto priporočilo je bilo podano ob obisku ZPKZ Dob – polodprti oddelek Slovenska vas, in sicer glede zagotavljanja zdravstvene oskrbe. Nanašalo se je na pojasnilo glede zagotovljenega prenosa informacij o zdravstvenem stanju obsojenca med izbranim zdravnikom na prostosti in zdravnikom/ki ki zagotavlja/jo zdravstveno oskrbo oziroma medicino dela v zavodu. V zvezi s tem je Generalni urad URSIKS sporočil, da je zavod pridobil pojasnilo Zdravstvenega doma (ZD) Trebnje, ki izvaja zdravstveno dejavnost v ZPKZ Dob. ZD Trebnje je pojasnil, da samodejnega prenosa informacij o zdravstvenem stanju obsojencev med izbranim osebnim zdravnikom na prostosti in zdravnikom, ki dela v zavodski ambulanti, ni. Zdravstvena dokumentacija spremlja obsojenca samo, če je premeščen iz enega v drug ZPKZ. Po prestani zaporni kazni pa se na zahtevo obsojenca pošlje njegov zdravstveni karton njegovemu izbranemu osebnemu zdravniku s priporočeno pošiljko. Sporočiti mora naslov zdravstvene ustanove ter ime in priimek izbranega osebnega zdravnika. Če tega obsojenec ne želi, se zdravstveni karton hrani v centralnem arhivu.”¹⁴⁸

¹⁴⁵ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 172.

¹⁴⁶ Varuh človekovih pravic (2020), [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 2019](#), Ljubljana, Varuh človekovih pravic, p. 64.

¹⁴⁷ Human Rights Ombudsman (2020), [The Report of the Human Rights Ombudsman of the Republic of Slovenia on Implementing the Tasks of the National Preventive Mechanism according to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment for 2019, Ljubljana](#), Human Rights Ombudsman, p. 64.

¹⁴⁸ Varuh človekovih pravic (2020), [Poročilo Varuha človekovih pravic Republike Slovenije o izvajanju nalog državnega preventivnega mehanizma po Opcijskem protokolu h Konvenciji OZN proti mučenju in drugim](#)

"The second unaccepted recommendation was made in Slovenska vas Semi-Open Unit of Dob Prison, i.e. about the provision of health care. It referred to the clarification about the guaranteed transfer of information about a prisoner's medical condition between their selected doctor and the doctor(s) providing health care or occupational health care in prison. In this regard, the Head Office of the Prison Administration of the Republic of Slovenia replied that the prison obtained a clarification from Trebnje Community Health Centre, which carries out medical activities in Dob Prison. Trebnje Community Health Centre explained that there is no automatic transfer of information about prisoners' health conditions between their selected doctors and the doctor in the infirmary. Medical documentation accompanies a prisoner only, if they are transferred from one prison to another. After serving of a sentence, their medical file is sent to their selected doctor by registered mail at the prisoner's request. They must provide the address of the medical institution and the name of their doctor. If a prisoner does not wish for their file to be sent, the file is kept at the central archives."¹⁴⁹

"Tretje nesprejeto priporočilo s področja zagotavljanja zdravstvene oskrbe je bilo podano v ZPKZ Koper in se je nanašalo na upoštevanje priporočila zdravnika izvedenca, naj se glede na povečano število redno prijavljenih na pregled v ambulanti splošne medicine in tudi glede na povečano število zaprtih oseb, nameščenih v ZPKZ Koper, preveri, ali bi bilo mogoče, da bi ta ambulanta in tudi druge (psihiatrična in zobozdravstvena) delovala trikrat na teden. Generalni urad URSIKS je pojasnil, da se je kakovost zdravstvenega varstva v ZPKZ Koper že izboljšala po 1. januarju 2018, ko se je dodatno povečal obseg delovanja vseh ambulant. Kljub povečanemu številu zaprtih oseb urad meni, da zdajšnji obseg delovanja ambulant zagotavlja kakovostno zdravstveno varstvo, saj so sproti obravnavani vsi prijavljeni in tisti, za katere zdravnik oceni, da morajo biti neprekinjeno obravnavani. Z izvajalcem zdravstvenih storitev Zdravstvenim domom (ZD) Koper se ZPKZ Koper redno dogovarja glede zagotovitve zdravnika, kar pripomore k zmanjšanju spremestev zaprtih oseb v zunanje ustanove. Kakovost zdravstvenega varstva zaprtih oseb se ohranja tudi ob odsotnosti zdravnika v ZPKZ Koper in v nujnih primerih, ko pride v zavod dežurni zdravnik ZD Koper."¹⁵⁰

"The third rejected recommendation relating to health care was made in Koper Prison and referred to the observance of the recommendation by the external expert/doctor to examine the possibility for the infirmary and other (psychiatric and dentist) outpatient clinics to work three times a week relating to the increased number of prisoners regularly scheduled for examination at the infirmary and also in accordance with the increased number of prisoners in Koper Prison. The Head Office of the Prison Administration of the Republic of Slovenia explained that the quality of health care in Koper Prison already improved after 1 January 2018 when the scope of work of all outpatient clinics extended. Despite the increased number of prisoners, the Head Office believes that the current scope of work of outpatient clinics ensures high-quality health care since all scheduled prisoners are treated regularly, including those for whom the doctor assesses that ongoing treatment is required. Koper Prison makes regular arrangements with Koper Community Health Centre about the provision of doctors, which contributes to the reduction of accompaniments of prisoners to external institutions. The quality of health care of prisoners is maintained also in the

[krutim, nečloveškim ali poniževalnim kaznim ali ravnanju za leto 2019](#), Ljubljana, Varuh človekovih pravic, pp. 64-65.

¹⁴⁹ Human Rights Ombudsman (2020), [The Report of the Human Rights Ombudsman of the Republic of Slovenia on Implementing the Tasks of the National Preventive Mechanism according to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment for 2019. Ljubljana](#), Human Rights Ombudsman, pp. 64-65.

¹⁵⁰ Varuh človekovih pravic (2020), [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 2019](#), Ljubljana, Varuh človekovih pravic, p. 65.

absence of a doctor in Koper Prison and in emergency situations when a duty doctor from Koper Community Health Centre comes to the prison."¹⁵¹

6. Special measures in place to protect young detainees

a) Are there any national standards with regard to the separation of young detainees from adults? If so, what do they require? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)

Police custody

In police custody, a person who is under age shall be separated from adults (Art. 65).¹⁵²

Pre-trial detention

A minor in remand custody shall be separated from adults. Upon considering the minor's personality and other circumstances in a specific case, the juvenile judge may exceptionally order that a minor be detained with adults, if this is in their interest and to their benefit. A minor who has reached 18 years of age before the remand order has been issued or during the remand period, but has not yet reached 21 years of age, may be detained together with minors if, with a view to his/her personality and other circumstances, this is in his/her favour and in the favour of juveniles detained with him/her (Art. 473).¹⁵³

Post-trial detention

Older minors (i.e. persons between 16 and 18 years of age) shall serve a sentence of juvenile imprisonment in a special institution for serving a sentence of juvenile imprisonment, in which they may remain until they reach 23 years of age. If they do not serve their sentences by that time, they are transferred to an institution where adult convicts are serving their sentences. Exceptionally, a convicted person who is already 23 years old may remain in a juvenile institution, but only if it is necessary for him/her to complete school or professional training. The transfer shall be decided by the Director-General (Art. 113). In institutions, juvenile convicts shall be separated from adults (Art. 207).¹⁵⁴

b) Please indicate the age categories of young persons falling under your country's (juvenile) detention regime.

There are special provisions applicable to individuals who have committed a criminal offence as minors but have not reached 21 years of age at the time of conducting proceedings (Art. 375 of the 2008 Criminal code, and subsequent modifications in conj. with 1994 Criminal code, and subsequent modifications).¹⁵⁵ A child shall be a person

¹⁵¹ Human Rights Ombudsman (2020), [The Report of the Human Rights Ombudsman of the Republic of Slovenia on Implementing the Tasks of the National Preventive Mechanism according to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment for 2019, Ljubljana](#), Human Rights Ombudsman, p. 65.

¹⁵² Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

¹⁵³ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

¹⁵⁴ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹⁵⁵ Slovenia, [The Criminal code](#) (*Kazenski zakonik*), 20 May 2008, and subsequent modifications; Slovenia, [The Criminal code](#) (*Kazenski zakonik*), 6 October 1994, and subsequent modifications (provisions on sentencing of minors, as stipulated in the former Criminal code, are applicable until the adoption of a special minor-related criminal law).

who has not reached 18 years of age (Art. 5).¹⁵⁶ Children below 14 years of age are not liable for criminal offences (Art. 21).¹⁵⁷

Remand custody: 14 – 21 (A minor who has reached 18 years of age before the remand order has been issued or during the remand period, but has not yet reached 21 years of age, may be detained together with minors if, with a view to his/her personality and other circumstances, this is in his/her favour and in the favour of juveniles detained with him/her) (Art. 473)¹⁵⁸

Juvenile imprisonment: 16 – 23+(Older minors (i.e. persons between 16 and 18 years of age) shall serve a sentence of juvenile imprisonment in a special institution for serving a sentence of juvenile imprisonment, in which they may remain until they reach 23 years of age. If they do not serve their sentences by that time, they are transferred to an institution where adult convicts are serving their sentences. Exceptionally, a convicted person who is already 23 years old may remain in a juvenile institution, but only if it is necessary for him/her to complete school or professional training. The transfer shall be decided upon by the Director-General (Art. 113). In institutions, juvenile convicts shall be separated from adults (Art. 207).¹⁵⁹

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

In all detention regimes, children are generally separated from adults, save for some exceptions applicable to persons in remand (i.e. upon considering the minor's personality and other circumstances in a specific case, the juvenile judge may exceptionally order that a minor be detained with adults, if this is in their interest and to their benefit. A minor who has reached 18 years of age before the remand order has been issued or during the remand period, but has not yet reached 21 years of age, may be detained together with minors if, with a view to his/her personality and other circumstances, this is in his/her favour and in the favour of juveniles detained with him/her).

Children below 14 years of age are not liable for criminal offences. Those between 14 and 16 years of age may be placed in police custody and remand, but cannot be imprisoned.

d) Please indicate any remedies available to young detainees in case of a breach or violation of the standards addressed under 6. a) – c), including their respective legal basis.

Police custody

A complaint procedure may be initiated against the work of a police officer (Art. 137). The complaint may involve disagreement with the action of a police officer or their failure to act while performing police tasks, which could constitute a violation of human rights or fundamental freedoms. In a complaint procedure, the circumstances of the application of police procedure and the exercise of police powers (e.g. detention) shall be examined (Art. 138). Complaints shall be filed within 45 days of the day when a police officer by an action or by failing to act while performing police tasks allegedly violated the human rights or fundamental freedoms of the complainant (Art. 146). The ministry responsible for the interior shall inform the complainant of the conclusion of

¹⁵⁶ Slovenia, [The Family code](#) (*Družinski zakonik*), 21 March 2017, and subsequent modifications.

¹⁵⁷ Slovenia, [The Criminal code](#) (*Kazenski zakonik*), 20 May 2008, and subsequent modifications.

¹⁵⁸ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

¹⁵⁹ Slovenia, [The Criminal code](#) (*Kazenski zakonik*), 20 May 2008, and subsequent modifications; Slovenia, [The Criminal code](#) (*Kazenski zakonik*), 6 October 1994, and subsequent modifications (provisions on sentencing of minors, as stipulated in the former Criminal code, are applicable until the adoption of a special minor-related criminal law).

the complaint procedure by written notification (Art. 154). When a complaint that has been considered before a panel is justified or where in a conciliation procedure the conduct of a police officer has been found as contrary to regulations, the police shall submit to the ministry a written report on adopted and implemented measures within 30 days of the conclusion of the complaint procedure (Art. 156).¹⁶⁰

Pre-trial detention

If the person in remand custody considers that the employees of the institution are treating them inappropriately or that the living conditions are inadequate, they may appeal to the president of the competent district court or to the director-general of the Prison Administration. The director-general shall, within fifteen days, send a written reply to the detainee and, in the event of a well-founded complaint, order the necessary measures to be taken.¹⁶¹ Supervision, furthermore, over the treatment of detainees shall be carried out by the president of the district court. The president of the court, or a judge appointed by him, shall be obliged at least once a week to visit detainees and to ask them, if they consider it necessary, including without the presence of judicial police officers, how they are being treated. They shall be obliged to take the necessary action to remove irregularities which they noticed during their visit to the institution. The appointed judge may not be the investigating judge. The president of the court and the investigating judge may at any time visit detainees, talk with them and accept complaints (Art. 213.d).¹⁶²

Post-trial detention

In the case of other violations of rights or other irregularities for which judicial protection is not provided (regarding judicial protection in the case of torture, please see Point e) in Section 7), the convicted person shall have the right to appeal to the Director-General. The institution shall submit to the Director-General the report and documentation from the personal file of the convicted person on his/her requests within eight days of receiving the request. If the convicted person does not receive a response to his appeal within 30 days of its filing or if they are not satisfied with the decision of the Director-General, they shall have the right to file an application with the ministry competent for justice. The institution shall forward the report and the personal file of the convicted person to the ministry responsible for justice within three days of receiving the request and shall inform the Head Office about this.¹⁶³ The law does not stipulate any time limit for lodging a complaint. In 2020, for example, the Prison Administration received 84 complaints, including regarding inadequate food, inadequate accommodation conditions, inadequate healthcare, inadequate actions on the part of judicial police officers and expert workers employed in the institutions, as well as regarding inadequate handling of specific situations and inadequate pay for work. Three complaints were justified, including a complaint relating to inadequate pay for work. In such cases, the institutions are warned to rectify the established irregularities.¹⁶⁴

All detainees

Anyone who believes that their human rights or fundamental freedoms have been violated by an act or action of a state authority, local community authority or a holder of public authority may file a complaint to initiate proceedings with the Human Rights

¹⁶⁰ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

¹⁶¹ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

¹⁶² Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

¹⁶³ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹⁶⁴ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

Ombudsman (Art. 26). In the final report, the Ombudsman shall state their assessment of the facts and circumstances of an individual case, and establish whether or not human rights or fundamental freedoms have been violated, or some other irregularities occurred in the investigated case. At the same time, the Ombudsman shall propose the manner of rectifying the established irregularities. The Ombudsman may also recommend that the authority repeat a certain procedure in accordance with the law, recommend compensation for damage, or recommend another way to eliminate irregularities that has affected the individual. In this regard, the Ombudsman may not prejudice the civil legal rights of the individual regarding compensation for damage. The Ombudsman may propose the instigation of disciplinary proceedings against the officials of the authorities responsible for the established irregularities (Art. 39). The authorities shall be obliged to inform the Ombudsman about measures taken in accordance with the Ombudsman's proposals, opinions, criticisms or recommendations within 30 days. If the authority fails to submit a report on the observance of the Ombudsman's recommendations, or if these are observed only partially, the Ombudsman may notify the superior authority or the competent ministry directly, may submit a special report to the National Assembly, or the matter may be made public. The Ombudsman may publish, at the authority's expenses, their report and recommendations via public outlets if the authority fails to respond appropriately to proposals or recommendations following a repeated request by the Ombudsman (Art. 40).¹⁶⁵

For physical distress suffered, for mental distress suffered owing to a reduction in life activities, disfigurement, the defamation of good name or reputation, the curtailment of freedom or a personal right, or the death of a close associate, and for fear, if the circumstances of the case, particularly the level and duration of distress and fear, so justify, even if there was no material damage, just monetary compensation independent of the reimbursement of pecuniary damage shall pertain to the injured party. The amount of compensation for non-pecuniary damage shall depend on the importance of the good affected and the purpose of the compensation, and may not support tendencies that are not compatible with the nature and purpose thereof (Art. 179). Compensation claims for damage inflicted shall become statute-barred three years after the injured party learnt of the damage and of the person that inflicted it. In any event the claim shall become statute-barred five years after the damage occurred (Art. 352).¹⁶⁶

e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

2018 Report:

No relevant recommendations.

2019 Report:

Unlike previous reports produced by the NPM which included full lists of NPM's recommendations and information on responses by the authorities (i.e. recommendations accepted and implemented, recommendations accepted but not yet implemented at the time, recommendations rejected), the 2019 report only includes selected information on implemented or rejected recommendations.

¹⁶⁵ Slovenia, [The Human Rights Ombudsman act](#) (*Zakon o varuhu človekovih pravic*), 20 December 1993, and subsequent modifications.

¹⁶⁶ Slovenia, [The Obligations code](#) (*Obligacijski zakonik*), 3 October 2001, and subsequent modifications.

No relevant data available.

7. Special measures in place to protect detainees from violence

- a) Are any special measures in place to protect detainees against violence from guards/prison staff, including sexual violence? (E.g.: Are there emergency call buttons? Do guards receive special training? Do detainees have access to a complaints mechanism?)

Police custody

When performing their tasks, police officers shall respect and protect the right to life, human personality and dignity and other human rights and fundamental freedoms (Art. 13).¹⁶⁷

When different police powers may be employed for the effective performance of a police task, police officers shall employ only those powers whereby the police task can be carried out with the least damaging consequences. Police officers may employ stricter police powers only in the event that the employment of more lenient police powers has been ineffective or would be impossible owing to the circumstances and for ensuring the safety of life, personal safety or protection of property. Police officers shall immediately cease exercising police powers when the reasons for exercising them cease to exist (Art. 16).¹⁶⁸

In police custody, equipment for supervision of the detention area shall be placed behind the plaster and shall be protected in such a manner that it cannot be damaged or forcibly removed. An appropriate notice of video surveillance shall be installed in the area. The video camera shall be installed on the ceiling or inaccessible place so that it monitors the entire space except the sanitary area. Its sensitivity is adapted to the lighting of the room and must allow a quality colour or monochromatic image (Art. 15).¹⁶⁹

A complaint procedure may be initiated against the work of a police officer (Art. 137). The complaint may involve disagreement with the action of a police officer or their failure to act while performing police tasks, which could constitute a violation of human rights or fundamental freedoms. In a complaint procedure, the circumstances of the application of police procedure and the exercise of police powers (e.g. detention) shall be examined (Art. 138). Complaints shall be filed within 45 days of the day when a police officer by an action or by failing to act while performing police tasks allegedly violated the human rights or fundamental freedoms of the complainant (Art. 146). The ministry responsible for the interior shall inform the complainant of the conclusion of the complaint procedure by written notification (Art. 154). When a complaint that has been considered before a panel is justified or where in a conciliation procedure the conduct of a police officer has been found as contrary to regulations, the police shall submit to the ministry a written report on adopted and implemented measures within 30 days of the conclusion of the complaint procedure (Art. 156).¹⁷⁰

¹⁶⁷ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

¹⁶⁸ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

¹⁶⁹ Slovenia, [The Rules on standards for the construction and equipment of police premises used for detention](#) (*Pravilnik o normativih za izgradnjo in opremljenost policijskih prostorov za pridržanje*), 13 September 2016.

¹⁷⁰ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

Pre-/post-trial detention

There shall be no insults against the personality and dignity of a person in remand during their detention. They must be treated humanely and their physical and mental health protected (Art. 209).¹⁷¹ In accordance with the Criminal Procedure Act, the Rules on the implementation of remand and house rules, the director of the institution provides for the lawful and correct treatment of persons in remand, their safety and security (Art. 3).¹⁷²

Persons dealing with a convict while serving a prison sentence shall at all times ensure that their human rights and fundamental freedoms are guaranteed and protected (Art. 2).¹⁷³

Video surveillance system may be introduced in detention institution for the purpose of protection and safety of detainees and staff (Art. 2). Cameras shall not be installed in changing rooms, lifts and sanitary areas, and in living areas of imprisoned persons (cells, bedrooms), unless it is not an installation in a safe cell intended for the prevention of self-harm and suicide (Art. 17).¹⁷⁴

When exercising their powers, a judicial police officer (*pravosodni policist*; i.e. prison guard) shall observe the following principles, among other things: the principle of protection of human rights and fundamental freedoms, the principle of constitutionality and legality, the principle of a non-conflicting and conciliatory approach, the principle of proportionality, the principle of gradualness, the principle of professionalism and the principle of safe conduct of the procedure (Art. 38).¹⁷⁵ Judicial police officers shall ensure security, order and discipline by protecting the institution and the convicts (Art. 235). They shall use coercive means against a convicted person if they cannot use other powers to prevent escape, assault, self-harm or substantial material damage. The following coercive measures may be used: instruments for handcuffing, physical force, gas spray, baton, service dog and firearms (Art. 239). The judicial police officer shall warn the convicted person against whom they are using coercive measures in advance, unless this would make it impossible to carry out the task. They shall use that coercive means by which they can perform an official task with regard to security circumstances with the least harmful consequences for the convicted person. Coercive measures shall be used only as long as the reasons for its use last, until the purpose is achieved or until it turns out that the purpose cannot be achieved (Art. 239.a).

When using coercive means, the judicial police officer shall avoid inflicting injuries to the head, genitals and other sensitive parts of the convict's body, unless the life or health of persons is endangered (Art. 77).¹⁷⁶

The training of candidates for judicial police officers shall last, as a rule, nine months, but not more than 18 months (Art.100). It includes acquiring knowledge of legislation governing the execution of criminal sanctions, risk factors and needs of detainees, training in the use of coercive powers (e.g. techniques for controlling persons, using firearms and other similar skills), as well as communication and social skills training, among other things (Art. 101, 102 and 103). Judicial police officers receive further

¹⁷¹ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

¹⁷² Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

¹⁷³ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

¹⁷⁴ Slovenia, [The Rules on video surveillance in the Prison Administration of the Republic of Slovenia](#) (*Pravilnik o videonadzoru v Upravi Republike Slovenije za izvrševanje kazenskih sankcij*), 21 October 2009.

¹⁷⁵ Slovenia, [The Rules on the exercise of duties and powers of judicial police officers](#) (*Pravilnik o izvrševanju nalog in pooblastil pravosodnih policistov*), 5 December 2018.

¹⁷⁶ Slovenia, [The Rules on the exercise of duties and powers of judicial police officers](#) (*Pravilnik o izvrševanju nalog in pooblastil pravosodnih policistov*), 5 December 2018.

regular training, lasting at least two hours per month, in order to recall and increase their professional competence (Art. 112).¹⁷⁷

If the person in remand custody considers that the employees of the institution are treating them inappropriately or that the living conditions are inadequate, they may appeal to the president of the competent district court or to the director-general of the Prison Administration. The director-general shall, within fifteen days, send a written reply to the detainee and, in the event of a well-founded complaint, order the necessary measures to be taken (Art. 70).¹⁷⁸ Supervision, furthermore, over the treatment of detainees shall be carried out by the president of the district court. The president of the court, or a judge appointed by him/her, shall be obliged at least once a week to visit detainees and to ask them, if they consider it necessary, including without the presence of judicial police officers, how they are being treated. They shall be obliged to take the necessary action to remove irregularities, which they noticed during their visit to the institution. The appointed judge may not be the investigating judge. The president of the court and the investigating judge may at any time visit detainees, talk with them and accept complaints (Art. 213.d).¹⁷⁹

A convicted person who considers that they are subjected to torture or other forms of cruel, prohibited, inhuman or degrading treatment may request judicial protection. The convicted person shall file a request for judicial protection with the district court in the area where the institution or its department is located. The president of the competent court or another judge determined by the annual work schedule of the court decides on the legality of individual acts and actions that encroach on human rights or fundamental freedoms by applying the law governing administrative disputes. The court shall decide on the convict's request within five days of receiving the prison's report on imprisonment in connection with the alleged violations, which the prison is obliged to forward to the court within three days of receiving the court's request. Before issuing a decision, the court may check the facts stated by the convict in the request and, if necessary, conduct an interview with the convict who requested judicial protection or other convicts, including without the presence of the institution's staff. In the event of established irregularities, the court may, before issuing a decision, order the director of the institution or the Director-General to immediately rectify the irregularities and take measures to remedy the violations. An appeal against the court's decision may be lodged with the higher court within eight days from the service of the decision. The High Court shall decide on the appeal within eight days from the date of receipt of the appeal (Art. 83). Torture is any act by which a public servant or other person, by order or consent of an official, with a view to obtaining from that or a third party a notification or acknowledgment that s/he is punishing a person for an act committed or suspected, for the purpose of intimidating or punishing a third party or for any other reason based on discrimination of any kind, intentionally causing serious physical or mental pain or suffering to the person against whom the criminal sanction is being executed. This concept does not cover pain or suffering which is an unavoidable and involuntary consequence of the execution of a lawful sanction (Art. 10).¹⁸⁰

In the case of other violations of rights or other irregularities for which judicial protection is not provided, the convicted person shall have the right to appeal to the Director-General. The institution shall submit to the Director-General the report and documentation from the personal file of the convicted person on his/her requests within eight days of receiving the request. If the convicted person does not receive a response

¹⁷⁷ Slovenia, [The Rules on the exercise of duties and powers of judicial police officers](#) (*Pravilnik o izvrševanju nalog in pooblastil pravosodnih policistov*), 5 December 2018.

¹⁷⁸ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

¹⁷⁹ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

¹⁸⁰ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

to his appeal within 30 days of its filing or if they are not satisfied with the decision of the Director-General, they shall have the right to file an application with the ministry competent for justice. The institution shall forward the report and the personal file of the convicted person to the ministry responsible for justice within three days of receiving the request and shall inform the Head Office about this (Art. 85).¹⁸¹

All detainees

Anyone who believes that their human rights or fundamental freedoms have been violated by an act or action of a state authority, local community authority or a holder of public authority may file a complaint to initiate proceedings with the Human Rights Ombudsman (Art. 26). In the final report, the Ombudsman shall state their assessment of the facts and circumstances of an individual case, and establish whether or not human rights or fundamental freedoms have been violated, or some other irregularities occurred in the investigated case. At the same time, the Ombudsman shall propose the manner of rectifying the established irregularities. The Ombudsman may also recommend that the authority repeat a certain procedure in accordance with the law, recommend compensation for damage, or recommend another way to eliminate irregularities that has affected the individual. In this regard, the Ombudsman may not prejudice the civil legal rights of the individual regarding compensation for damage. The Ombudsman may propose the instigation of disciplinary proceedings against the officials of the authorities responsible for the established irregularities (Art. 39). The authorities shall be obliged to inform the Ombudsman about measures taken in accordance with the Ombudsman's proposals, opinions, criticisms or recommendations within 30 days. If the authority fails to submit a report on the observance of the Ombudsman's recommendations, or if these are observed only partially, the Ombudsman may notify the superior authority or the competent ministry directly, may submit a special report to the National Assembly, or the matter may be made public. The Ombudsman may publish, at the authority's expenses, their report and recommendations via public outlets if the authority fails to respond appropriately to proposals or recommendations following a repeated request by the Ombudsman (Art. 40).¹⁸²

Disciplinary proceedings against public servants, including police officers and judicial police officers, are carried out in accordance with the Public employees act and the Employment relationships act. The sanctions may range from reprimand to dismissal depending on the nature of the violation.¹⁸³ The employer shall be liable to a third party for damages unlawfully caused by public employees during work or related to work. The injured third party may also claim damages from the person that unlawfully caused the damage if the damage was caused intentionally (Art. 135).¹⁸⁴

In cases when actions of the mentioned public servants amount to suspicion of criminal offences, criminal proceedings shall be conducted.¹⁸⁵

- b) Are any special measures in place to protect detainees against violence from other detainees, including sexual violence? (E.g.: Are detainees supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do detainees have access to a complaints mechanism?)

¹⁸¹ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹⁸² Slovenia, [The Human Rights Ombudsman act](#) (*Zakon o varuhu človekovih pravic*), 20 December 1993, and subsequent modifications.

¹⁸³ Slovenia, [The Public employees act](#) (*Zakon o javnih uslužbencih*), 11 June 2002, and subsequent modifications; [The Employment relationships act](#) (*Zakon o delovnih razmerjih*), 5 March 2013, and subsequent modifications.

¹⁸⁴ Slovenia, [The Public employees act](#) (*Zakon o javnih uslužbencih*), 11 June 2002, and subsequent modifications.

¹⁸⁵ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

Pre-trial detention

Persons in remand shall not disturb the order and peace in the institution or endanger the safety of other detainees. The mutual relations of persons in remand must be correct. It is inadmissible to exert pressure from a group or individuals on other groups or individuals, to intimidate, exploit, insult, humiliate or ridicule each other (Art. 58).¹⁸⁶

Physical attacks on fellow inmates, offensive and indecent behaviour are forms of disciplinary offences punishable by temporary confiscation of items, excluding items for personal use, items for maintaining hygiene, means for following public media, publications, professional and other literature and money. The investigating judge or the president of the panel may impose a disciplinary sanction. Complaints may be lodged with the panel against the sanction imposed within 24 hours. Complaints shall not suspend the implementation of the ruling (Art. 213.c).¹⁸⁷ If there is a reasonable suspicion that a person in remand has committed a criminal offense for which the perpetrator is being prosecuted *ex officio*, the director of the institution shall inform about this the competent police directorate and the court ordering the detention of the person concerned (Art. 64).¹⁸⁸ A person in remand may be transferred to another institution for reasons of security and maintenance of order and discipline. The competent court shall decide on the transfer upon proposal of the director of the institution (Art. 55).¹⁸⁹

Post-trial detention

The mutual relations of convicts must be tolerant and respectful. It is inadmissible to exert pressure from groups or individuals on other groups or individuals, to start a brawl, to insult, humiliate or ridicule each other. A convict who has been subjected to inadmissible conduct may report this to the competent employee of the institution (Art. 74).¹⁹⁰

Physical attacks on fellow inmates, coercion, exerting mental and physical forms of pressure on others or inciting them to do so are forms of disciplinary offences punishable by written reprimand, assignment to another job for up to three months if the offence is committed in connection with work and placement in solitary confinement (Art. 88). Disciplinary sanction shall be imposed by the director of the institution or the head of a branch facility, or persons authorised by them, respectively (Art. 90). A complaint with the ministry responsible for justice suspending the enforcement of the sanction shall be possible within three days. The appeal shall be decided within three days by the minister responsible for justice, who shall uphold, amend or revoke the decision (Art. 93).¹⁹¹ If a convict commits an act in the institution or when being escorted out of the institute on that has all the signs of a criminal offence that is being prosecuted *ex officio*, the institution is obliged to report the act to the competent state prosecutor's office or the competent police station (Art. 89).¹⁹² A convict may be transferred within the same institution or from one institution to another or to a department of another institution if so required by security reasons or maintenance of order and discipline (Art. 79). The

¹⁸⁶ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

¹⁸⁷ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

¹⁸⁸ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

¹⁸⁹ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

¹⁹⁰ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

¹⁹¹ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹⁹² Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

director of the institution decides on the transfer of a convict within the same facility, while the Director-General decides on the convict's transfer to another facility. A complaint which does not stay the implementation of the decision shall be possible (Art. 80).¹⁹³

The director of the institution shall determine the department or an area in the institution, in which the special stricter regime is implemented. Convicts who seriously disturb other convicts or employees of the institution with their behaviour, those who are dangerous because they endanger the life or health of others, or are threatened by other convicts shall be placed in this stricter regime by a decision of the director. Placement shall last one month and may be extended for another month if the reasons for such a placement persist. Those who threaten the life and health of others shall be held for three months, and their placement in the stricter regime may be extended for another three months as long as reasons for such placement exist. The decision may be challenged, but the complaint does not suspend its enforcement (Art. 98.a).¹⁹⁴

A convict may be transferred to another department within the same institution or to another institution for reasons of security and maintenance of order and discipline (Art. 79). The former is decided by the director of the institution, while the latter by the Director-General. An appeal is possible but does not stay the enforcement of the decision (Art. 80).¹⁹⁵

The judicial police officer provides for the safety of convicts by monitoring the situation between them and by supervising and protecting convicts staying in and out of the institution or at work, when accompanying them out of the institution and on other occasions. In doing so, they prevent disputes between convicts, suicides and suicide attempts, self-harm, material damage, disciplinary offences, misdemeanours, criminal offences and other illicit activities (Art. 12).¹⁹⁶

Pre-/post-trial detention

Video surveillance system may be introduced in detention institution for the purpose of protection and safety of detainees and staff. Cameras shall not be installed in changing rooms, lifts and sanitary areas, and in living areas of imprisoned persons (cells, bedrooms), unless it is not an installation in a safe cell intended for the prevention of self-harm and suicide (Art. 17).¹⁹⁷

Please see section 7.a.) above regarding training of prison staff.

There are no provisions regarding anger management.

c) Are there any special measures in place to protect LGBTI detainees, who are particularly vulnerable to violence/sexual violence?

No specific measures are in place.

¹⁹³ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹⁹⁴ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹⁹⁵ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

¹⁹⁶ Slovenia, [The Rules on the exercise of duties and powers of judicial police officers](#) (*Pravilnik o izvrševanju nalog in pooblastil pravosodnih policistov*), 5 December 2018.

¹⁹⁷ Slovenia, [The Rules on video surveillance in the Prison Administration of the Republic of Slovenia](#) (*Pravilnik o videonadzoru v Upravi Republike Slovenije za izvrševanje kazenskih sankcij*), 21 October 2009.

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

In all detention regimes, police officers and judicial police officers, respectively, are required to respect the fundamental rights of detainees.

In police custody, equipment for supervision of the detention area shall be placed behind the plaster and shall be protected in such a manner that it cannot be damaged or forcibly removed. An appropriate notice of video surveillance shall be installed in the area. The video camera shall be installed on the ceiling or inaccessible place so that it monitors the entire space except the sanitary area. In other detention regimes, cameras shall not be installed in changing rooms, lifts and sanitary areas, and in living areas of persons in remand or convicts (cells, bedrooms).

When applying their powers, including instruments of restraint, police officers and judicial police officers may only employ stricter powers when more lenient measures are not applicable.

Apart from certain measures that can be implemented in relation to convicts (e.g. placement to solitary confinement, placement in department with stricter regime), no substantial differences apply to persons in remand or to convicts. Unless otherwise provided by the Criminal Procedure Act and the regulations issued on its basis, the provisions of the Act governing the enforcement of criminal sanctions and the provisions of the regulations issued on its basis shall apply *mutatis mutandis* to the monitoring, tracking, supervision, providing security, the maintenance of order and discipline, the use of instruments of restraint, and disciplinary sanctions of persons in remand custody.¹⁹⁸

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 7. a) – d), including their respective legal basis.

Police custody

A complaint procedure may be initiated against the work of a police officer (Art. 137). The complaint may involve disagreement with the action of a police officer or their failure to act while performing police tasks, which could constitute a violation of human rights or fundamental freedoms. In a complaint procedure, the circumstances of the application of police procedure and the exercise of police powers (e.g. detention) shall be examined (Art. 138). Complaints shall be filed within 45 days of the day when a police officer by an action or by failing to act while performing police tasks allegedly violated the human rights or fundamental freedoms of the complainant (Art. 146). The ministry responsible for the interior shall inform the complainant of the conclusion of the complaint procedure by written notification (Art. 154). When a complaint that has been considered before a panel is justified or where in a conciliation procedure the conduct of a police officer has been found as contrary to regulations, the police shall submit to the ministry a written report on adopted and implemented measures within 30 days of the conclusion of the complaint procedure (Art. 156).¹⁹⁹

Pre-trial detention

If the person in remand custody considers that the employees of the institution are treating them inappropriately or that the living conditions are inadequate, they may appeal to the president of the competent district court or to the director-general of the

¹⁹⁸ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

¹⁹⁹ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

Prison Administration. The director-general shall, within fifteen days, send a written reply to the detainee and, in the event of a well-founded complaint, order the necessary measures to be taken.²⁰⁰ The law does not set out any time limit regarding the submission of the complaint. In 2020, the Prison Administration received 17 complaints, including regarding inadequate food quantities, inadequate walking area, accommodation conditions, inadequate healthcare and inadequate treatment on the part of employees. All complaints proved to be unfounded. Had it been different, the Director-General would have ordered the established irregularities to be rectified.²⁰¹ Supervision, furthermore, over the treatment of detainees shall be carried out by the president of the district court. The president of the court, or a judge appointed by him, shall be obliged at least once a week to visit detainees and to ask them, if they consider it necessary, including without the presence of judicial police officers, how they are being treated. They shall be obliged to take the necessary action to remove irregularities which they noticed during their visit to the institution. The appointed judge may not be the investigating judge. The president of the court and the investigating judge may at any time visit detainees, talk with them and accept complaints (Art. 213.d).²⁰²

Post-trial detention

A convicted person who considers that they are subjected to torture or other forms of cruel, prohibited, inhuman or degrading treatment may request judicial protection. The convicted person shall file a request for judicial protection with the district court in the area where the institution or its department is located. The president of the competent court or another judge determined by the annual work schedule of the court decides on the legality of individual acts and actions that encroach on human rights or fundamental freedoms by applying the law governing administrative disputes. The court shall decide on the convict's request within five days of receiving the prison's report on imprisonment in connection with the alleged violations, which the prison is obliged to forward to the court within three days of receiving the court's request. Before issuing a decision, the court may check the facts stated by the convict in the request and, if necessary, conduct an interview with the convict who requested judicial protection or other convicts, including without the presence of the institution's staff. In the event of established irregularities, the court may, before issuing a decision, order the director of the institution or the Director-General to immediately rectify the irregularities and take measures to remedy the violations. An appeal against the court's decision may be lodged with the higher court within eight days from the service of the decision. The High Court shall decide on the appeal within eight days from the date of receipt of the appeal. Torture is any act by which a public servant or other person, by order or consent of an official, with a view to obtaining from that or a third party a notification or acknowledgment that s/he is punishing a person for an act committed or suspected, for the purpose of intimidating or punishing a third party or for any other reason based on discrimination of any kind, intentionally causing serious physical or mental pain or suffering to the person against whom the criminal sanction is being executed. This concept does not cover pain or suffering which is an unavoidable and involuntary consequence of the execution of a lawful sanction.²⁰³

In the case of other violations of rights or other irregularities for which judicial protection is not provided, the convicted person shall have the right to appeal to the Director-General. The institution shall submit to the Director-General the report and

²⁰⁰ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

²⁰¹ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

²⁰² Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

²⁰³ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

documentation from the personal file of the convicted person on his/her requests within eight days of receiving the request. If the convicted person does not receive a response to his appeal within 30 days of its filing or if they are not satisfied with the decision of the Director-General, they shall have the right to file an application with the ministry competent for justice. The institution shall forward the report and the personal file of the convicted person to the ministry responsible for justice within three days of receiving the request and shall inform the Head Office about this.²⁰⁴ The law does not stipulate any time limit for lodging a complaint. In 2020, for example, the Prison Administration received 84 complaints, including regarding inadequate food, inadequate accommodation conditions, inadequate healthcare, inadequate actions on the part of judicial police officers and expert workers employed in the institutions, as well as regarding inadequate handling of specific situations and inadequate pay for work. Three complaints were justified, including a complaint relating to inadequate pay for work. In such cases, the institutions are warned to rectify the established irregularities.²⁰⁵

All detainees

Anyone who believes that their human rights or fundamental freedoms have been violated by an act or action of a state authority, local community authority or a holder of public authority may file a complaint to initiate proceedings with the Human Rights Ombudsman (Art. 26). In the final report, the Ombudsman shall state their assessment of the facts and circumstances of an individual case, and establish whether or not human rights or fundamental freedoms have been violated, or some other irregularities occurred in the investigated case. At the same time, the Ombudsman shall propose the manner of rectifying the established irregularities. The Ombudsman may also recommend that the authority repeat a certain procedure in accordance with the law, recommend compensation for damage, or recommend another way to eliminate irregularities that has affected the individual. In this regard, the Ombudsman may not prejudice the civil legal rights of the individual regarding compensation for damage. The Ombudsman may propose the instigation of disciplinary proceedings against the officials of the authorities responsible for the established irregularities (Art. 39). The authorities shall be obliged to inform the Ombudsman about measures taken in accordance with the Ombudsman's proposals, opinions, criticisms or recommendations within 30 days. If the authority fails to submit a report on the observance of the Ombudsman's recommendations, or if these are observed only partially, the Ombudsman may notify the superior authority or the competent ministry directly, may submit a special report to the National Assembly, or the matter may be made public. The Ombudsman may publish, at the authority's expenses, their report and recommendations via public outlets if the authority fails to respond appropriately to proposals or recommendations following a repeated request by the Ombudsman (Art. 40).²⁰⁶

For physical distress suffered, for mental distress suffered owing to a reduction in life activities, disfigurement, the defamation of good name or reputation, the curtailment of freedom or a personal right, or the death of a close associate, and for fear, if the circumstances of the case, particularly the level and duration of distress and fear, so justify, even if there was no material damage, just monetary compensation independent of the reimbursement of pecuniary damage shall pertain to the injured party. The amount of compensation for non-pecuniary damage shall depend on the importance of the good affected and the purpose of the compensation, and may not support tendencies that are not compatible with the nature and purpose thereof (Art. 179). Compensation claims for damage inflicted shall become statute-barred three years after the injured

²⁰⁴ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

²⁰⁵ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

²⁰⁶ Slovenia, [The Human Rights Ombudsman act](#) (*Zakon o varuhu človekovih pravic*), 20 December 1993, and subsequent modifications.

party learnt of the damage and of the person that inflicted it. In any event the claim shall become statute-barred five years after the damage occurred (Art. 352).²⁰⁷

- f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

2018 Report:

Recommendations that were accepted but not implemented at the time, on which no responses were provided to the NPM at the time, and those rejected are listed (only Slovenian language quotations are available).

Recommendations related to Ljubljana prison (*Zavod za prestajanje kazni zapora Ljubljana*):

- "Priporočili smo, da tudi UIKS z ustrezno kadrovske politiko nudi pomoč in podporo Zavodu oziroma sprejme potrebne ukrepe, da se bodo pravosodni policisti lahko udeleževali usposabljanj in izobraževanj, povezanih z njihovim delom, saj bodo lahko le na tak način uspešno in zakonito izvajali svoje delo." / "We recommended that the Prison Administration also provide assistance and support to the institution with an appropriate personnel policy, or adopt the necessary measures so that judicial police officers can participate in training and education related to their work, as only in this way will they be able to perform their work successfully and legally."

- "Priporočili smo, da se v primerih večjih disciplinskih kršitev začnejo izvajati ustrezni disciplinski postopki. Hkrati smo na podlagi števila konfliktov med zaprtimi osebami in glede na to, da ni bilo izvedenega nobenega disciplinskega postopka, prosili za sporočilo, na kakšne načine so bile obravnavane kršitve obsojencev in kakšni so bili izvedeni ukrepi v zvezi s tem."²⁰⁸ / "We have recommended that appropriate disciplinary proceedings be initiated in cases of major disciplinary violations. At the same time, based on the number of conflicts between detainees and the fact that no disciplinary proceedings were conducted, we asked for a notice on how the convicts' violations were dealt with and what measures were taken in this regard."

2019 Report:

Unlike previous reports produced by the NPM which included full lists of NPM's recommendations and information on responses by the authorities (i.e. recommendations accepted and implemented, recommendations accepted but not yet implemented at the time, recommendations rejected), the 2019 report only includes selected information on implemented or rejected recommendations.

No relevant data available.

²⁰⁷ Slovenia, [The Obligations code](#) (*Obligacijski zakonik*), 3 October 2001, and subsequent modifications.

²⁰⁸ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 174.

8. Women in detention

a) Are there any national standards for conditions of detention of women in general? If so, what do they require?
There are no such standards except for those presented below. If no specific standards for female detainees are foreseen by law, the general standards apply.
b) Are there any national standards for holding and accommodating male and female detainees separate from each other? If so, what do they require?
In police custody , only persons of the same sex may be detained at the same time in a single detention room. Exceptionally, a person who is under age may be detained together with a person of the opposite sex if that person is one of the parents or guardians and this is in the interest of the minor (Art. 69). ²⁰⁹ Persons in remand custody who are not of the same sex may not be detained in the same space (Art. 212). ²¹⁰ Convicts must be separated by sex (Art. 207). ²¹¹
c) Are there any national standards for special hygiene conditions and/or hygiene products for female detainees? If so, what do they require?
Pre-trial detention Persons in remand who lack resources through no fault of their own shall be provided with the necessary means for the maintenance of personal hygiene and for other most urgent needs by the institution (Art. 29). ²¹² Post-trial detention A convict who lack the funds to purchase basic hygiene items shall be provided with these by the institution according to the list of items determined by the institution's house rules (Art. 28). ²¹³ Pre-/post-trial detention According to the house rules of Ig Prison, a facility for women, the list of items to be provided to detainees includes the following: toilet paper, soap, shampoo, toothpaste, toothbrush and sanitary pads. Because of the importance of maintaining personal hygiene, these items are provided to anyone who asks for them, and its provision is not conditioned by the financial standing of a detainee. ²¹⁴
d) Are there any national standards for special healthcare for female detainees that respond to their specific needs, including i.e. pregnancy and post-natal

²⁰⁹ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

²¹⁰ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

²¹¹ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

²¹² Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

²¹³ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

²¹⁴ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 24 June 2021).

treatment, and treatment/support of mother and child? If so, what do they require?
<p>Pre-trial detention</p> <p>Females in remand who are pregnant or have given birth shall be provided with adequate healthcare. A female in remand with a child living with her shall be provided with adequate healthcare and conditions for the care and upbringing of the child. The plan for the custody and care of the child during the time when the detainee's presence at a hearing is required or she is prevented from caring for her child due to other obligations shall be prepared by the competent social work centre in cooperation with the detainee and the institution (Art. 212.a).²¹⁵</p> <p>Post-trial detention</p> <p>Convicts who are pregnant or have given birth while serving a prison sentence are provided with appropriate healthcare and conditions for the care of the child (Art. 62).²¹⁶ At the initiative of the institution and in cooperation with the convict and the institution, the competent social work centre prepares a plan for the protection and care of the child at a time when the convict who lives in the institution with the child is unable to care for the child (Art. 69).²¹⁷</p>
e) Are there any national standards on pregnant detainees in terms of special prison cells for pregnant detainees and/or special facilities for female detainees with babies or young children? If so, what do they require?
<p>Pre-trial detention</p> <p>A female in remand with a child living with her shall be accommodated separately from the rest of the detainees, unless this is not in the child's best interest (Art. 212.a).²¹⁸</p> <p>Post-trial detention</p> <p>There are no similar standards applicable to convicts, but, in practice, convicts with children are separated from other convicts, unless it is in the interest of a mother and the child that they are accommodated with another convict.²¹⁹</p>
f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
<p>In all detention regimes, females are generally separated from males.</p> <p>Persons in remand and convicts who lack resources through no fault of their own shall be provided with the necessary means for the maintenance of personal hygiene. According to the house rules of Ig Prison, a facility for women, the list of items to be provided to detainees includes sanitary pads, amongst others. Albeit the standards suggest otherwise, its provision in practice is not conditioned by the financial standing of a detainee.</p> <p>Females in remand or who are sentenced to imprisonment, and who are pregnant or have given birth shall be provided with adequate healthcare. A remanded female in</p>

²¹⁵ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

²¹⁶ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

²¹⁷ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

²¹⁸ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

²¹⁹ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 24 June 2021).

remand with a child living with her shall be accommodated separately from the rest of the detainees, unless this is not in the child's best interest. There are no similar standards applicable to convicts, but in practice convicts with children are separated from other convicts, unless it is in the interest of a mother and the child that they are accommodated with another convict.

There are no specific standards regarding the provision of hygiene products or treatment of pregnant women in police custody.

g) Please indicate any remedies available to female detainees in case of a breach or violation of the standards addressed under 8. a) – f), including their respective legal basis.

Police custody

A complaint procedure may be initiated against the work of a police officer (Art. 137). The complaint may involve disagreement with the action of a police officer or their failure to act while performing police tasks, which could constitute a violation of human rights or fundamental freedoms. In a complaint procedure, the circumstances of the application of police procedure and the exercise of police powers (e.g. detention) shall be examined (Art. 138). Complaints shall be filed within 45 days of the day when a police officer by an action or by failing to act while performing police tasks allegedly violated the human rights or fundamental freedoms of the complainant (Art. 146). The ministry responsible for the interior shall inform the complainant of the conclusion of the complaint procedure by written notification (Art. 154). When a complaint that has been considered before a panel is justified or where in a conciliation procedure the conduct of a police officer has been found as contrary to regulations, the police shall submit to the ministry a written report on adopted and implemented measures within 30 days of the conclusion of the complaint procedure (Art. 156).²²⁰

Pre-trial detention

If the person in remand custody considers that the employees of the institution are treating them inappropriately or that the living conditions are inadequate, they may appeal to the president of the competent district court or to the director-general of the Prison Administration. The director-general shall, within fifteen days, send a written reply to the detainee and, in the event of a well-founded complaint, order the necessary measures to be taken.²²¹ The law does not set out any time limit regarding the submission of the complaint. In 2020, the Prison Administration received 17 complaints, including regarding inadequate food quantities, inadequate walking area, accommodation conditions, inadequate healthcare and inadequate treatment on the part of employees. All complaints proved to be unfounded. Had it been different, the Director-General would have ordered the established irregularities to be rectified.²²² Supervision, furthermore, over the treatment of detainees shall be carried out by the president of the district court. The president of the court, or a judge appointed by him/her, shall be obliged at least once a week to visit detainees and to ask them, if they consider it necessary, including without the presence of judicial police officers, how they are being treated. They shall be obliged to take the necessary action to remove irregularities which they noticed during their visit to the institution. The appointed judge may not be the investigating judge. The president of the court and the investigating

²²⁰ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

²²¹ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

²²² Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

judge may at any time visit detainees, talk with them and accept complaints (Art. 213.d).²²³

Post-trial detention

In the case of other violations of rights or other irregularities for which judicial protection is not provided (regarding judicial protection in the case of torture, please see Point e) in Section 7), the convicted person shall have the right to appeal to the Director-General. The institution shall submit to the Director-General the report and documentation from the personal file of the convicted person on his/her requests within eight days of receiving the request. If the convicted person does not receive a response to his appeal within 30 days of its filing or if they are not satisfied with the decision of the Director-General, they shall have the right to file an application with the ministry competent for justice. The institution shall forward the report and the personal file of the convicted person to the ministry responsible for justice within three days of receiving the request and shall inform the Head Office about this.²²⁴ The law does not stipulate any time limit for lodging a complaint. In 2020, for example, the Prison Administration received 84 complaints, including regarding inadequate food, inadequate accommodation conditions, inadequate healthcare, inadequate actions on the part of judicial police officers and expert workers employed in the institutions, as well as regarding inadequate handling of specific situations and inadequate pay for work. Three complaints were justified, including a complaint relating to inadequate pay for work. In such cases, the institutions are warned to rectify the established irregularities.²²⁵

All detainees

Anyone who believes that their human rights or fundamental freedoms have been violated by an act or action of a state authority, local community authority or a holder of public authority may file a complaint to initiate proceedings with the Human Rights Ombudsman (Art. 26). In the final report, the Ombudsman shall state their assessment of the facts and circumstances of an individual case, and establish whether or not human rights or fundamental freedoms have been violated, or some other irregularities occurred in the investigated case. At the same time, the Ombudsman shall propose the manner of rectifying the established irregularities. The Ombudsman may also recommend that the authority repeat a certain procedure in accordance with the law, recommend compensation for damage, or recommend another way to eliminate irregularities that has affected the individual. In this regard, the Ombudsman may not prejudice the civil legal rights of the individual regarding compensation for damage. The Ombudsman may propose the instigation of disciplinary proceedings against the officials of the authorities responsible for the established irregularities (Art. 39). The authorities shall be obliged to inform the Ombudsman about measures taken in accordance with the Ombudsman's proposals, opinions, criticisms or recommendations within 30 days. If the authority fails to submit a report on the observance of the Ombudsman's recommendations, or if these are observed only partially, the Ombudsman may notify the superior authority or the competent ministry directly, may submit a special report to the National Assembly, or the matter may be made public. The Ombudsman may publish, at the authority's expenses, their report and recommendations via public outlets if the authority fails to respond appropriately to proposals or recommendations following a repeated request by the Ombudsman (Art. 40).²²⁶

²²³ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

²²⁴ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

²²⁵ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

²²⁶ Slovenia, [The Human Rights Ombudsman act](#) (*Zakon o varuhu človekovih pravic*), 20 December 1993, and subsequent modifications.

For physical distress suffered, for mental distress suffered owing to a reduction in life activities, disfigurement, the defamation of good name or reputation, the curtailment of freedom or a personal right, or the death of a close associate, and for fear, if the circumstances of the case, particularly the level and duration of distress and fear, so justify, even if there was no material damage, ust monetary compensation independent of the reimbursement of pecuniary damage shall pertain to the injured party. The amount of compensation for non-pecuniary damage shall depend on the importance of the good affected and the purpose of the compensation, and may not support tendencies that are not compatible with the nature and purpose thereof (Art. 179). Compensation claims for damage inflicted shall become statute-barred three years after the injured party learnt of the damage and of the person that inflicted it. In any event the claim shall become statute-barred five years after the damage occurred (Art. 352).²²⁷

h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

2018 Report:

No relevant recommendations.

2019 Report:

Unlike previous reports produced by the NPM which included full lists of NPM's recommendations and information on responses by the authorities (i.e. recommendations accepted and implemented, recommendations accepted but not yet implemented at the time, recommendations rejected), the 2019 report only includes selected information on implemented or rejected recommendations.

No relevant data available.

9. Nutrition

a) Are there any national standards with regard to nutrition in detention in general? If so, what do they require?

Police custody

In police custody, nutrition shall be guaranteed to a detained person. A person who is detained for more than 12 hours shall be provided with three meals daily, while others shall be provided with a non-cooked meal (Art. 71).²²⁸

Pre-trial detention

Persons in remand shall be provided with food, which suffices for maintaining their health and full physical fitness. They shall receive three meals a day: breakfast, lunch and dinner. Meals are prepared on the basis of standards and menus, verified by the

²²⁷ Slovenia, [The Obligations code](#) (*Obligacijski zakonik*), 3 October 2001, and subsequent modifications.

²²⁸ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

competent state institution and shall be served uniformly in all institutions. The food must be fresh, varied, with vitamins, and tastefully prepared and distributed in suitable tableware including the appropriate cutlery. Working individuals, underage persons, young adults and pregnant women receive food according to the standards applicable to convicts, that is - they are served food as any other convict. The quality of food is supervised by the director of the institution or a person authorized by the director (Art. 35).²²⁹

Post-trial detention

Convicts shall be provided with food which suffices for maintaining their health and full physical fitness (Art. 44).²³⁰ They shall receive three meals a day: breakfast, lunch and dinner. The diet shall be balanced, varied and adapted to the daily energy needs of convicts. The menu shall be published at least one week in advance. The director of the institution or an employee of the institution appointed by the director may also establish the adequacy of the diet by testing the meal before it is distributed. Convicts who work in the economic operations of the institution, in the fields necessary for the normal operation of the institution, and convicts who work within the framework of occupational therapy shall be provided with an additional meal for each day they work. The additional meal is prepared in accordance with the recommendations on nutrition standards in respect to the physical workload characteristic of specific types of work (Art. 22).²³¹

b) Are there any national standards with regard to frequency and regularity of provision of meals (warm and cold)? If so, what do they require?

A person in police custody for more than 12 hours shall be provided with three meals daily (Art. 71).²³²

Persons in remand shall receive three meals a day: breakfast, lunch and dinner (Art. 35).²³³

Convicts shall receive three meals a day: breakfast, lunch and dinner (Art. 22).²³⁴

The national standards do not explicitly determine that any of the meals has to be warm.²³⁵

Provision of meals is determined in house rules of each institution. During weekdays, breakfast is usually served between 6:00 and 9:00, lunch between 12:30 and 15:30 and dinner between 17:30 and 19:40. On weekends, the timeline is slightly different.²³⁶

c) Are there any national standards with regard to healthy food, special diets or dietary restrictions? If so, what needs to be provided to detainees?

Police custody

²²⁹ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

²³⁰ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

²³¹ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

²³² Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

²³³ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

²³⁴ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

²³⁵ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 24 June 2021).

²³⁶ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 24 June 2021).

In police custody, as a rule, food is not provided to persons who are obviously under the influence of alcohol, illicit drugs, psychoactive drugs and other psychoactive substances. The right to nutrition shall also include the provision of special nutrition owing to illness or a personal belief (Art. 71).²³⁷

Pre-trial detention

Persons in remand who are sick receive food prescribed by the institution's doctor (Art. 35).²³⁸

Post-trial detention

Sick convicts are provided with food according to the doctor's instructions. The institution provides the convict with dietary food prescribed by a doctor. The doctor checks whether their instructions regarding food preparation are followed (Art. 23).²³⁹

For a convict who does not eat certain food for religious or other beliefs, the institution shall provide a properly prepared substitute food for each meal (Art. 23).²⁴⁰

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

In police custody, a person who is detained for more than 12 hours shall be provided with three meals daily, while others shall be provided with a non-cooked meal.

Persons in remand and convicts are entitled to three meals a day, namely breakfast, lunch and dinner. Working individuals, underage persons, young adults and pregnant women in remand receive food according to the standards applicable to convicts, that is - they are served food as any other convict. Convicts who work in the economic operations of the institution, in the fields necessary for the normal operation of the institution, and convicts who work within the framework of occupational therapy shall be further provided with an additional meal for each day they work.

There are no specific standards explicitly determining that any of the meals has to be warm.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 9. a) – d), including their respective legal basis.

Police custody

A complaint procedure may be initiated against the work of a police officer (Art. 137). The complaint may involve disagreement with the action of a police officer or their failure to act while performing police tasks, which could constitute a violation of human rights or fundamental freedoms. In a complaint procedure, the circumstances of the application of police procedure and the exercise of police powers (e.g. detention) shall be examined (Art. 138). Complaints shall be filed within 45 days of the day when a police officer by an action or by failing to act while performing police tasks allegedly violated the human rights or fundamental freedoms of the complainant (Art. 146). The ministry responsible for the interior shall inform the complainant of the conclusion of the complaint procedure by written notification (Art. 154). When a complaint that has

²³⁷ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

²³⁸ Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

²³⁹ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

²⁴⁰ Slovenia, [The Rules on the implementation of prison sentences](#) (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

been considered before a panel is justified or where in a conciliation procedure the conduct of a police officer has been found as contrary to regulations, the police shall submit to the ministry a written report on adopted and implemented measures within 30 days of the conclusion of the complaint procedure (Art. 156).²⁴¹

Pre-trial detention

If the person in remand custody considers that the employees of the institution are treating them inappropriately or that the living conditions are inadequate, they may appeal to the president of the competent district court or to the director-general of the Prison Administration. The director-general shall, within fifteen days, send a written reply to the detainee and, in the event of a well-founded complaint, order the necessary measures to be taken (Art. 70).²⁴² The law does not set out any time limit regarding the submission of the complaint. In 2020, the Prison Administration received 17 complaints, including regarding inadequate food quantities, inadequate walking area, accommodation conditions, inadequate healthcare and inadequate treatment on the part of employees. All complaints proved to be unfounded. Had it been different, the Director-General would have ordered the established irregularities to be rectified.²⁴³ Supervision, furthermore, over the treatment of detainees shall be carried out by the president of the district court. The president of the court, or a judge appointed by him, shall be obliged at least once a week to visit detainees and to ask them, if they consider it necessary, including without the presence of judicial police officers, how they are being treated. They shall be obliged to take the necessary action to remove irregularities which they noticed during their visit to the institution. The appointed judge may not be the investigating judge. The president of the court and the investigating judge may at any time visit detainees, talk with them and accept complaints (Art. 213.d).²⁴⁴

Post-trial detention

In the case of other violations of rights or other irregularities for which judicial protection is not provided (regarding judicial protection in the case of torture, please see Point e) in Section 7), the convicted person shall have the right to appeal to the Director-General. The institution shall submit to the Director-General the report and documentation from the personal file of the convicted person on his/her requests within eight days of receiving the request. If the convicted person does not receive a response to his appeal within 30 days of its filing or if they are not satisfied with the decision of the Director-General, they shall have the right to file an application with the ministry competent for justice. The institution shall forward the report and the personal file of the convicted person to the ministry responsible for justice within three days of receiving the request and shall inform the Head Office about this (Art. 85).²⁴⁵ The law does not stipulate any time limit for lodging a complaint. In 2020, for example, the Prison Administration received 84 complaints, including regarding inadequate food, inadequate accommodation conditions, inadequate healthcare, inadequate actions on the part of judicial police officers and expert workers employed in the institutions, as well as regarding inadequate handling of specific situations and inadequate pay for work. Three

²⁴¹ Slovenia, [The Police tasks and powers act](#) (*Zakon o nalogah in pooblastilih policije*), 30 January 2013, and subsequent modifications.

²⁴² Slovenia, [The Rules on the implementation of remand](#) (*Pravilnik o izvrševanju pripora*), 19 March 1999, and subsequent modifications.

²⁴³ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

²⁴⁴ Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

²⁴⁵ Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

complaints were justified, including a complaint relating to inadequate pay for work. In such cases, the institutions are warned to rectify the established irregularities.²⁴⁶

All detainees

Anyone who believes that their human rights or fundamental freedoms have been violated by an act or action of a state authority, local community authority or a holder of public authority may file a complaint to initiate proceedings with the Human Rights Ombudsman (Art. 26). In the final report, the Ombudsman shall state their assessment of the facts and circumstances of an individual case, and establish whether or not human rights or fundamental freedoms have been violated, or some other irregularities occurred in the investigated case. At the same time, the Ombudsman shall propose the manner of rectifying the established irregularities. The Ombudsman may also recommend that the authority repeat a certain procedure in accordance with the law, recommend compensation for damage, or recommend another way to eliminate irregularities that has affected the individual. In this regard, the Ombudsman may not prejudice the civil legal rights of the individual regarding compensation for damage. The Ombudsman may propose the instigation of disciplinary proceedings against the officials of the authorities responsible for the established irregularities (Art. 39). The authorities shall be obliged to inform the Ombudsman about measures taken in accordance with the Ombudsman's proposals, opinions, criticisms or recommendations within 30 days. If the authority fails to submit a report on the observance of the Ombudsman's recommendations, or if these are observed only partially, the Ombudsman may notify the superior authority or the competent ministry directly, may submit a special report to the National Assembly, or the matter may be made public. The Ombudsman may publish, at the authority's expenses, their report and recommendations via public outlets if the authority fails to respond appropriately to proposals or recommendations following a repeated request by the Ombudsman (Art. 40).²⁴⁷

For physical distress suffered, for mental distress suffered owing to a reduction in life activities, disfigurement, the defamation of good name or reputation, the curtailment of freedom or a personal right, or the death of a close associate, and for fear, if the circumstances of the case, particularly the level and duration of distress and fear, so justify, even if there was no material damage, just monetary compensation independent of the reimbursement of pecuniary damage shall pertain to the injured party. The amount of compensation for non-pecuniary damage shall depend on the importance of the good affected and the purpose of the compensation, and may not support tendencies that are not compatible with the nature and purpose thereof (Art. 179). Compensation claims for damage inflicted shall become statute-barred three years after the injured party learnt of the damage and of the person that inflicted it. In any event the claim shall become statute-barred five years after the damage occurred (Art. 352).²⁴⁸

- f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

²⁴⁶ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 28 June and 9 July 2021).

²⁴⁷ Slovenia, [The Human Rights Ombudsman act](#) (*Zakon o varuhu človekovih pravic*), 20 December 1993, and subsequent modifications.

²⁴⁸ Slovenia, [The Obligations code](#) (*Obligacijski zakonik*), 3 October 2001, and subsequent modifications.

2018 Report:

Recommendations that were accepted but not implemented at the time, on which no responses were provided to the NPM at the time, and those rejected are listed (only Slovenian language quotations are available).

Recommendations related to Ljubljana prison (*Zavod za prestajanje kazni zapora Ljubljana*):

-“Priporočili smo, da Zavod tudi v prihodnje zagotavlja kakovostno, raznoliko in okusno hrano za zaprte osebe.”²⁴⁹ / “We recommended that the institution continue to provide quality, varied and tasty food for inmates.”

2019 Report:

Unlike previous reports produced by the NPM which included full lists of NPM's recommendations and information on responses by the authorities (i.e. recommendations accepted and implemented, recommendations accepted but not yet implemented at the time, recommendations rejected), the 2019 report only includes selected information on implemented or rejected recommendations.

No relevant data available.

²⁴⁹ Varuh človekovih pravic (2019), [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 2018](#), Ljubljana, Varuh človekovih pravic, p. 172.

Part II: National jurisprudence

Slovenia, Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije), Ljubljana / Judgment No. II Ips 84/2020, 20 January 2021

Thematic area	<i>Cell space, living conditions, time out of cell</i>
Decision date	20 January 2021
Reference details	Slovenia, Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije), Judgment No. II Ips 84/2020
Key facts of the case	The plaintiff filed a claim against the state for compensation for non-pecuniary damage due to inadequate living conditions during the time of their remand at a detention facility. The court of first instance awarded € 700 with statutory default interest to the plaintiff, a decision upheld by the court of appeal. The defendant then lodged a request for revision with the Supreme Court.
Main reasoning/argumentation	The Supreme Court found the case to be a borderline one. It established that combined with the minimum cell space available to the detainee, other conditions being relatively favourable, the very modest time out of cell granted to the detainee contributed decisively to its assessment that the detainee's rights have been violated.
Key issues (concepts, interpretations) clarified by the case	In this specific case, the Supreme Court clarified circumstances, in which detention conditions (i.e. modest cell space available to the detainee, combined with insufficient time out of cell enjoyed by the detainee) amounted to a violation of the detainee's rights.
Results (sanctions) and key consequences or implications of the case	The Supreme Court reaffirmed decisions handed down by the lower courts and denied the revision.
Key quotation in original language and translated into English with reference details	<p>"V obravnavani zadevi je tožnik del trajanja pripora bival v celicah, v katerih je zase imel na voljo 3,67 m² oziroma 3,78 m² bivalne površine. Upošteva je zgoraj povzete smernice je torej odločilno, kakšni so bili – poleg gole kvadrature – ostali pogoji bivanja. Z zagotavljanjem pogojev, ki presegajo minimalne standarde, bi lahko toženka kompenzirala majhen bivalni prostor; če pa bi bili podani še drugi neugodni pogoji, bi to vodilo v sklep o kršitvi."</p> <p>"Obravnavana zadeva se, ko jo postavimo ob bok navedenim primerom iz sodne prakse, umešča na mejno polje. Tožnik si je prostor delil le z enim sopripornikom,</p>

medtem ko je bilo v večini omenjenih primerov, kjer so bili ugotovljeni neugodni bivanjski pogoji, oseb v istem prostoru med 4 in 6. Večje število oseb, ki si delijo celico, že po naravi stvari pomeni slabše bivalne pogoje – še bolj omejeno gibanje, intenzivnejši občutek pomanjkanja zasebnosti, slabši zrak, več zvokov v prostoru, ki vplivajo na počitek, in podobno. Za razliko od večine omenjenih zadev v obravnavani zadevi tudi ni bilo ugotovljeno, da bi bilo zračenje prostora problematično, temperature v njem neugodne ali svetloba slaba. Nevšečnost, da v obravnavani zadevo v celici ni bilo na voljo tople vode v umivalniku, lahko olajša grelnik vode, ki je bil na voljo. Da tožnik ne bi imel tople vode niti za tuširanje, ni bilo ugotovljeno. Bivanjski položaj, ki izhaja iz narave samega prostora, ni bil torej že v izhodišču (poleg zgolj minimalne kvadrature) še dodatno poslabšan.”

“Daleč najbolj neugodna je tako okoliščina, da je tožnik imel za gibanje zunaj celice na voljo vsega skupaj približno 3 ure dnevno, kar vključuje predvsem zunanji sprehod in uporabo fitnesa. To pomeni, da je moral v utesnjenem prostoru v povprečju preživeti kar 21 ur dnevno (brez upoštevanja 8-urnega nočnega počitka torej kar 13 ur dnevno), zaradi pomanjkanja prostora pretežno na postelji. Toženkini očitki, da bi morali sodišči nižjih stopenj natančneje ugotavljati, koliko časa dnevno je tožnik lahko preživel zunaj bivalnega prostora, upošteva predvsem tudi čas, ki ga je preživel na obravnavah na sodišču in na državnem tožilstvu ter na drugih aktivnostih, niso utemeljeni. Tako postopanje bi bilo ustrezno, če bi šlo za taka časovna obdobja, ki bi lahko bistveno spremenila razmerje med časom, preživetim v celici in zunaj nje, v nasprotnem primeru pa bi bilo minuciozno ugotavljanje vsake minute, preživete zunaj celice, pravno nepomembno. To velja tudi za obravnavani primer, kjer je bilo zatrjevanih le pet odhodov na sodišče oziroma tožilstvo, katerih seštevke časa znese manj kot 20 ur, časovnega trajanja drugih aktivnosti (npr. obiskov, telefonskih klicev) pa toženka niti ni opredeljevala, medtem ko je bil tožnik na premajhni kvadraturi priprt 157 dni. Po oceni revizijskega sodišča v takem časovnem obdobju niti dejstvo, da je tožnik sedemkrat zavrnil možnost sprehoda in enkrat možnost fitnesa, ne more pripeljati do sklepa, da se očitno ni čutil utesnjenega. Na to bi lahko kazalo pogosto zavračanje možnosti gibanja zunaj celice, za nekajkratno odklonitev pa lahko obstajajo

številni povsem življenjski razlogi (slabo počutje, vremenske razmere ipd.).”

“In the present case, the plaintiff lived for a part of their remand in cells in which he had 3.67 m² or 3.78 m² of living space available to him. Taking into account the guidelines summarized above, it is therefore decisive what the other living conditions were, apart from the bare square footage. By providing conditions that exceed minimum standards, the defendant could compensate for a small living space. However, if other unfavourable conditions were given, this would lead to an infringement decision.”

“The present case, when placed next to the above case law, is a borderline case. The plaintiff shared the space with only one inmate, while in most of the mentioned cases, where unfavourable living conditions were found, there were between 4 and 6 people in the same room. By the very nature, the greater the number of people sharing a cell, the poorer the living conditions - even more limited movement, a more intense feeling of lack of privacy, poorer air, more sounds in the room that affect rest, and the like. Unlike most of the cases mentioned, the ventilation of the room was not found to be problematic, the temperatures in it to be unfavourable or the light to be poor. The inconvenience that in the present case there was no hot water available in the sink in the cell might be eased by the water heater that was available. It was not established that the plaintiff did not even have hot water for showering. The living situation, which derives from the nature of the space itself, was not further deteriorated (apart from the minimum square footage).”

“By far the most unfavourable circumstance is that the plaintiff had a total of about 3 hours a day to move outside the cell, which mainly includes an outdoor walk and the use of fitness. This means that they had to spend an average of 21 hours a day in a cramped space (excluding an 8-hour night's rest, this means 13 hours a day), and due to the lack of space, mostly on the bed. The defendant's allegations that the lower courts should determine more precisely how much time the plaintiff was able to spend outside the living space per day, taking into account the time they spent in court and at the state prosecutor's office and other activities, are unfounded. Such a procedure would be appropriate if these were such time periods that could significantly change the ratio of time spent inside and outside the cell,

	<p>otherwise the meticulous determination of every minute spent outside the cell would be legally irrelevant. This also applies to the present case, where only five departures to the court or prosecutor's office were claimed, the sum of which amounts to less than 20 hours, and the duration of other activities (e.g. visits, telephone calls) was not even specified by the defendant. At the same time, the plaintiff was detained on insufficient square footage for 157 days. According to the court of revision, during such a period of time, even the fact that the plaintiff refused the opportunity to walk seven times and the possibility of fitness once could not lead to the conclusion that he clearly did not feel cramped. The latter could be indicated by the frequent rejection of the possibility of movement outside the cell, and there may be a number of completely everyday reasons for a few refusals (malaise, weather conditions, and the like)."</p>
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Slovenia, Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije), Ljubljana / Judgment No. II Ips 88/2017, 30 November 2017

Thematic area	<i>Cell space, living conditions, time out of cell</i>
Decision date	30 November 2017
Reference details	Slovenia, Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije), Judgment No. II Ips 88/2017
Key facts of the case	<p>The plaintiff claimed compensation from the state for the mental distress suffered when repeatedly being remanded and imprisoned in inappropriate conditions at the Ljubljana prison facility for a total of 1,036 days. The first instance court ordered the defendant to pay € 2,110 with statutory default interest since the day the action was brought. The plaintiff's higher claim was rejected. The court assessed that the plaintiff's claim for damages was time-barred for the period up to 21 October 2011 but found that they were entitled to compensation for the entire time spent in detention (i.e. a total of 168 days) and for 43 days spent in prison. As the higher court reaffirmed the initial decision, both parties lodged request for revision with the Supreme Court, the plaintiff claiming higher compensation, the defendant the decision by lower courts be reversed.</p>

<p>Main reasoning/argumentation</p>	<p>With a view to the ECtHR case law, CPT recommendations and national standards, Supreme Court laid down general rules for assessment of whether detention conditions amount to violation of prohibition of torture and inhuman or degrading treatment. In this specific case, the court did not find substantial differences in terms of cell space granted to the plaintiff during the time of remand and imprisonment, respectively, which was rather limited. It, however, established that the time out of cell granted to the plaintiff when serving prison sentence generally alleviated the conditions characteristic of a modest personal space.</p>
<p>Key issues (concepts, interpretations) clarified by the case</p>	<p>While the court laid down general rules for the assessment, it clearly pointed out that it did not lay down rigid rules, applicable to all cases. Namely, such an assessment shall be done with a view to circumstances of a specific case (e.g. time spent by a detainee out of cell, their willingness to use such opportunities, other detention conditions). The court also noted that amount for damages granted by the ECtHR cannot be simply applied to domestic cases, but the economic conditions in society and the national case law in similar cases relating to non-pecuniary damages should be observed. The court also clarified that persons in comparable detention conditions cannot be awarded the same compensation if one of them was remanded and later acquitted, while the second remanded and later faced conviction.</p>
<p>Results (sanctions) and key consequences or implications of the case</p>	<p>Upon assessing the circumstances of this specific case, the Supreme Court lowered the amount granted to the plaintiff for distress incurred (€ 1,500), as it more favourably assessed the detention conditions, compared to lower courts.</p>
<p>Key quotation in original language and translated into English with reference details</p>	<p>“Po oceni revizijskega sodišča 7 m² ni meja, pod katero je vselej prekomerno poseženo v posameznikov prostor in intimo. Pač pa obratno, to je meja, ob in nad katero praviloma do prekomernega posega ne pride. Tedaj zaključek o nedopustnem posegu opravičijo lahko le druge izjemne, neustrezne okoliščine. Na drugi strani pa se poseg v posameznikov prostor in intimo nedvomno precej približa pragu nedopustnega, če ima na voljo manj kot 3 m² prostora. Tako majhen prostor, premajhen za človeku dostojno bivanje, je opravičljiv le tedaj, ko bi posameznik v takih razmerah preživel zgolj nebitven del časa oziroma dneva (npr. zgolj med nočnim počitkom in podobno).”</p> <p>“Med obema vrednostima je kar nekaj razpona. Razpona, ki omogoča oboje, tako zaključek o nedopustnem posegu v posameznikovo intimo, kot na drugi strani zaključek, da meja dopustnega ni bila prekoračena. Vse odvisno od okoliščin konkretnega primera, ki jih prav tako ni mogoče vnaprej načrtati,</p>

sežejo pa vse od časa, prebitega izven tega prostora, možnosti, ki bi jih posameznik za to imel, pa jih ni izkoristil, torej posameznikovega lastnega prispevka k preseženemu pragu, in podobnega. Revizijsko sodišče zato ne bo postavljalo togih pravil za presojo nadaljnjih primerov, pač pa le presodilo konkretne okoliščine, v katerih je pripor in zapor prestajal tožnik.”

“According to the court of revision, 7 m² is not a limit below which there is always excessive encroachment on an individual's space and intimacy. On the contrary, this is a limit at which and above which, generally, excessive interference does not occur. Then only other exceptional, inappropriate circumstances can justify the conclusion of an inadmissible interference. On the other hand, the interference with an individual's space and intimacy undoubtedly comes quite close to the threshold of the inadmissible if they have less than 3 m² of space available. Such a small space, too small for a humanly dignified stay, is justifiable only when an individual would spend only an insignificant part of the time or day in such conditions (e.g. only during a night's rest and the like).”

“There is quite a range between the two values. This is a range that allows for both the conclusion of an inadmissible interference with an individual's intimacy and, on the other hand, the conclusion that the limit of the permissible has not been exceeded. It all depends on the circumstances of the specific case, which also cannot be planned in advance, but go back to the time spent outside this space, and the possibilities that the individual would have for this, but did not use them, namely the individual's own contribution to the threshold, and the like. The court of revision will therefore not lay down rigid rules for the assessment of further cases but will only assess the specific circumstances, in which the plaintiff was held in remand and imprisonment.”

“Tega zaključka pa kljub toženkinim pomislekom Vrhovno sodišče ne more napraviti za preostali čas, ki ga je tožnik prebil v priporu. Ne zgolj zaradi prostora, ki je bil tožniku na voljo (včasih le malo več kot 3 m², pa tja do 4 m²), pač pa tudi zaradi preostalih neprimernih razmer. Bivanje štirih ali petih oseb v sobi je očitno preseglo njene kapacitete, saj si drugače ni mogoče razložiti tega, da obrokov vsi niso mogli pojediti za mizo. Uživanje obrokov na postelji, na kateri se je tožnik moral zadrževati tudi preostali čas, do 21 ur na dan, po oceni revizijskega sodišča ni nujno povezano s prestajanjem

pripora. Ni preveč zahtevati, da bo posamezniku poleg postelje pripadel tudi stol, torej prostor za mizo, kjer bo lahko použil obrok, in nekaj več prostora. Nedvomno je preveliko število oseb v sobi prispevalo tudi k poslabšanju siceršnjih razmer v njej (slab zrak, pretirana utesnjenost in podobno)."

"Kljub približno enaki kvadraturi prostora, ki jo je imel tožnik na voljo v času, ko je prestajal zapor (ta nikoli ni segla pod 3 m², kot skuša tudi na tem mestu prikazati tožnik), pa to zanj ne velja. Bistvena razlikovalna okoliščina je po oceni revizijskega sodišča ta, da je izven sobe tožnik preživel bistveno več časa, in sicer najmanj 8 ur in 20 minut dnevno tudi tedaj, ko je zapor prestajal na zaprtem oddelku. Kot je pojasnilo že zgoraj, prostor med 3 in 4 m² sam po sebi ne pripelje do ocene nedopustnosti. Ravno čas, ki ga je tožnik prebil na tem prostoru, pa je tisti, ki tožniku ne daje pravice do odškodnine. Pri povprečno osem urnem nočnem počitku je namreč tožnik prebil v sobi le še preostalih slabih 8 ur, kar pa ni bilo neprekinjeno (sprehodi oz. večnamenska dvorana zjutraj, popoldne in zvečer, obroki prav tako). Obrokov mu ni bilo treba použiti v sobi, pač pa v zavodski jedilnici, torej na dostojen način. Vsak dan mu je bil na voljo tudi sprehod na prostem, ki mu ga ni onemogočilo niti slabo vreme, saj je bil prostor pokrit. S tem je imel na voljo dovolj gibanja in dejavnosti izven sobe (na prostem, v večnamenski dvorani, v jedilnici, tudi na hodniku), kar je ublažilo razmere, sicer lastne skromnemu osebemu prostoru. Njegov položaj v preostalih osmih urah, prebitih v sobi, se ni prav veliko razlikoval od položaja povprečnega zaposlenega, ki svoje delo osem ur opravlja za osebnim računalnikom. Pravzaprav le v tem, da je tam moral biti, kar pa je že samo po sebi lastno utemeljenemu odvzemu svobode."

"However, despite the defendant's concerns, the Supreme Court cannot draw this conclusion for the remainder of the applicant's detention. Not only because of the space available to the plaintiff (sometimes only a little more than 3 m², and up to 4 m²), but also because of the remaining unsuitable conditions. The stay of four or five people in the room obviously exceeded its capacity, as it cannot be explained otherwise that not everyone could eat meals at the table. The consumption of meals on the bed, on which the plaintiff had to stay the rest of the time, up to 21 hours a day, according to the court of revision, is not necessarily related to the detention. It is not too much to demand that an individual have a chair in addition to the bed, namely a

table space where he can eat a meal, and a little more space. Undoubtedly, the excessive number of people in the room also contributed to the deterioration of the general conditions in it (bad air, excessive congestion and the like)."

"Despite approximately the same square footage of space available to the plaintiff at the time they were imprisoned (it never reached less than 3 m², as the plaintiff seeks to show here), this does not apply to them. The essential distinguishing circumstance, according to the court of revision, is that the plaintiff spent significantly more time outside the room, at least 8 hours and 20 minutes a day, even when he was serving time in a closed ward. As explained above, a space between 3 and 4 m² does not in itself lead to an assessment of unlawfulness. It is precisely the time that the plaintiff has spent in that area that does not entitle the plaintiff to compensation. With an average of eight hours of night rest, the plaintiff spent only the remaining 8 hours in the room, which was not uninterrupted (walks, a multi-purpose hall in the morning, afternoon and evening, meals as well). They did not have to eat in the room, but in the institution's dining room, in a decent way. They also had an outdoor walk every day, which was not prevented even by bad weather, as the space was covered. This gave them enough movement and activity outside the room (outdoors, in the multipurpose hall, in the dining room, even in the hallway), which alleviated the conditions, otherwise peculiar to a modest personal space. Their position in the remaining eight hours spent in the room did not differ much from the position of the average employee who does his work for eight hours behind a personal computer. In fact, it did insofar as they had to be there, and this is in itself characteristic of a justified deprivation of liberty."