

Criminal Detention in the EU: Conditions and Monitoring

Update of FRA's Criminal Detention Database

(FRANET)

Country: Slovenia

Contractor's name: Peace Institute, Institute of Criminology

Authors: Maja Ladić, Mojca Mihelj Plesničar

Date: April 2024

DISCLAIMER: This document was commissioned under contract as background material for a comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the project: [Criminal Detention in the EU – Conditions and Monitoring](#). The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Table of Contents

Part I: National standards	6
1. Cells	6
a. Cell space	6
b. Access to natural light and fresh air, cell equipment, furniture, and facilities.....	6
c. Video-surveillance of cells	8
d. NPM assessment.....	9
2. Allocation of detainees	12
a. Geographical allocation	12
b. Allocation within detention facilities	14
c. NPM assessment.....	14
3. Hygiene and sanitary conditions (note – section 11 contains specific questions concerning female detainees)	15
a. Access to toilets	15
b. Access to showers and warm and running water.....	15
c. Access to sanitary products	16
d. Hygienic conditions in cells.....	16
e. NPM assessment.....	17
4. Nutrition.....	18
a. Quality and quantity of food.....	18
b. Drinking water.....	18
c. Dietary requirements.....	19
d. NPM assessment.....	19
5. Time spent outside the cell and outdoors	21
a. Time spent outdoors.....	21
b. Time spent indoors	22
c. Recreational facilities.....	22
d. Educational activities	22
e. NPM assessment.....	23
6. Solitary confinement.....	26
a. Placement in solitary confinement	26
b. Monitoring of detainees	26
c. NPM assessment.....	26
7. Work and education of detainees to promote social reintegration.....	27

a.	General measures to promote social reintegration	27
b.	Access to work	27
c.	Access to education	28
d.	NPM assessment.....	28
8.	Healthcare (note – section 11 contains specific questions concerning female detainees).....	29
a.	Access to healthcare	29
b.	Availability of medical staff.....	30
c.	Medical examination upon admission	31
d.	Preventive care	32
e.	Specialised care.....	32
f.	Treatment of the detainee’s choosing.....	32
g.	NPM assessment.....	33
9.	Prevention of violence and ill-treatment.....	34
a.	Protection from violence by prison staff	34
b.	Protection from violence by other detainees	37
c.	NPM assessment.....	39
10.	Contact with the outside world	40
a.	Visits	40
b.	Correspondence.....	41
c.	Visits with children.....	42
d.	NPM assessment.....	42
11.	Special measures for female detainees	44
a.	General conditions of detention for women and girls.....	44
b.	Separation from men	44
c.	Hygiene	45
d.	Healthcare.....	45
e.	Pregnancy and women with babies or young children.....	45
f.	NPM assessment.....	45
12.	Special measures for foreign nationals.....	46
a.	General measures for foreign nationals	46
b.	Interpretation and translation	47
c.	NPM assessment.....	47
13.	Special measures relating to detention of children and young adults/juvenile detention regime	48

a.	Age groups	48
b.	General measures for detained children and young adults	49
c.	Separation from adults	50
d.	NPM assessment.....	50
14.	Special measures to protect detainees with disabilities or serious medical conditions	51
a.	Care in detention	51
b.	Continuity of care.....	52
c.	Reasonable accommodation and accessibility	52
d.	NPM assessment.....	52
15.	Specific measures to protect detainees with special needs or other vulnerabilities	54
a.	Protection of LGBTI detainees	54
b.	Protection of trans detainees	54
c.	Protection of other vulnerable detainees.....	55
d.	NPM assessment.....	55
16.	Specific measures to address radicalisation in prisons.....	56
a.	General measures to prevent radicalisation.....	56
b.	Risk assessments.....	56
c.	Training of staff.....	56
d.	Deradicalisation measures.....	56
e.	NPM assessment.....	56
17.	Inspections and monitoring	57
a.	Inspections	57
b.	Access to detention facilities by national authorities.....	57
c.	Access to detention facilities by international bodies	58
d.	NPM assessment.....	58
18.	Access to remedy	58
a.	Legal remedies	58
b.	Legal assistance.....	59
c.	Request and complaints.....	59
d.	Independent authority.....	60
e.	NPM assessment.....	61
Part II: National case-law		63
Slovenia, Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije), Ljubljana / Judgment No. XI Ips 1901/2023, 17 January 2024.....		63

Slovenia, Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije),
Ljubljana / Judgement No. XI Ips 69156/2021, 13 July 2022 64

Slovenia, Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije),
Ljubljana / Judgement No. II Ips 84/2020, 20 January 2021..... 65

Slovenia, Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije),
Ljubljana / Judgement No. II Ips 88/2017, 30 November 2017 67

Part I: National standards

1. Cells

a. Cell space

In the police 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). Due to technical possibilities, the following deviations from the norms are allowed during the renovation: the size of the room may be reduced by a maximum of 15 % (Art. 5).¹

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).²

The national legislation does not explicitly stipulate the minimum calculation requirements referred to by the CJEU in *Dorobantu*, or indeed by the ECtHR in its case law, or those in para. 34 of the Commission recommendation of 8 December 2022 on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions. They are, however, observed in case law.³

b. Access to natural light and fresh air, cell equipment, furniture, and facilities

In the 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 (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. The recommended air temperature in the detention room during the heating season is 21°C. The temperature should not be lower than 18°C (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). Regarding rooms with detainees who are held for more than 12 hours, the illuminance with natural lighting in the middle of the room and 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

¹ 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.

² Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

³ 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.

with detainees who are held for more than 12 hours) (Art. 20).⁴ In the 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. 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).⁵ In the 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).⁶

In 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 or covers, a pillow and the necessary number of blankets. Bedclothes shall be changed at least every 14 days (Art. 18).⁷

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*

⁴ 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.

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 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.

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

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*)⁸ 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).⁹ 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).¹⁰

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).¹¹

c. Video-surveillance of cells

In the 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).¹²

In the pre-/post-trial detention, 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).¹³

⁸ Slovenia, 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](#)), 8 October 1999, and subsequent modifications.

⁹ Slovenia, The Rules on the ventilation and air conditioning of buildings ([Pravilnik o prezračevanju in klimatizaciji stavb](#)), 15 April 2002, and subsequent modification.

¹⁰ 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, 30 April 2024).

¹¹ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

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 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. NPM assessment

The CPT reports have not been published in the reference period.

Varuh človekovih pravic (2022), [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 2021](#), Ljubljana, Varuh človekovih pravic.

Human Rights Ombudsman (2022), [Report of the Ombudsman of the Republic of Slovenia on the implementation of the tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the year 2021](#), Ljubljana, Human Rights Ombudsman.

“Ob obiskih ZPKZ Maribor, Odprti oddelek Rogoza, ZPKZ Dob pri Mirni in ZPKZ Ljubljana je bilo tako ponovno ugotovljeno, da je še vedno kar nekaj bivalnih prostorov zaprtih oseb opremljenih s starim in iztrošenim kovinskim pohištvo. Na podlagi tega smo v vseh primerih (ponovno) podali priporočilo, da se proučijo možnosti po čimprejšnji zamenjavi starega kovinskega pohištva.” (p.68)

“During the visits to the Maribor Prison, the Rogoza Open Unit, the Dob pri Mirni Prison and the Ljubljana Prison, it was again found that a number of living quarters of detainees (convicts; researchers’ remark) are still equipped with old and worn-out metal furniture. As a result, in all cases we (re)made a recommendation to consider replacing the old metal furniture as soon as possible.” (p.71)

“Prav tako štiri nespregjeta priporočila pa so se nanašala na ZPKZ Ljubljana, in sicer se je eno izmed teh priporočil nanašalo na možnost namestitve senčil – rolojev v vseh bivalnih prostorih zaprtih oseb.” (p. 72)

“Also four recommendations that have not been adopted were related to Ljubljana Prison, one of which concerned the possibility of installing roller blinds in all living quarters of detainees (i.e. convicts; researchers’ remark).” (p. 75)

“Drugo nespregjeto priporočilo za ZPKZ Ljubljana se je nanašalo na preučitev možnosti, da se tudi s strani Generalnega urada URSIKS poskuša zagotoviti dovolj sredstev Zavodu, da bo v letu 2022 dejansko prišlo do montaže klimatskih naprav, s pomočjo katerih se bo ob poletni vročini (vročinskih valovih) vsaj delno lahko znižala temperatura v bivalnih prostorih.” (p. 72)

“The second recommendation for Ljubljana Prison that was not accepted was to consider the possibility that the General Office of Prison Administration of the Republic of Slovenia should also try to provide the Institute with sufficient funds to actually install air-conditioning units in 2022, so that the temperature in the living quarters could be at least partially lowered in the summer heat (heat waves).” (p.75)

“V treh primerih nespregjetih priporočil (PP Velenje, PP Idrija in PP Nova Gorica) se je to nanašalo na to, da se ob morebitni prenovi video nadzornega sistema preuči tudi možnost namestitve video nadzora v prostorih za razgovore oziroma v prostoru za sprejem oseb, ki jim je bila odvzeta prostost.” (p.78)

“In three cases where the recommendations were not accepted (Velenje Police Station, Idrija Police Station and Nova Gorica Police Station), this concerned the possibility of installing video surveillance in

interview rooms or in the reception area for persons deprived of their liberty, if the video surveillance system is to be renovated.” (p. 82)

“V dveh primerih nesprejetih priporočil (PP Slovenske konjice in PP Rogaška Slatina) sta se ta nanašala na ponovno proučitev možnosti, da se PP zagotovi ustrezno opremo za avdio video snemanje zaslišanj. V tem primeru gre namreč za pomanjkljivost, saj morebitnih navedb pridržanih ali zadržanih oseb o neprimernem ravnanju uradnih oseb z njimi na ta način ni mogoče preveriti. Na to je opozoril tudi Evropski odbor za preprečevanje mučenja in nečloveškega ali ponižujočega ravnanja ali kaznovanja (CPT) in ob obiskih v Sloveniji že pozval, da se sprejmejo ukrepi, s katerimi se bo zagotovilo, da se bo elektronska oprema za beleženje policijskih postopkov redno uporabljala.” (p. 79)

“In the two cases where recommendations were not accepted (Slovenske Konjice Police Station and Rogaška Slatina Police Station), these related to reconsidering the possibility of providing the PP with adequate equipment for the audio-video recording of interrogations. This is a deficiency, since it is not possible to verify in this way any allegations by detainees or persons in custody that they have been ill-treated by officials. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has also drawn attention to this issue and, during its visits to Slovenia, has already called for measures to be taken to ensure that electronic equipment for the recording of police proceedings is used on a regular basis.” (p. 83)

Varuh človekovih pravic (2023), [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 2022](#), Ljubljana, Varuh človekovih pravic.

Human Rights Ombudsman (2023), [Report of the Ombudsman of the Republic of Slovenia on the implementation of the tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the year 2022](#), Ljubljana, Human Rights Ombudsman.

“Ob obisku ZPKZ Koper se je večina pripornikov pritoževala zaradi težav z vročino in pomanjkanjem ventilatorjev. Hkrati so izrazili željo, da bi se stanje glede vročine lahko izboljšalo s tem, da bi se jim čez dan omogočilo, da bi imeli odprte sobe in da bi se jim sprehod morda omogočil tudi v popoldanskem času. Na podlagi tega je DPM podal priporočilo, naj se proučijo možnosti namestitve ventilatorjev v vse priporne sobe in naj se proučijo možnosti dodatnega zračenja sob z odpiranjem vrat ali na drug ustrezen način. Hkrati je priporočil, naj se prouči, vsaj za poletne mesece, možnost sprehoda na zunanjem velikem dvorišču pripornikov tudi v popoldanskem času.” (p. 82)

“When visiting ZPKZ Koper, most of the detainees (i.e. persons in remand; researchers remark) complained about problems with the heat and the lack of ventilators. At the same time, they expressed the wish that the situation regarding the heat could be improved by allowing them to have open rooms during the day and that they might be allowed to walk outside in the afternoon as well. Based on this, the NPM made a recommendation that the possibilities of installing ventilators in all detention rooms be studied and that the possibilities of additional ventilation of the rooms by opening the doors or in another appropriate way be considered. It also recommended that, at least for the summer months, the possibility of taking a walk in the large outdoor courtyard for the detainees be considered also in the afternoon.” (p. 82)

“Eno nesprejeto priporočilo se je nanašalo tudi na ZPKZ Dob pri Mirni, Odprti oddelek Puščava, in sicer glede proučitve možnosti, da bi se večposteljne sobe, ob upoštevanju varnostnih vidikov, vsaj delno pregradilo, s tem pa nameščenim obsojencem omogočilo več zasebnosti.” (p. 83)

“One unaccepted recommendation referred to ZPKZ Dob pri Mirna, Puščava Open Unit, regarding the possibility that, taking into account security aspects, the multi-bedrooms could be at least partially partitioned off, which would provide the prisoners with more privacy.” (p. 83)

For this report, consultations were conducted with the representatives of Human Rights Ombudsman’s office, including of the national preventive mechanism (Consultations, 11 April 2024) and with the representatives of a non-governmental organisations that has considerable number of years been involved in monitoring of the situation in detention facilities within the framework of the national preventive mechanism (Consultations, 16 April 2024).

There has been a large increase in the number of detained persons, particularly persons in remand, mostly owing to Article 308 of the Criminal Code,¹⁴ according to the respondents. (In 2020, harsher penalties were adopted for violation of this provision which prohibits illegal crossing of the state border or territory. For example, engaging in unlawfully bringing foreigners into the country, transporting them, and hiding, or enabling them to stay, including for financial benefit, or recruiting or gathering people for illegal migration, providing them with forged document and transport, or organises illegal migration shall be sentenced with imprisonment from three to 10 years and a fine. Before, the perpetrator risked facing up to five years of imprisonment and a fine. If the perpetrator, through mentioned actions, obtains a disproportionate financial benefit for themselves or someone else or provides illegal labour or causes a threat to human life or health, or commits such actions as a member of a criminal group, they shall be punished with imprisonment from three to fifteen years and a fine. Before, they could face imprisonment from one to eight years and a fine). As a result, detention facilities are greatly overcrowded, beyond all official capacities. A recent visit to a detention facility showed, for example, that there were two persons in a single-occupancy room, and there were also six persons in rooms where two persons were previously kept. A quick calculation showed around 3 m² of available space per person in certain cases, and perhaps 2.5 m² in one instance. This represents a significant deterioration of the situation compared to the last year and the past. Spaces such as a sports room were repurposed to accommodate detainees, albeit only for a few days, and detainees lacked direct access to the sanitary facilities and water. On the positive side, wherever possible, detainees, in certain wings, were allowed to keep their rooms open during the day, to leave their rooms and mingle with other detainees. To prevent mixing of persons in remand with convicts, some wings are not open. There used to be strict spatial separation between e.g. different prison regimes and remand departments, but currently all were mixed because authorities tried to mobilise all available capacities. An overall majority of detainees include persons in remand. Allegedly, in another detention facility, because they were running out of beds, only mattresses were used. (Consultations, 11 April 2024)

In another recently visited facility, according to the respondents, the situation is not dissimilar, and is characterised by overcrowding, again related to the enforcement of Article 308 of the Criminal Code, and a considerable rise in the number of detained foreigners. New detainees are brought in, and new set of bunks or even foldable beds are placed along existing beds. Spaces intended for judicial police officers (i.e. guards), as well as kitchenettes were repurposed to accommodate detainees. In two of the three

¹⁴ Slovenia, The Criminal code ([Kazenski zakonik](#)), 20 May 2008, and subsequent modifications.

wings, there is possibility to keep open the rooms of remand prisoners in the morning and sometimes in the afternoon. This is done to ease the burden of overcrowding. (Consultations, 16 April 2024)

Regarding the equipment, the authorities have been trying to replace worn out equipment with new equipment. For example, there are fewer and fewer metal beds, and they have been replaced with wooden furniture. (Consultations, 11 April 2024) The furniture has mostly been replaced, and old metal beds have been replaced with wooden beds. (Consultations, 16 April 2024)

With some exceptions, there are not many complaints regarding heating in the winter. The bigger issue is the summer heat, with certain facilities particularly affected. Institutions differently address this matter. They, for example, provide for open doors of cells, longer walks, showering, or water during walks. (Consultations, 11 April 2024) During a recent visit, authorities in one of the facilities expressed their fear regarding the coming summer, particularly because of overcrowding. (Conclusions, 16 April 2024)

2. Allocation of detainees

a. Geographical allocation

No specific standards could be identified.

The court shall as a rule preside over a criminal offence that was committed or attempted in its territory (Art. 26).¹⁵

Person shall be thus kept in remand based on the decision of the competent court and allocated accordingly. Rather than on the place of a person's residence, it is the place where the alleged offence was committed or attempted that is decisive regarding the allocation of a suspect to a specific detention facility, which may indeed be closer to their home, but this is not a given. The allocation may particularly affect women, as there are only two facilities for the placement of female remand prisoners, namely Ig Prison (*Zavod za prestajanje kazni zapora Ig*) and Celje Juvenile and Adult Prison (*Zavod za prestajanje mladoletniškega zapora in kazni zapora Celje*). Female remand prisoners, for example, are placed in Ljubljana Prison (*Zavod za prestajanje kazni zapora Ljubljana*) if detention is ordered by the Ljubljana District Court (*Okrožno sodišče v Ljubljani*) or the Kranj District Court (*Okrožno sodišče v Kranju*), and its department in Novo mesto if so ordered by Novo mesto District Court (*Okrožno sodišče v Novem mestu*) and Krško District Court (*Okrožno sodišče v Krškem*). Male remand prisoners can be sent to four prison facilities and its further three departments at separate locations (Art. 2).¹⁶

Similar criteria, but also the length of sentence, age of convicts and some other circumstances are relevant regarding the allocation of convicts. In terms of general allocation provisions, all females, for example, regardless of any other circumstances are sent to Ig prison, with underage convict sent to separate department within the prison. Adult male convicts who are sentenced to more than one year and six months of imprisonment, or for whom, after including remand, the remainder of their sentence exceeds one year and six months in prison are placed in Dob pri Mirni Prison (*Zavod za prestajanje kazni zapora Dob pri Mirni*). The same facility also holds younger adult male convicts (up to 23 years old) who

¹⁵ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

¹⁶ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications. For more information, see also web page of the

are sentenced with more than five years of imprisonment, or for whom the remainder of the sentence, after including remand, exceeds five years. Underage male convicts are sent to Celje Juvenile and Adult Prison. This facility also holds younger adult male convicts (up to 23 years old) who are sentenced to imprisonment of more than one year and up to five years or if, after including remand, the remainder of their sentence does not exceed five years, as well as younger adult male convicts (up to 23 years old) from the Celje court district, sentenced to imprisonment of up to five years or if, after including remand, the remainder of their sentence does not exceed five years of imprisonment (Art. 3).¹⁷

Adult male convicts who are sentenced up to one year and six months of imprisonment, or for whom, after including remand, the remainder of their sentence does not exceed one year and six months in prison, and younger adult male convicts (up to 23 years old) who are sentenced to imprisonment of up to one year or if, after including remand, the remainder of their sentence does not exceed one year are placed in accordance with special allocation provisions. In general, convicts are placed based on the length of their sentence and the deciding body, namely the responsible court that decided a case. For example, Maribor Prison (*Zavod za prestajanje kazni zapora Maribor*) holds convicted men who are sentenced to imprisonment of up to one year and six months or if, after including remand, the remainder of their sentence does not exceed one year and six months in prison and they are from the area of the court districts of Maribor, Ptuj and Celje, convicted men from the Murska Sobota court district if they are sentenced to more than six months in prison or if, after including remand, the remainder of their sentence exceeds six months in prison, and younger convicted adult men (up to 23 years old) from the court districts of Maribor, Ptuj and Slovenj Gradec if they are sentenced to a prison sentence of up to one year or if, after including remand, the remainder of their sentence does not exceed one year of imprisonment. Its separate department in Murska Sobota holds adult convicts, including younger adult male convicts (up to 23 years old) from the court districts of Murska Sobota if they are sentenced to a prison sentence of up to six months or if, after including remand, the remainder of their sentence does not exceed six months of imprisonment (Art. 4).¹⁸

Prison facilities also have open (where the court, based on the circumstances of a case, places convicts sentenced to up to five years of imprisonment) and semi-open departments (where the court, based on the circumstances of a case, places convicts sentenced to up to eight years of imprisonment). Such departments can be set up within the main prison facility as well as separate departments (Art. 6&7).¹⁹

Amongst others, a convict may be transferred from one institution or section of an institution to another if this is necessary to implement the personal plan or the work programme of an institution (Art. 79). The personal plan is an individualised programme for serving the prison sentence, created on the basis of an evaluation of the needs and risks of the convict while serving the prison sentence and after release,

¹⁷ Slovenia, The Instruction on the allocation of convicts to prison ([Navodilo o razporejanju in pošiljanju obsojencev na prestajanje kazni zapora v zavode za prestajanje kazni zapora](#)), 5 September 2018, and subsequent modifications.

¹⁸ Slovenia, The Instruction on the allocation of convicts to prison ([Navodilo o razporejanju in pošiljanju obsojencev na prestajanje kazni zapora v zavode za prestajanje kazni zapora](#)), 5 September 2018, and subsequent modifications.

¹⁹ Slovenia, The Instruction on the allocation of convicts to prison ([Navodilo o razporejanju in pošiljanju obsojencev na prestajanje kazni zapora v zavode za prestajanje kazni zapora](#)), 5 September 2018, and subsequent modifications.

and is aimed at preparing the convict for a life at liberty in accordance with social norms, and at eliminating the risk of recidivism (Art. 10).²⁰

b. Allocation within detention facilities

Remand prisoners are separated from convicts, namely they shall be kept in special remand facilities or in a separate closed part of the prison or its department (Art. 212).²¹

Please see above for information on the allocation of convicts including according to the length of sentence.

No specific standards regarding separation of first-time offenders and recidivists could be identified.

c. NPM assessment

/

In the present situation, there is no grand scheme regarding the allocation of detainees, but the criterion is the available place in a facility, according to the respondents. Before, there was a regional principle in place to some extent, and, significantly, the length of the sentence was determining criterion. Those with heavier sentences were sentenced to Dob Prison. In principle, persons are still placed in remand prison in the territory of the court which handles the case. Transfers are, however, often. Upon receiving the first instance sentence, a person is transferred to another facility where they await final sentence, and upon receiving a final sentence, the person in question is sent to yet another facility. (Consultations, 11 April 2024) According to the respondents, in Slovenia, certain prison facilities have specific function within the system. For example, there is one female prison in the country, while another criterion for placing convicts is the length of their sentence. Prisons have also open departments, so there was logic in place regarding the allocation of convicts. Increasingly, because of overcrowding, this has been changing. During the recent visit, a convict from Maribor area complained that he had been transferred from Maribor Prison to another facility overnight. Another convict was transferred from Koper because of the increased number of remand prisoners. He was complaining that now, 200 kilometres in one direction, his folks could not visit. The considerable increase in the foreign detainees is yet another dimension, and they practically receive no visits from their family members. (Consultations, 16 April 2024)

Not much attention has been given to the separation of first-time offenders and recidivists, and the prison administration has not seen particular need for it, so it practically does not happen. (Consultations, 11 April 2024)

²⁰ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

²¹ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

3. Hygiene and sanitary conditions (note – section 11 contains specific questions concerning female detainees)

a. Access to toilets

In the police custody, the detainee shall be provided with constant access to sanitary facilities (Art. 71).²² 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).²³

In 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).²⁴ There are no particular national standards regarding privacy of detainees when using sanitary facilities. In practice, privacy is provided to all detainees.²⁵ (Please see also Section e below.)

b. Access to showers and warm and running water

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).²⁶

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).²⁷

There are no particular national standards regarding privacy of detainees when accessing bathing/shower facilities. In practice, privacy is provided to all detainees.²⁸ (Please see also Section e below.)

²² Slovenia, The Police tasks and powers act ([Zakon o nalogah in pooblastilih policije](#)), 30 January 2013, and subsequent modifications.

²³ 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.

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, 30 April 2024).

²⁶ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

²⁷ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

²⁸ Information was provided by the Prison Administration of the Republic of Slovenia (Uprava Republike Slovenije za izvrševanje kazenskih sankcij) upon request (e-mail, 30 April 2024).

c. Access to sanitary products

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).²⁹

A convict who lacks 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).³⁰

d. Hygienic conditions in cells

In the police custody, detention facilities shall meet general safety, accommodation, health and hygiene conditions (Art. 6).³¹ 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).³²

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).³³

Spaces in which convicts reside must comply with health and hygiene requirements (Art. 42).³⁴ 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 their 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,

²⁹ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

³⁰ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

³¹ 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.

³² Slovenia, The Police tasks and powers act ([Zakon o nalogah in pooblastilih policije](#)), 30 January 2013, and subsequent modifications.

³³ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

³⁴ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

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 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).³⁵

The institution supplies the detainees (persons in remand and convicts) with the necessary means and products to clean their cells, and its provision is not conditioned by the financial standing of a detainee.³⁶ (Please see also Section e below.)

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).³⁷

e. NPM assessment

Detainees enjoy privacy when accessing toilets and showers, according to the respondents. There are shower rooms as separate units, while some showers are placed in cells. Presently, the Human Rights Ombudsman considers two complaints from a facility claiming that persons in remand in one of the facilities have only access to showers twice a week. According to the respondents, in the modern system, they should have daily access, as this the basis of personal hygiene. As reported above, because of overcrowding, in a detention facility, spaces such as a sports room were repurposed to accommodate remand prisoners, albeit only for a few days, and detainees lacked direct access to the sanitary facilities and water. For the time being, convicts do not face such barriers. (Consultations, 11 April 2024)

Detainees are regularly provided with packages of hygiene products. In certain facilities, they are required to submit a written request. Apart from a couple of complaints for having to write and ask, detainees mostly said that they are quite satisfied with the fact that they are offered these hygiene items. Basically, every room has its own toilet and washbasin. Detainees are required to clean them and are provided with enough cleaning products in this respect. Access to shower might be in issue, particularly for persons in remand. In a facility, for example, because there is a lack of space and judicial police officers, they do not have access to shower every day which is problematic in summer. As they do a lot of sports, showering might be a necessity including to avoid odours in their rooms. In another facility, for

³⁵ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

³⁶ Information was provided by the Prison Administration of the Republic of Slovenia (Uprava Republike Slovenije za izvrševanje kazenskih sankcij) upon request (e-mail, 30 April 2024).

³⁷ Slovenia, The Communicable diseases act ([Zakon o nalezljivih boleznih](#)), 16 November 1995, and subsequent modifications.

example, persons in remand do have access to showers every day, but with a caveat. Because of their considerable numbers, and because no one applies any more for the position of judicial police officers, it is impossible to produce a schedule that would suit anyone, and, for example, a group has access to showers before the walk, and another after the walk. Groups rotate, however, as to ensure that one is not at a disadvantage all the time. (Consultations, 16 April 2024; mentioned facilities not the same as those mentioned above)

4. Nutrition

a. Quality and quantity of food

In the 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).³⁸

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 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).³⁹

Convicts shall be provided with food which suffices for maintaining their health and full physical fitness (Art. 44).⁴⁰ 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).⁴¹

b. Drinking water

Specific standards in this respect could not be identified.

In practice, water is available to detainees. (Please see Section e below.)

³⁸ Slovenia, The Police tasks and powers act ([Zakon o nalogah in pooblastilih policije](#)), 30 January 2013, and subsequent modifications.

³⁹ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

⁴⁰ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

⁴¹ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

c. Dietary requirements

In the 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).⁴²

Persons in remand who are sick receive food prescribed by the institution's doctor (Art. 35).⁴³

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).⁴⁴ 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).⁴⁵

d. NPM assessment

Varuh človekovih pravic (2022), [*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 2021*](#), Ljubljana, Varuh človekovih pravic.

Human Rights Ombudsman (2022), [*Report of the Ombudsman of the Republic of Slovenia on the implementation of the tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the year 2021*](#), Ljubljana, Human Rights Ombudsman.

Glede osmih priporočil, ki s strani Generalnega urada URSIKS niso bila sprejeta, so se štiri nesprejeta priporočila nanašala na ZPKZ Dob pri Mirni. Eno se je nanašalo na pritožbe obsojencev, ki so nameščeni v 2., 3. in 4. oddelku, da so neenako obravnavani z obsojenci, ki so nameščeni v 5. in 6. oddelku. Obsojenci so namreč izpostavili, da bi tudi oni želeli, da so njihovi bivalni prostori, enako kot bivalni prostori obsojencev 5. in 6. oddelka, opremljeni s hladilniki, ki bi jim predvsem v toplejših mesecih omogočali shranjevanje hitrejše pokvarljivih izdelkov (npr. mleka, salame, sadja ...), da se le-ti ne bi tako hitro pokvarili. (pp. 70-71)

Regarding the eight recommendations that were not accepted by the General Office of Prison Administration of the Republic of Slovenia, the four recommendations that were not accepted were related to the Detention Centre Dob pri Mirni. One concerned complaints by convicts held in units 2, 3 and 4 that they were treated unequally with convicts held in units 5 and 6. The convicts pointed out that they would have liked their living quarters, like those of the convicts in units 5 and 6, to be equipped with refrigerators, which would have enabled them to store more quickly, especially in the warmer months perishable products (e.g. milk, salami, fruit, etc.) so they don't spoil so quickly. (p. 74)

⁴² Slovenia, The Police tasks and powers act ([*Zakon o nalogah in pooblastilih policije*](#)), 30 January 2013, and subsequent modifications.

⁴³ Slovenia, The Rules on the implementation of remand ([*Pravilnik o izvrševanju pripora*](#)), 19 March 1999, and subsequent modifications.

⁴⁴ Slovenia, The Rules on the implementation of prison sentences ([*Pravilnik o izvrševanju kazni zapora*](#)), 17 July 2019.

⁴⁵ Slovenia, The Rules on the implementation of prison sentences ([*Pravilnik o izvrševanju kazni zapora*](#)), 17 July 2019.

Četrto nesprejeto priporočilo za ZPKZ Dob pri Mirni se je nanašalo na proučitev možnosti, da bi se v prihodnje poskušalo obsojencem tujcem, ki bi se pridružili postnemu mesecu »ramadanu«, omogočiti, da bi si obroke hrane v nočnem času, pred zaužitjem, lahko tudi pogreli. (p.71)

The fourth recommendation not accepted for the Dob pri Mirni remand prison was to consider the possibility of trying in the future to allow foreign convicts who join the fasting month of Ramadan to be able to warm their meals at night before eating. (p. 75)

Ob obiskih PP Dravograd, PP Ravne na Koroškem, PP Maribor 1, PP Slovenske Konjice, PP Murska Sobota in PP Postojna je bilo na primer ugotovljeno, da še ni bilo uresničeno priporočilo DPM iz prejšnjega oziroma prejšnjih obiskov, da se proučijo možnosti zagotovitve dostopa do tekoče vode v prostorih za krajša pridržanja (do 12 ur). (p. 77)

For example, during the visits to the Dravograd Police Station, Ravne na Koroškem Police Station, Maribor 1 Police Station, Slovenske Konjice Police Station, Murska Sobota Police Station and Postojna Police Station, it was found, that the NPM's recommendation from the previous visit(s) to consider the possibility of providing access to running water in detention facilities for shorter periods of time (up to 12 hours) had not yet been implemented. (p. 82)

Varuh človekovih pravic (2023), [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 2022](#), Ljubljana, Varuh človekovih pravic.

Human Rights Ombudsman (2023), [Report of the Ombudsman of the Republic of Slovenia on the implementation of the tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the year 2022](#), Ljubljana, Human Rights Ombudsman.

Drugi dve nesprejeti priporočili sta se nanašali na PP Ribnica, in sicer se je eno nanašalo na ponovno priporočilo, naj se v okviru morebitnih adaptacijskih del prouči tudi možnost namestitve tekoče vode v oba prostora za pridržanje. (p. 87)

The other two unaccepted recommendations pertained to PP Ribnica. One referred to the repeated recommendation that, as part of possible adaptation works, the possibility of installing running water in both detention areas be considered. (p. 87)

Tudi v letu 2022 je DPM ob obiskih PP Trebnje, PP Ljubljana Center, PP Škofja Loka, PP Celje in PP Novo mesto ugotovil, da v prostorih za krajša pridržanja pridržanim osebam ni na voljo dostop do tekoče vode. Na podlagi tega je DPM ponovno priporočil, naj se v omenjenih policijskih enotah ob naslednjih prenovah prostorov za krajša pridržanja prouči tudi možnost ureditve dostopa do tekoče vode. (p. 89)

In 2022, too, the NPM found during the visits to PP Trebnje, PP Ljubljana Center, PP Škofja Loka, PP Celje, and PP Novo mesto that detainees do not have access to running water in short-term detention facilities. Based on this, the NPM again recommended that the possibility of arranging access to running water also be considered in the mentioned police units during the next renovations of the short-term detention facilities. (p. 89)

Regarding food, both praise and criticism can be heard during visits, according to the respondents. There is some criticism regarding tasteless or monotonous meals. From time to time, there might be issues with cooks, and dinners might be replaced with cold meals. The management of facilities warn that it is hard to hire cooks because of limited salaries, but this, however, only reflects the general trends, since finding a cook in the outside world is also difficult. Most notably there are complaints on the account of insufficient quantities of food. The adequate nutrition standard is calculated under assumption that detainees consume all three meals. The standard is also calculated for an inactive adult, that is - adjusted to characteristics of the prison population. Children and those who work receives additional meal. (Consultations, 11 April 2024) The question of nutrition tends to be a funny subject with divided opinions. Some say that the food is great, and some that is bad. There is always those who criticises insufficient quantities of food. Those who receive food or can buy it are often quite satisfied, while those who cannot afford it and are involved in sports complain e.g. that there is not enough meat in served meals. (Consultations, 16 April 2024)

Regarding specific dietary requirements, detainees with e.g. diabetes report that they are provided with special diet. Regarding dietary requirements grounded in beliefs the period of Ramadan is notable. Practicing detainees report their needs which are generally met, but often in the form of cold meal because the kitchen is closed in the evening. In theory, when a detainee reports that they will fast during this period, they cannot change their mind in the meantime. If they do so, however, they are routinely listed for regular diet. The authorities are generally trying to accommodate the needs of worshippers in some way, but not everything is perfect. (Consultations, 16 April 2024)

There is water in cells. Practically, all have warm water. There is hardly any facility only with cold water in cells. (Consultations, 11 April 2024)

5. Time spent outside the cell and outdoors

a. Time spent outdoors

In the 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).⁴⁶ 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).⁴⁷

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,

⁴⁶ Slovenia, The Police tasks and powers act ([Zakon o nalogah in pooblastilih policije](#)), 30 January 2013, and subsequent modifications.

⁴⁷ 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.

for the maintenance of order and discipline, or for the prevention of escape (Art 27).⁴⁸ Children in remand shall be allowed to stay outdoors for at least three hours a day (Art. 473).⁴⁹

Convicts must be allowed to stay outdoors for at least two hours every day. Regardless of this provision, in the event of heightened security conditions, the convict shall be allowed to stay outdoors, but this shall be adapted to the changed security conditions and the possibilities of the institution (Art. 43). The convicted juvenile should be allowed to be outdoors for at least three hours a day, usually in their spare time (Art. 117).⁵⁰ Children between 16 and 18 years of age may be imprisoned.

b. Time spent indoors

There are no specific standards set for time spent by detainees indoors in the common area.⁵¹

c. Recreational facilities

In 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).⁵²

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).⁵³

d. Educational activities

In pre-trial detention, to ensure a child'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 child. After obtaining the information, the institution shall examine the possibilities for the child's further inclusion in appropriate programmes in accordance with the restrictions necessary to ensure security and maintain order in the institution where the child is held and in accordance with the restrictions arising from the reasons for remand (Art. 473).⁵⁴

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. In accordance with possibilities, the institution provides the convict with cultural-educational activities (Art. 16). Institutions must provide for the

⁴⁸ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

⁴⁹ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

⁵⁰ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

⁵¹ Information was provided by the Prison Administration of the Republic of Slovenia (Uprava Republike Slovenije za izvrševanje kazenskih sankcij) upon request (e-mail, 30 April 2024).

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

⁵³ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

⁵⁴ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

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). The institution pays special attention to the pedagogical, psychosocial and special therapeutic treatment of children. It organises classes for the completion of primary school and the acquisition of a profession. When selecting educational programme for a child, 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 child who attends classes in primary or secondary school and performs other school obligations shall have their working time reduced accordingly (Art. 115).⁵⁵

e. NPM assessment

Varuh človekovih pravic (2022), [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 2021](#), Ljubljana, Varuh človekovih pravic.

Human Rights Ombudsman (2022), [Report of the Ombudsman of the Republic of Slovenia on the implementation of the tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the year 2021](#), Ljubljana, Human Rights Ombudsman.

Ob obisku ZPKZ Ljubljana je bilo ugotovljeno, da je del pripornega oddelka, ki se nahaja v prvem nadstropju, lahko še vedno določene ure dneva odprt in se tako priporniki lahko zadržujejo izven bivalnih prostorov. Kljub vsemu pa je bilo ugotovljeno, da je velik del pripornega oddelka, ki je umeščen v pritličju in v drugem ter tretjem nadstropju Zavoda, kjer so namestitve tudi mešane (priporniki in obsojenci), preko celega dne zaprt oziroma imajo priporniki možnost gibanja na prostem le dve uri (eno uro dopoldan in eno uro popoldan). Na podlagi tega smo priporočili, da vodstvo Zavoda prouči možnost oziroma sprejme potrebne ukrepe, da se vsem pripornikom omogoči, da bodo, poleg dvournega sprehoda, vsaj še del dneva lahko bivali izven bivalnih prostorov oziroma se zanje organizirajo aktivnosti izven bivalnih prostorov. Ob tem smo opozoriti tudi na priporočilo Evropskega odbora za preprečevanje mučenja in nečloveškega ali ponižujočega ravnanja ali kaznovanja (CPT), da naj bodo tudi priporniki dnevno vsaj osem ur izven svojih celic in vključeni v različne koristne aktivnosti, kot so delo, izobraževanje, šport ali druge primerne aktivnosti. (pp. 69-70)

During a visit to Ljubljana Prison, it was found to be part of the detention (i.e. remand; researchers' remark) unit located on the first floor, may still be open at certain times of the day, allowing detainees to spend time outside the living quarters. However, it was found that a large part of the detention unit,

⁵⁵ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

which is located on the ground floor and on the second and third floors of the Institute, where there is also mixed accommodation (detainees and convicts), is closed during the whole day, or detainees have the possibility to exercise outdoors for only two hours (one hour in the morning and one hour in the afternoon). On this basis, we recommended that the management of the Institute consider the possibility or take the necessary measures to allow all detainees to spend at least part of the day outside their living quarters or to organise activities for them outside their living quarters, in addition to the two-hour walk. We also recall the recommendation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) that detainees should also be kept out of their cells for at least eight hours a day and engaged in a variety of useful activities, such as work, education, sport or other appropriate activities. (p. 73)

Drugo nesprejeto priporočilo za ZPKZ Dob pri Mirni se je nanašalo na proučitev možnosti, da se obsojencem ponovno omogoči tudi dopoldanske sprehode oziroma bivanje na oddelčnem sprehajališču. (p. 71)

The second recommendation not accepted for the Dob pri Mirni Prison was to consider the possibility of allowing convicts to take morning walks or to stay on the ward promenade again. (p. 74)

Tretje nesprejeto priporočilo za ZPKZ Ljubljana se je nanašalo na proučitev možnosti, da bi se, glede na veliko število nameščenih pripornikov, tudi pripornikom vsaj občasno (npr. nekajkrat tedensko oziroma ob vikendih) omogočila uporaba velikega sprehajališča, ki je sicer namenjen obsojencem. (p. 72)

The third recommendation not accepted for Ljubljana Prison was to consider the possibility, given the large number of detainees (i.e. persons in remand; researchers' remark), of allowing detainees to use the large promenade, which is otherwise reserved for convicts, at least occasionally (e.g. several times a week or at weekends). (p.76)

Varuh človekovih pravic (2023), [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 2022](#), Ljubljana, Varuh človekovih pravic.

Human Rights Ombudsman (2023), [Report of the Ombudsman of the Republic of Slovenia on the implementation of the tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the year 2022](#), Ljubljana, Human Rights Ombudsman.

Ob obisku ZPKZ Koper, Oddelek Nova Gorica, je bilo ob pregledu notranjega dvorišča oziroma sprehajališča pripora in zaprtega režima prestajanja kazni zapora ugotovljeno, da je na tem območju še vedno urejen fitnes. Zagotavljanje fitnes naprav je sicer pohvalno, vendar pa namestitev naprav v že tako majhen prostor, ki naj bi bil namenjen gibanju na prostem, to pravico za pripornike in obsojence zaprtega režima še dodatno omejuje. Omejena možnost gibanja na majhnem, utesnjemem prostoru in nepovezanost sprehajališča z zunanjim okoljem je bila tudi sicer ena izmed glavnih pritožb, ki jih je DPM prejel med pogovori z obsojenci zaprtega režima in priporniki tekom obiska.

Ob tem je DPM izpostavil, da je ob prejšnjih obiskih že večkrat priporočil, proučitev možnosti dogovora z lastnikom objekta, da bi se notranje dvorišče oziroma sprehajališče za pripornike in obsojence zaprtega režima prestajanja kazni zapora vendarle povečalo oziroma povežalo vsaj z delom zunanjega – večjega

sprehajališča. Pritožbe zaprtih oseb, ki so se nanašale na »neprimerno sprehajališče«, so po presoji DPM utemeljene, saj trenutno stanje notranjega dvorišča ne zadosti določbi 43. člena ZIKS-1, ki predpisuje, da je obsojencu treba omogočiti, da prebiva vsak dan najmanj dve uri na prostem. Zaradi majhne površine, ki jo dodatno omejujejo fitnes naprave ter visoki zidovi, ki zamejujejo pogled na zunanje okolje, se notranje dvorišče / sprehajališče ne razlikuje bistveno od celic zaprtega režima in pripora, kjer priporniki in obsojenci zaprtega režima preživijo preostali del dneva. Vodja oddelka je sicer tudi tokrat pojasnila, da posegi v objekt niso možni, saj URSIKS ni lastnik objekta, lastnik (Občina Nova Gorica) pa ni odziven. Kljub vsemu je DPM ponovno priporočil, da se prouči možnost dogovora z lastnikom objekta, da bi se notranje dvorišče oziroma sprehajališče za pripornike in obsojence zaprtega režima prestajanja kazni zapora vendarle povečalo oziroma povežalo vsaj z delom zunanjega – večjega sprehajališča. (pp. 82-83)

The NPM pointed out that, during previous visits, it had already recommended several times that the possibility of an agreement with the owner of the building be studied, so that the inner courtyard or the exercise yard for remand prisoners and convicts serving a closed prison regime would be enlarged or at least connected to a part of the outdoor – larger exercise yard. Complaints by incarcerated persons, which referred to an “unsuitable promenade”, are justified in the judgment of the NPM, because the current condition of the inner courtyard does not meet the provisions of Article 43 of the ZIKS-1, which prescribes that prisoners must be allowed to spend at least two hours in the open air every day. Due to the small area, which is further limited by the fitness equipment and the high walls that limit the view of the outside environment, the inner courtyard / exercise yard does not differ significantly from the cells of the closed regime and the detention centre, where remand prisoners and convicts of the closed regime spend the rest of the day. The head of the Unit once again explained that interventions in the facility are not possible, as URSIKS is not the owner of the facility, and the owner (Municipality of Nova Gorica) is not responsive. Nevertheless, the NPM again recommended that the possibility of an agreement with the owner of the building be considered, so that the inner yard or the exercise yard for remand prisoners and convicts of the closed prison regime would be enlarged or at least connected to a part of the outer – larger exercise yard. (pp. 82-83)

At least two hours of movement outdoors are guaranteed for each detained person, according to the respondents. Because of considerable overcrowding, for example, a facility offers two and a half hours of such activities and split them in a morning and afternoon session, respectively. In addition, there are also fitness and sports activities available. This is guaranteed as a minimum. As far as work and education are concerned, there is very little opportunities for persons in remand, and they fare much worse in comparison to convicts. Very few detainees work at all due to the overall lack of opportunities for work, but also because of insecurity of their position. It can last a day but can also extend to two and a half years. The NPM encourages improvement in this respect, as CPT standards also require that persons in remand spend at least eight hours outside the cell. On the NPM initiative, prison facilities started offering Slovenian and English language courses, so that this population have at least some options. In general, convicts have much more opportunities to spend time outside cells. Regarding work of convicts, however, although it should be guaranteed to everyone who wants to work and is medically fit for work, some facilities are cable to provide this opportunity, and some are not. (Consultations, 11 April 2024)

6. Solitary confinement

a. Placement in solitary confinement

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). A convict subject to solitary confinement shall have the right to a daily two-hour walk outdoors (Art. 91). The director of the institution can stop the execution of the disciplinary punishment of solitary confinement before the end of the imposed disciplinary punishment if they consider that the disciplinary punishment has achieved its purpose. (Art. 94). An underage convict may only exceptionally be sentenced to solitary confinement with or without the right to work, but for a maximum of three days. In such case, the director of the institution shall immediately notify the director-general of any imposed disciplinary penalty of solitary confinement. (Art. 118).⁵⁶ 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).⁵⁷

b. Monitoring of detainees

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, they shall notify the director of the institution, who in turn shall decide that serving the disciplinary sanction is to be stopped (Art. 91).⁵⁸ During the disciplinary punishment of solitary confinement, the convict is visited daily by a doctor or a medical worker of the institution, as well as an employee of the institution, determined by the director of the institution (Art. 85).⁵⁹

c. NPM assessment

Examples of placing convicts in solitary confinement are very few. Because of the complexity of the procedure, prison facilities make very little use of this measure. Prison facilities rather deny benefits to convicts or place them in stricter prison regime. Practically, no complaints are registered in this respect, and one could hardly remember a case where anyone was in solitary confinement during visits. (Consultations, 11 April 2024) When speaking with convicts and reviewing past measures, it appears that this measure is rarely use. There is also a case of one prison facility that turned the space for solitary

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

⁵⁹ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

confinement into a space to isolate infected persons during the Covid-19 pandemic and has never restored its initial function again. (Consultations, 16 April 2024)

7. Work and education of detainees to promote social reintegration

a. General measures to promote social reintegration

The prison institution provides convicted persons with assistance, guidelines and arrangements in planning social inclusion after release in accordance with the social inclusion plan that is part of the convict's personal plan. In addition to the institution, the competent social work centres participate in the implementation of the plan. The centres cooperate with prison facilities during the convicted person's prison sentence if this is necessary to facilitate their social inclusion after release. The planning and implementation of social inclusion after serving the sentence takes place according to the convict's personal plan through inclusion in individual, group and community programmes and activities. Programmes and activities for improving the quality of life, greater social inclusion and increasing employment opportunities after discharge are carried out in the institution, outside the institution and in the convicted person's living environment. In order to deal with matters that are necessary for the implementation of the activities defined in their personal plan or due to unforeseen events, the convict is allowed to leave the institution if there are no security restrictions and if the convict cannot arrange these matters in any other way. The planning of the social integration of incarcerated persons is led by the professional workers of the institution, who work in a professional team and are obliged to use modern work methods and knowledge of individual disciplines in their work (Art. 99). Apart from the convict, the workers of the institution and the competent social work centre, other authorities and organisations providing employment, accommodation, and public institutions in the field of health and education also participate in the planning and implementation of activities and programmes of social inclusion, unless the convict refuses their assistance. In addition, associations, charities, self-help organisations and other civil society organisations can also offer help to convicts. All participants in the process of social inclusion of the convict shall act in a coordinated manner (Art. 100). Competent social work centres, other authorities and organisations providing employment, accommodation, and public institutions in the field of health and education must, in cooperation with the institution and at least three months before release from institution, prepare a programme of necessary measures to help the convict and, each in their own field, provide them with assistance in their social integration after the sentence has been served (Art. 111).⁶⁰

b. Access to work

Apart from the convict, the workers of the institution and the competent social work centre, other authorities and organisations including those providing employment also participate in the planning and implementation of activities and programmes of social inclusion, unless the convict refuses their assistance (Art. 100). A convict who, in accordance with their personal plan, joins programme of active job seeking at the employment office six months before release, shall conclude employment relationship directly with the employer in accordance with the employment plan. Upon receiving the employment contract, the convict is obliged to submit a copy to the institution (Art. 99).

Based on the evaluation of working capacities of special categories of convicts, the institution responsible for employment (i.e. an employment centre) shall issue an opinion on vocational training

⁶⁰ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

for physically, mentally or socially disadvantaged people during the time of their imprisonment. During this time, vocational training for such convicts can be carried out outside the institution (Art. 103).⁶¹

A convict who has completed school or acquired a profession in an institution shall be issued a certificate from which it may not be evident that they acquired it in an institution. Performing certain work in the institution shall be considered work experience in a particular field of work (Art. 104).⁶²

c. Access to education

Prison institutions shall take care of the education and vocational training of convicts. Education shall be carried out in accordance with the regulations in the field of education. Education may be organised inside or outside the institutions, in cooperation with educational organisations and institutions. When selecting an education programme and vocation for a convict, their abilities and inclinations, the capacities of the institution and other circumstances shall be considered. Convicts may complete an educational programme in a shorter time than is determined by the curriculum and regulations on the duration of schooling, but it is necessary to ensure the same level of knowledge as required by the educational programme of regular schooling. Individual convicts may be allowed to attend education at other educational organisations at their own expense in accordance with their individual personal plan (Art. 102).⁶³

A convict who has completed school or acquired a profession in an institution shall be issued a certificate from which it may not be evident that they acquired it in an institution. (Art. 104).⁶⁴

d. NPM assessment

In this field, the situation has been changing over the years, and not for the better, according to the respondents. Before, everyone was somehow guaranteed an apartment, a job, even in the context of the preparation for release, but now there is less and less of that. It is increasingly difficult to get an apartment or a job, although now it is said that convicts have great opportunities for employment, because most of the programmes in prisons train cooks and assistants, and this is a highly sought-after profession that no one wants to do. Allegedly, quite a few convicts got a job after their release with this education because those educated in prison are issued a certificate of education just like anyone else, with no indication that education was obtained during prison term. On many occasions, local social work centre plays a crucial role in this context. There have already been some good projects promoting work competences, but a systemic approach is lacking. Also, there is no special service that deals with this aspect, but professionals with social work centres have these tasks in addition to all other duties. Pandemic also played a role, as access to prison facilities was limited. There are also issues because of stigma. The fact that someone served a sentence often ends conversations with prospective employers. A person also cannot be employed as public servant as long as consequences of the conviction are still

⁶¹ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

⁶² Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

⁶³ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

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

lasting, despite the fact that the individual has fully served the sentence. According to the respondents, a better and systemic approach would be needed. (Consultations, 11 April 2024)

According to the respondents, rehabilitation and reintegration momentum tend to be lost in the context of overcrowding. This can particularly affect foreign convicts. Amongst others, psychological and pedagogical work with them can be limited because of language barriers. There are also no connections between the prison facility and the environment in which they are released after serving the sentence. Persons in remand are also a group vulnerable in this context, and this particularly apply to individuals held in remand for significant periods, up to two and half years. While the convicts, in general, have access to activities and are better included, have been assigned pedagogues, and there plans in place regarding certain rehabilitation, this is not the case with persons in remand. (Consultations, 16 April 2024)

8. Healthcare (note – section 11 contains specific questions concerning female detainees)

a. Access to healthcare

In the 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 choice. A medical examination shall be performed without the presence of police officers unless the doctor requests otherwise (Art. 68).⁶⁵

Access to healthcare services for persons in remand and convicts are fully covered by the state budget (Art. 15 in conj. with Art. 48). The state budget also covers occupational injuries and illness (Art. 16 in conj. with Art. 49).⁶⁶

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). With the permission of the competent court, a doctor of their choice may visit and examine the detainee at their request and at their expense. The detainee also bears the costs of transportation if such an examination is carried out outside the institution. (Art. 33). Upon a physician's recommendation, a person in remand can obtain medication at their own expense, obtain it from their family or other persons. Such medicine shall be examined by the institution's doctor before use. Detainees are given medication by a designated employee of the institution upon the physician's instructions (Art. 34).⁶⁷

⁶⁵ Slovenia, The Police tasks and powers act ([Zakon o nalogah in pooblastilih policije](#)), 30 January 2013, and subsequent modifications.

⁶⁶ Slovenia, The Healthcare and health insurance act ([Zakon o zdravstvenem varstvu in zdravstvenem zavarovanju](#)), 12 February 1992, and subsequent modifications.

⁶⁷ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

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).⁶⁸ 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).⁶⁹

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*).⁷⁰

b. Availability of medical staff

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*). However, as the 2024 agreement was not adopted before expiry of the deadline for its adoption, the government arranges the issue at hand in a regulation. The provision of healthcare services is related to the capacity of a specific facility. According to the government regulation covering the year 2024, the following standards are in place, for example: in Dob pri Mirni, the largest prison facility in the country, accounting for 620 convicts, there shall be general physician present five days a week for six hours, psychiatrist shall be available three days a week for five hours, and a dentist two days a week for six hours. The local health care centre in Ljubljana provides services to Ljubljana Prison main establishment in Ljubljana and to female Ig Prison, accounting for 381 detainees, 95 of whom are women. According to the government regulation, a physician shall be present three days a week for six hour (plus as needed) in Ljubljana and two days a week for four hours (plus as needed) in Ig; a psychiatrist shall visit Ljubljana facility two times per week for four hours

⁶⁸ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

⁶⁹ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

⁷⁰ Information was provided by the Prison Administration of the Republic of Slovenia (Uprava Republike Slovenije za izvrševanje kazenskih sankcij) upon request (e-mail, 30 April 2024).

(plus as needed) and Ig facility two times per month for four hours (plus as needed); a dentist shall be present in Ljubljana one day a week for six hours and, alternatively, four hours per two or three weeks (plus as needed) in Ig. There shall be also women's clinic in Ig four hours per month.⁷¹ As reported, other detention facilities also receive healthcare services based on the number of detainees.

Six larger detention facilities 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, persons sent to solitary confinement, as well as to detainees who need additional care because of old age, illness or disability. 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.⁷²

c. Medical examination upon admission

Each person in remand shall be examined by a physician 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).⁷³

The institution's physician immediately after admission, and no later than the next working day after admission, conducts an interview with the convict and examines them. 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 treatment (Art. 37). Upon a physician's referral, the institution allows the convict to receive treatment or a medical examination by a healthcare provider outside the institution. The doctor refers the convict to the nearest hospital or medical institution for treatment or examination unless they deem it absolutely necessary to refer the affected person to a specific medical institution. Before being released from the institution, the convict is examined by a doctor (Art. 96).⁷⁴

Persons in remand and convicts are also subject to medical screening before commencing work.⁷⁵

⁷¹ Slovenia, The Regulation on the programmes of compulsory health insurance services, the capacities required for its implementation and the amount of funds for 2024 ([Uredba o programih storitev obveznega zdravstvenega zavarovanja, zmogljivostih, potrebnih za njegovo izvajanje, in obsegu sredstev za leto 2024](#)), 15 February 2024.

⁷² Information was provided by the Prison Administration of the Republic of Slovenia (Uprava Republike Slovenije za izvrševanje kazenskih sankcij) upon request (e-mail, 30 April 2024).

⁷³ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

⁷⁴ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

⁷⁵ 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.

d. Preventive care

As reported, in detention facilities, basic healthcare is provided by the regional healthcare centres.⁷⁶ According to the law, basic healthcare services include monitoring of the health condition of the population and proposing measures for protecting, strengthening and improving health and preventing, detecting, treating and rehabilitating patients and injured persons; preventive healthcare for risk groups and other residents including in accordance with the programme of preventive healthcare; prevention, detection and treatment of oral and dental diseases and rehabilitation (Art.7).⁷⁷

e. Specialised care

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).⁷⁸

As a rule, a convict who needs psychiatric treatment is referred to the Unit for Forensic Psychiatry of University Medical Centre Maribor (Art. 38).⁷⁹

A convict who has been found to have problems with alcohol or illegal psychoactive substances may be referred for treatment to an appropriate medical institution or another institution outside the prison institution if the director agrees to the referral based on the convict's security assessment (Art. 38).⁸⁰

f. Treatment of the detainee's choosing

With the permission of the competent court, a physician of their choice may visit and examine a person in remand at their request and at their expense. The detainee also bears the costs of transportation if such an examination is carried out outside the institution. (Art. 33). Upon a physician's recommendation, a person in remand can obtain medication at their own expense, obtain it from their family or other persons. Such medicine shall be examined by the institution's doctor before use. Detainees are given medication by a designated employee of the institution upon the physician's instructions (Art. 34).⁸¹

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).⁸²

⁷⁶ Information was provided by the Prison Administration of the Republic of Slovenia (Uprava Republike Slovenije za izvrševanje kazenskih sankcij) upon request (e-mail, 30 April 2024).

⁷⁷ Slovenia, The Health services act ([Zakon o zdravstveni dejavnosti](#)),

⁷⁸ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

⁷⁹ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

⁸⁰ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

⁸¹ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

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

g. NPM assessment

Varuh človekovih pravic (2022), [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 2021](#), Ljubljana, Varuh človekovih pravic.

Human Rights Ombudsman (2022), [Report of the Ombudsman of the Republic of Slovenia on the implementation of the tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the year 2021](#), Ljubljana, Human Rights Ombudsman.

Kljub vsem aktivnostim za rešitev situacije, ki se tiče težav nameščanja obsojencev, ki potrebujejo 24-urno oskrbo in nego, ni videti nekega resnega napredka. Na podlagi tega smo podali sistemsko priporočilo, da Generalni urad URSIKS z ostalimi pristojnimi ministrstvi prouči možnosti pospešitve reševanja problematike obsojencev, ki potrebujejo 24-urno zdravstveno oskrbo in nego, vključno z namestitvijo v druge ustrezne institucije (npr. socialnovarstvene zavode), če je to treba. (p.68)

Despite all the efforts to resolve the situation regarding the problems of housing convicts in need of 24-hour care, no serious progress has been made. On this basis, we made a systemic recommendation that the General Office of the Prison Administration of the Republic of Slovenia, together with other relevant ministries, explore the possibility of accelerating the resolution of the problem of convicted persons in need of 24-hour medical care, including placement in other appropriate institutions (e.g. social welfare institutions), if necessary. (p.71)

Tretje nesprejeto priporočilo za ZPKZ Dob pri Mirni se je nanašalo na proučitev možnosti, da se ob sprejemu obsojenca na prestajanje kazni zapora ob zdravniškem pregledu preveri, ali je ta pismen, da bo lahko sam izpolnil prijavnico za pregled pri zdravniku, ali pa pri tem potrebuje pomoč. (p. 71)

The third recommendation not accepted for the Dob pri Mirni Prison concerned the consideration of the possibility to check, at the time of admission of the convicted person to the prison, whether he/she is literate enough to be able to fill in the application form for the medical examination or whether he/she needs assistance in this respect. (p.75)

Četrto nesprejeto priporočilo za ZPKZ Ljubljana pa se je nanašalo na proučitev možnosti upoštevanja priporočila zdravnika izvedenca, da zdravstveno osebje pri svojem delu v zavodski ambulanti uporablja predpisana oblačila. (p. 72)

The fourth recommendation not accepted for Ljubljana Prison concerned the consideration of the possibility to follow the recommendation of the medical expert that medical staff use prescribed clothing when working in the institution's outpatient clinic. (p. 76)

The healthcare services are part of the public healthcare network and are provided by local healthcare centres. This is notable progress, compared to the past, when physicians were hired on contract, or private doctors were hired. It should ensure independence and impartiality of healthcare providers. In principle, this is a good development. The problem, however, at least in some cases, is the frequent changes of personnel provided by healthcare centres. There are also some complaints regarding the quality of healthcare services. A considerable number of complaints is related to doctors in Ljubljana who

very frequently change, and patients are obliged to explain their situation again and again. (Consultations, 11 April 2024)

In a recently visited facility, because of complaints regarding long waiting periods, the authorities reached an agreement to increase the number of physicians to two, but there were still complaints regarding the accessibility of services. Access to dentist also tends to be a major issue. Despite trying hard, working beyond agreed time, healthcare providers cannot satisfy all needs. There are different arrangements in place, based on the agreement concluded by a specific detention facility and available local healthcare network, but there have always been complaints that not enough services are available. This also applies to psychiatric treatment, and detainees often say that they receive therapy rather than treatment. On the positive note, there are teams established above the level of an individual facility, but all detention facilities deal with certain cases in terms of assessment of risk for self-harm or suicide in a person. As reported by individual psychiatrist, considerable progress has been over years, and the number of such incidents has fallen. (Consultations, 16 April 2024)

9. Prevention of violence and ill-treatment

a. Protection from violence by prison staff

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 shall be protected (Art. 209).⁸³

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).⁸⁴

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).⁸⁵

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).⁸⁶ 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

⁸³ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

⁸⁴ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

⁸⁵ 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.

⁸⁶ 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.

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).⁸⁷

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). During the examination, the doctor determines the type and location of any injuries and their cause. In doing so, they shall describe the injuries and, if necessary, also document them. The doctor shall write down the convict's claims about the occurrence of injuries and an assessment of the consistency between the alleged conduct and the findings of the medical examination. The doctor informs the director of the institution about possible signs of improper use of coercive means. The medical examination is carried out outside the field of vision and hearing of the employees of the institution, unless the presence of the employee is absolutely necessary to maintain safety, order and discipline. If the convict refuses the examination, they shall be asked to write a statement about this. If the convict does not want to write a statement, an official note is written about it (Art. 79).⁸⁸

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 regular training, lasting at least two hours per month, in order to recall and increase their professional competence (Art. 112).⁸⁹

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).⁹⁰ 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 them, 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

⁸⁷ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

⁸⁸ 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.

⁸⁹ 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.

⁹⁰ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

president of the court and the investigating judge may at any time visit detainees, talk with them and accept complaints (Art. 213.d).⁹¹

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).⁹²

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 their 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).⁹³

Anyone, including persons in remand and convicts, 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

⁹¹ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

⁹² Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

⁹³ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

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).⁹⁴

b. Protection from violence by other detainees

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).⁹⁵ 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).⁹⁶ 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).⁹⁷ 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).⁹⁸

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).⁹⁹

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

⁹⁴ Slovenia, The Human Rights Ombudsman act ([Zakon o varuhu človekovih pravic](#)), 20 December 1993, and subsequent modifications.

⁹⁵ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

⁹⁶ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

⁹⁷ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

⁹⁸ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

⁹⁹ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

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).¹⁰⁰ 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).¹⁰¹ 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 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).¹⁰²

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).¹⁰³

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).¹⁰⁴

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).¹⁰⁵

¹⁰⁰ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

¹⁰¹ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

¹⁰² Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

¹⁰³ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

¹⁰⁴ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

¹⁰⁵ 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.

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).¹⁰⁶

Please see above regarding training of prison staff.

c. NPM assessment

Varuh človekovih pravic (2022), [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 2021](#), Ljubljana, Varuh človekovih pravic.

Human Rights Ombudsman (2022), [Report of the Ombudsman of the Republic of Slovenia on the implementation of the tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the year 2021](#), Ljubljana, Human Rights Ombudsman.

Ob obisku ZPKZ Dob pri Mirni je nekaj obsojencev opozorilo, da v primerih ukrepanja pravosodnih policistov ob kršitvah v bivalnih prostorih le-ti na uniformah ne nosijo predpisanih označb z imenom oziroma številko. Na podlagi tega smo podali priporočilo, da vodstvo Zavoda poskrbi, da bodo pravosodni policisti med delom na službenih uniformah nosili predpisane oznake (priimek ali pa številko). (pp.68-69)

During a visit to the Dob u Mirni prison, several convicts pointed out that in cases where judicial police officers take action for violations in the living quarters, they do not wear the prescribed name or number markings on their uniforms. On this basis, we made a recommendation that the management of the Institute ensure that the judicial police officers wear the prescribed insignia (either a surname or a number) on their uniforms when on duty. (p. 72)

According to respondents from the Human Rights Ombudsman's office, they receive individual complaints claiming violence by judicial police officers against detainees. While they are currently dealing with two such complaints, there are very little such complaints received on average. During visits, such complaints are practically not voiced. Rather than complaints, one can hear praises. If such violent incidents occur, the police strictly report them to the competent special prosecutors' department. The police, for example, is currently dealing with one of the cases mentioned above. Regarding violence between inmates, complaints are generally not lodged. If identified, the prison facilities generally address them. Sometimes detainees do not wish to report the perpetrator, so there are fears that more such violence can occur because overcrowding. (Consultations, 11 April 2024)

In general, detainees mostly praise their relationship with judicial police officers. There tends to be a sense of community between them on account of relative smallness of Slovenian prison facilities, albeit this might perhaps change in the new situation of overcrowding. There is general sense that working on these relationships is perhaps the main institutional approach to conflict prevention. There are occasional complaints, but very rarely such complaints claim direct violence. According to some

¹⁰⁶ 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.

experience, as long as a person is in one institution, they may not dare to report. It happens that certain prisoners who were in another facility before report that everything is fine in the current facility, but that they were subject to violence in the previous facility. As a rule, they also report that they did not lodge any complaint in this respect. If any complaint finds its way to the Ombudsman, the institution actually responds to any initiative. (Consultations, 16 April 2024)

During education of each new generation of judicial police officers, including with the participation of the Human Rights Ombudsman, adequate attention is given to prevention of violence, and there is more and more awareness in this area. There is also a monthly practical training in place, with judicial police officers refreshing their knowledge, including regarding the use of coercive means. (Consultations, 11 April 2024)

10. Contact with the outside world

a. Visits

With the permission of the investigating judge and under his supervision or that of someone they designate, the person in remand may be visited by close relatives within the limits of the prison's house rules and, at their request, by a doctor and others. The investigating judge shall, by order, prohibit individual visits if such visits are likely to prejudice the proceedings (Art. 213.b).¹⁰⁷

The prisoner must be allowed to be visited at least twice a week by close family members, a foster carer and a guardian. Other persons may also visit them with the authorisation of the director of the prison. Visits may not be limited to less than one hour. Minors who are not immediate relatives may visit only in the presence of a visitor of legal age. The sentenced person shall be allowed to be visited at their request by a representative who represents them in their affairs and may be visited at his request or on the basis of an assessment by the prison by a member of the professional staff of the competent centre or, if appointed, by a volunteer. Visits and other contacts between the authorised representative and the sentenced person referred to in the preceding paragraph, other than a lawyer, shall be decided by the director of the prison at the reasoned request of the sentenced person (Art. 73).¹⁰⁸

Visits are supervised or unsupervised, depending on the security assessment of the convicted person. Supervised visits are visits carried out under the supervision of judicial police officers with a permanent presence in the area where the visit is taking place, using a video surveillance system or a combination of both. The method of supervising the visit shall be determined in the security assessment of the sentenced person and recorded in their personal plan. Supervised visits shall last up to two hours. Supervised visits may also be carried out behind a glass partition if it is clear from the security assessment of the sentenced person that this is necessary to ensure security or is necessary to prevent the exchange of unauthorised items between the sentenced person and the visitor. The use of a glass partition for supervised visits shall be determined in the security assessment of the sentenced person and recorded in his personal plan. Unsupervised visits shall last up to three hours. If the unsupervised visit takes place outside the establishment, it may last up to five hours. If the establishment has a

¹⁰⁷ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

¹⁰⁸ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

separate dedicated area allowing for privacy and overnight stay, the unsupervised visit may last up to 24 hours (Art. 74).¹⁰⁹

b. Correspondence

The person in police custody has the right to communicate with the competent national or international institutions or organisations in the field of protection of human rights and fundamental freedoms, such as, in particular, the Ombudsman, the competent national or international courts, other national or international monitoring bodies, and non-governmental or humanitarian organisations (Art. 70).¹¹⁰

The person in remand may correspond or have other contacts with people outside the prison. If the reasons for which detention was ordered so require, the investigating judge may, on a proposal from the prosecutor, by written order, order the supervision of letters and other correspondence and other contacts of the detainee with persons outside the prison. The investigating judge may prohibit the detainee from sending or receiving letters and other communications, or from making contacts which are prejudicial to the proceedings but may not prohibit them from sending an application or complaint (Art. 213.b).¹¹¹ The Ombudsman or his or her deputy may visit and correspond with the detainee without prior notification and without the supervision of the investigating judge or someone appointed by them. It shall not be permissible to inspect the documents sent by the person in remand to the Office of the Ombudsman (Art. 213b).¹¹² If the accused is in custody, the defence counsel may correspond and speak with them freely and without supervision (Art. 74).¹¹³

The sentenced person must be allowed to correspond with close family members without restriction. The sentenced person may correspond with other persons if this is in accordance with his personal plan. The director of the prison shall decide on this at his request. The convict shall receive and send letters through the prison in sealed envelopes. The convicted person must be assured of the confidentiality of letters and other communications (Art. 71).¹¹⁴

The convict shall be allowed to make telephone calls to persons outside the prison. The prison shall determine in its rules of procedure the frequency and duration of telephone calls in such a way that order, security and discipline in the prison are not disturbed. The frequency may not be set at less than two days per week. The costs of telephone calls shall be borne by the sentenced person. The prison shall endeavour, within the limits of its possibilities, to enable the sentenced person to communicate free of charge by means of audio-video devices with family members, a foster parent, a guardian, and, with the authorisation of the director, with other persons. Convicted persons shall not use electronic communication (e-mail, the World Wide Web, mobile telephony, facsimile messages, voice mail, SMS and MMS services, etc.), unless the director of the prison, at the request of the convicted person,

¹⁰⁹ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

¹¹⁰ Slovenia, The Police tasks and powers act ([Zakon o nalogah in pooblastilih policije](#)), 30 January 2013, and subsequent modifications.

¹¹¹ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

¹¹² Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

¹¹³ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

¹¹⁴ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

establishes that his or her use of electronic means of communication in this way does not endanger the security of the prison and its exterior (Art. 75).¹¹⁵

c. Visits with children

There are no specific standards for specifically ensuring family visits under child-friendly conditions. However, as reported by the NPM, prisons try to organise child-friendly corners for visits by families with children.¹¹⁶

d. NPM assessment

Varuh človekovih pravic (2023) [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 2022](#), Ljubljana, Varuh človekovih pravic.

Human Rights Ombudsman (2023), [Report of the Human Rights Ombudsman of the RS on the implementation of the tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading treatment or Punishment for 2022](#), Ljubljana, Human Rights Ombudsman.

Glede treh priporočil, ki s strani Generalnega urada URSIKS niso bila sprejeta, sta se dve priporočili nanašali na ZPKZ Ig, in sicer je DPM priporočil, da se prouči možnost, da bi se zaprtim osebam, iz vidika zagotavljanja večje zasebnosti, za izvajanje video klicev preko aplikacije Skype omogočila uporaba slušalk. Generalni urad URSIKS je pojasnil, da je Zavod že razmišljal o tej možnosti, vendar se za uporabo »skupnih« zavodskih slušalk ni odločil zaradi higienskih razlogov. Poleg tega tudi uporaba slušalk ne bi zagotovila večje zasebnosti v primeru, da bi tovrstno obliko stika uporabili dve zaprti osebi sočasno. Če pa bi uporabo Skype kabin omogočili le eni zaprti osebi posamično, bi se prepolovila možnost koriščenja tovrstnih stikov. (p. 81).

Regarding the three recommendations that were not accepted by the URSIKS General Office, two of the recommendations referred to ZPKZ Ig. The NPM recommended that the possibility of allowing prisoners to use headsets to make video calls via the Skype application, from the point of view of ensuring greater privacy, be considered. The URSIKS General Office explained that they had already considered this possibility, but did not decide to use "shared" headphones for hygiene reasons. In addition, even the use of headphones would not ensure greater privacy in the event that this form of contact was used by two prisoners at the same time. However, if the use of Skype cabins were only allowed to one prisoner individually, the possibility of using such contacts would be halved. (p. 83).

Varuh človekovih pravic (2022), [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 2021](#), Ljubljana, Varuh človekovih pravic.

¹¹⁵ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

¹¹⁶ Information was provided by the representatives of the NPM (consultations, 11 April 2024).

Human Rights Ombudsman (2022), [Report of the Ombudsman of the Republic of Slovenia on the implementation of the tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the year 2021](#), Ljubljana, Human Rights Ombudsman.

Od priporočil, ki niso bila sprejeta, se je eno na primer nanašalo na PP Ravne na Koroškem, in sicer, da se preveri, ali je prostor v pritličju PP, ki se uporablja za razgovore, tudi za potrebe razgovorov pridržane osebe z odvetnikom, sploh primeren, da se v njem izvajajo kakršnikoli razgovori. (p. 78).

Of the recommendations that were not accepted, one, for example, related to the Ravne na Koroškem Police Station, namely to check whether the room on the ground floor of the police station, which is used for interviews, including for the purposes of detainee-attorney interviews, is suitable for conducting any interviews at all. (p. 82).

Ob obisku ZPKZ Dob pri Mirni ob pregledu bivalnih prostorov in v pogovorih z obsojenci je veliko obsojencev izpostavilo, da so bili zaradi epidemije covid-19 dodatno omejevani. Predvsem so izpostavljali, da so bili v primerih suma na okužbo na covid-19 oziroma da so bili v stiku s potencialno okuženo osebo, dlje časa, tudi po več kot 30 dni, v izolaciji oziroma karanteni in niso mogli niti na sprehod. Prav tako so obsojenci v pogovorih izpostavili, da so bile zanje, poleg tega, da so na prestajanju kazni zapora, odrejene še dodatne omejitve s tem, ker v času epidemije covid-19 niso imeli obiskov sorodnikov (svojcev), niti niso mogli koristiti že podeljenih oziroma pridobljenih ugodnosti prostih izhodov. V zvezi s prej navedenim smo izpostavili, da imajo tudi zaporniki, ne glede na dejstvo nastanitve v zaporske institucije, pravico do zasebnega in družinskega življenja in da lahko država tudi v času epidemije navedeni pravici omeji zgolj toliko, kot je nujno, primerno in sorazmerno. Omejitve še posebej ne smejo prizadeti otrok in je treba prepovedi stikov omejiti na minimum oziroma uporabiti alternative. Video klici so primerna alternativa, vendar jih je dovoljeno uporabljati le najmanjši možni čas, po tem pa ponovno omogočiti fizične obiske, četudi na distanci. Obsojenci so zaradi teh dodatnih omejitev menili, da bi se jim te morale upoštevati pri prestajanju kazni zapora na način, da bi se to v večji meri upoštevalo pri podeljevanju predčasnih in pogojnih odpustov. Na podlagi tega smo priporočili, da se proučijo možnosti, da bi se za obsojence, ki so bili v času epidemije covid-19 dodatno omejevani (dolgotrajno bivanje v izolaciji karanteni, ker niso imeli možnosti sprejemanja obiskov in koristiti že podeljenih zunajzavodskih ugodnosti ter jih niti pridobivati) in izpolnjujejo pogoje za predčasni odpust, poskušalo v čim večji meri upoštevati določila 108. člena ZIKS-1. (p. 69).

During a visit to the Dob u Mirni remand prison, during an inspection of the living quarters and in interviews with the convicts, many of them pointed out that they had been subjected to additional restrictions as a result of the epidemic of Covid-19. In particular, they pointed out that in cases of suspected infection with covid-19, or contact with a potentially infected person, they had been isolated or quarantined for long periods of time, up to more than 30 days, and could not even go for a walk. In the interviews, the convicts also pointed out that, in addition to serving their prison sentences, they were subject to additional restrictions in that they were not allowed to receive visits from relatives (family members) during the epidemic, nor were they able to benefit from the free exit privileges already granted or obtained. In this connection, we have pointed out that, irrespective of the fact of their confinement in prison institutions, prisoners also have the right to private and family life and that, even in times of epidemic, the State may restrict those rights only to the extent that is necessary,

appropriate and proportionate. In particular, children should not be harmed by restrictions and contact bans should be kept to a minimum or alternatives should be used. Video calls are a suitable alternative, but should only be used for a minimum period of time, after which physical visits should be allowed again, even at a distance. As a result of these additional restrictions, convicted persons felt that they should be taken into account when serving their prison sentences, in a way that would be taken into account to a greater extent when granting early and conditional releases. On this basis, we recommended that consideration be given to the possibility of trying to comply as far as possible with the provisions of Article 108 of the ZIKS-1 for convicts who were subjected to additional restrictions during the epidemic (prolonged stay in isolation - quarantine, because they were not able to receive visits and to benefit from the out-of-prison benefits already granted and not even to obtain them) and who meet the conditions for early release. (p. 72).

The NPM representatives reported that visitation arrangements pose no significant issues. Efforts are being made to establish child-friendly spaces within prisons, with some progress evident. However, challenges have arisen from certain judges who have restricted children's visits to pre-trial detainees as the judges deemed the detention environment unsuitable for children, leading to refusals of visitation requests (Consultations, 11 April 2024).

Most prisons do not have a child-friendly space. The most child-friendly environment is if the prison has, for example, some visitors in the yard, if the prisoner is serving their sentence in a regime that allows this. In ZPKZ Ig (institution housing female prisoners), for example, it has been shown that if there is a suspicion of drugs being introduced, this fear can also manifest itself in the restriction of visits (Consultations, 16 April 2024).

11. Special measures for female detainees

a. General conditions of detention for women and girls

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. Separation from men

In police custody, only persons of the same sex may be detained at the same time in a single detention room. Exceptionally, an underage person 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).¹¹⁷

Persons in remand custody who are not of the same sex may not be detained in the same space (Art. 212).¹¹⁸

Convicts must be separated by sex (Art. 207).¹¹⁹

¹¹⁷ Slovenia, The Police tasks and powers act ([Zakon o nalogah in pooblastilih policije](#)), 30 January 2013, and subsequent modifications.

¹¹⁸ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

¹¹⁹ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

c. Hygiene

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).¹²⁰

A convict who lacks 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).¹²¹

d. Healthcare

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).¹²²

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). 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).¹²³

e. Pregnancy and women with babies or young children

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).¹²⁴

There are no similar standards applicable to convicts.

f. NPM assessment

Issues have been identified at ZPKZ Ig, a facility housing female prisoners and pre-trial detainees. A systemic concern was the allowance of overnight visits for male inmates in other prisons, a privilege extended to women only since 2022. Another issue is the unequal treatment between detainees and convicted prisoners; currently, only the latter have access to this benefit, despite the similar circumstances, detainees face, being held for up to two years. Furthermore, ZPKZ Ig is the sole women's prison in Slovenia, posing challenges for visitors visiting from remote areas due to accessibility issues. However, there are no reported problems regarding hygiene, sanitation, or health matters. Aside from

¹²⁰ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

¹²¹ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

¹²² Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

¹²³ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

¹²⁴ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

visitation concerns, the overall situation is deemed acceptable. Nevertheless, the NPM highlights disparities in opportunities between male and female inmates, noting that benefits are granted based on the capacity of the institution, with women's prisons inherently having fewer resources. Additionally, the unequal treatment between detainees and prisoners regarding overnight visits is under scrutiny, prompting preparations for a legal amendment to address this disparity (Consultations, 11 April 2024).

One notable aspect for women in prison is the provision allowing them to keep their newborn with them if they give birth during their sentence. Additionally, women's health needs are adequately addressed, with regular visits of gynaecologists and access to hygiene products. However, concerns have been raised regarding security checks, which, according to the law, must be conducted by same-sex personnel. Interviews of female prisoners, conducted by NPM members revealed instances where certain standards were not adhered to, contrary to the criteria outlined by the CPT. While CPT standards recommend limited body exposure during security checks (such as only the upper or lower part of the body being exposed at the same time), there have been reported incidents where women were subjected to full-body examinations (Consultations, 16 April 2024).

12. Special measures for foreign nationals

a. General measures for foreign nationals

When any person is put in custody, they shall be informed immediately, in their mother tongue or in a language which they understand, that they are being detained and of the reasons for the detention, and shall be informed that they are not obliged to make any statement, that they have the right to the immediate legal assistance of a lawyer of their own choice and the right to have their close relatives informed of his or her detention at his or her request. If the person referred to in the preceding paragraph is a foreigner, they shall also be informed, in their mother tongue or in a language which they understand, that, at their request, the diplomatic and consular authorities of the State of which they are a national may be informed of the detention (Art. 67).¹²⁵

In addition, an alien who is the subject of criminal or misdemeanour proceedings and is in custody or detention shall, at his or her request, be given the opportunity by the authority which ordered the custody or detention to contact the diplomatic mission or consulate of the country of which he or she is a national (Art. 4).¹²⁶

The Prison Administration reported that they adopted the following additional measures: enabled video calls via the Skype application with family members for foreign citizens who rarely or never visit (video calls are free); provided prisons with additional mobile phones with the possibility of using Google translator; concluded a contract with a translation agency to facilitate communication with foreign nationals, which provides consecutive interpretation for all those languages that are most often spoken by incarcerated foreign nationals; translated prison regulations and house rules into several world languages, and also translated leaflets about possible treatment in the prison into several languages. Foreign citizens who express interest are also included in a free Slovenian language course. As before,

¹²⁵ Slovenia, The Police tasks and powers act ([Zakon o nalogah in pooblastilih policije](#)), 30 January 2013, and subsequent modifications.

¹²⁶ Slovenia, The Aliens act ([Zakon o tujcih](#)), 15 June 2011, and subsequent modifications.

they still pay attention to the observance of religious customs and ensure the possibility of performing various religious ceremonies, within the capacity of prisons.¹²⁷

b. Interpretation and translation

When a person is taken into police custody, the person shall be informed immediately, in his or her mother tongue or in a language which he or she understands, that he or she is being detained and of the reasons for the detention, and shall be informed that he or she is not obliged to make any statement, that he or she has the right to the immediate legal assistance of a lawyer of his or her choice and the right to have his or her close relatives informed of his or her detention at his or her request. Foreigners shall also be informed, in his or her mother tongue or in a language which he or she understands, that, at his or her request, the diplomatic and consular representation of the State of which he or she is a national may be informed of the detention (Art. 67).¹²⁸

General standards apply. In accordance with the Criminal Procedure Act (*Zakon o kazenskem postopku*) the person deprived of his or her liberty must be informed immediately, in his or her mother tongue or in a language he or she understands, of the reasons for the deprivation of liberty. He or she shall be immediately informed that he or she is not obliged to make any statement, that he or she has the right to immediate legal assistance from a lawyer of his or her own free choice and that the competent authority is obliged, at his or her request, to inform his or her next of kin of the deprivation of liberty (Art. 4).¹²⁹ At the request of a detainee or their defence counsel, the court shall be obliged to provide an interpreter for a confidential conversation between the accused and a lawyer (Art. 74).¹³⁰

If the convicted person does not have a command of the official language, the prison must inform the convicted person of the material and of its work in a language that the convicted person understands and allow him or her to follow the proceedings through an interpreter. (Art. 209).¹³¹ Once in the post-trial (post-conviction) phase, other than that, there are no particular general standards regarding the provision of translation and interpretation for foreigners.

c. NPM assessment

The accommodation of foreign inmates in prisons presents significant challenges. The need for interpreters is paramount, yet even with their assistance, comprehension can be hindered by strong regional dialects. Overcrowding exacerbates the issue, with approximately 70-80% of individuals in pretrial detention being foreigners. This overcrowding extends to women's prisons as well, surpassing their intended capacity. The language barrier poses a formidable obstacle to rehabilitation efforts, although the availability of Slovene language courses is a positive step. However, the prospects of a favorable outcome are limited for foreign inmates. Despite occasional visits, communication with

¹²⁷ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 30 April 2024).

¹²⁸ Slovenia, The Police tasks and powers act ([Zakon o nalogah in pooblastilih policije](#)), 30 January 2013, and subsequent modifications.

¹²⁹ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

¹³⁰ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

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

relatives is primarily facilitated through Skype, occurring on a weekly basis, subject to institutional capacity. These sessions typically last between 20 minutes to half an hour and are also utilized by individuals in pretrial detention. (Consultations, 11 April 2024)

Furthermore, regarding accommodations, prisons make deliberate efforts to place foreign inmates in rooms thoughtfully, considering language considerations and generally striving to house individuals who can coexist harmoniously. There's a prevalent sense that conflict prevention is a fundamental principle guiding internal transfers and prisoner reassignments. However, there have been complaints regarding consular contact, which, although mandated, can be challenging to confirm due to language barriers, as evidenced in a case involving a Ukrainian national. Regarding communication with lawyers, the right to unrestricted communication is fundamentally respected in principle. Inmates maintain the right to communicate with their legal counsel without hindrance (Consultations, 16 April 2024)

13. Special measures relating to detention of children and young adults/juvenile detention regime

a. Age groups

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).¹³² A child shall be a person who has not reached 18 years of age (Art. 5).¹³³ Children below 14 years of age are not liable for criminal offences (Art. 21).¹³⁴

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 their personality and other circumstances, this is in their favour and in the favour of juveniles detained with them) (Art. 473).¹³⁵

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 them 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).¹³⁶

¹³² 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).

¹³³ Slovenia, The Family code (*Družinski zakonik*), 21 March 2017, and subsequent modifications.

¹³⁴ Slovenia, The Criminal code (*Kazenski zakonik*), 20 May 2008, and subsequent modifications.

¹³⁵ Slovenia, The Criminal procedure act (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

¹³⁶ 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)

b. General measures for detained children and young adults

If the person taken into police custody is a minor, police officers must inform his or her parents or guardian verbally as soon as possible. If the police officers consider that notification would be contrary to the best interests of the minor, they shall inform only the competent social work centre of the detention. The police officers shall, at the request of the minor's parents or guardian, allow the minor's parents or guardian to have unhindered contact with the minor and to talk to the minor, unless this is contrary to the best interests of the minor. Police officers shall also allow unhindered contact and conversation with the staff of the competent social work centre. Police officers may not listen to the conversation but may visually monitor it (Art. 65).¹³⁷

A minor in remand must be provided with care, protection and all the necessary individual assistance he or she may need according to his or her age, sex and personality. In order to ensure the minor's continued participation in the educational, training and other programmes in which he or she was already enrolled before the detention began, and for the purpose of enrolment in other appropriate programmes according to the minor's needs, wishes and abilities, the institution shall obtain information on the minor's previous treatment from the social work centre or the programme provider as soon as possible after the detention begins. After obtaining the information, the institution shall consider the possibilities for the minor's further integration in appropriate programmes, in accordance with the restrictions necessary to ensure the security and preservation of order in the institution in which the detention is being held and in accordance with the restrictions arising from the grounds for ordering the detention (Art. 473).¹³⁸

Regarding the imprisonment, general standards apply. The execution of prison sentences and juvenile imprisonment must be organised in such a way as to provide the convicted person and the juvenile with programmes and activities aimed at improving the quality of life and increasing social inclusion after the sentence has been served (Art. 14).¹³⁹

Older minors serve their sentences in a special juvenile detention facility (hereinafter referred to as a 'juvenile facility'), where they may remain until they reach the age of twenty-three. If they have not completed their sentence by that time, they shall be transferred to a prison where sentences are served for adult convicted persons. Exceptionally, a convicted person who has already reached the age of twenty-three may also remain in a juvenile institution, but only if this is necessary for him or her to complete school or vocational training (Art. 113).¹⁴⁰

The prison pays special attention to the pedagogical, psychosocial and special-therapeutic treatment of minors, organises classes for the completion of primary school and the acquisition of a profession, and takes care of minors' sports and other activities (Art. 115).¹⁴¹

¹³⁷ Slovenia, The Police tasks and powers act ([Zakon o nalogah in pooblastilih policije](#)), 30 January 2013, and subsequent modifications.

¹³⁸ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

¹³⁹ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

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

¹⁴¹ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

Isolation is not allowed against a convicted minor. A convicted minor may, only exceptionally for disciplinary offences, be sentenced to solitary confinement, with or without the right to work, but not more than three days (Art. 118).¹⁴²

c. Separation from adults

In police custody, an underage person shall be separated from adults (Art. 65).¹⁴³

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 their personality and other circumstances, this is in their favour and in the favour of juveniles detained with them (Art. 473).¹⁴⁴

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 them 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).¹⁴⁵

d. NPM assessment

In practice, the issue of separating minors from adults in pretrial detention presents significant challenges. At times, minors are housed with adults due to the practical difficulty of ensuring complete separation. Moreover, maintaining such separation often results in the isolation of the minor, which is deemed undesirable. The NPM highlights the problematic legal regulation on the duration of pre-trial detention, which can extend up to two years, mirroring the provisions for adults. Remarkably, the NPM scarcely recalls instances of juveniles put in prisons. Minor and juveniles are mostly placed at the Radeče Correctional Home, where efforts are focused on rehabilitation. In facilities like the Celje prison, where juvenile incarceration is mandated by law, there is a strong emphasis on education and schooling, prioritizing rehabilitation over punitive measures. (Consultations, 11 April 2024).

In the Radeče Correctional Home, the NPM representatives felt that the persons accommodated there got along very well with the teachers, that they were satisfied with the treatment, especially because of the personal commitment of the staff (Consultations, 16 April 2024).

¹⁴² Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

¹⁴³ Slovenia, The Police tasks and powers act ([Zakon o nalogah in pooblastilih policije](#)), 30 January 2013, and subsequent modifications.

¹⁴⁴ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

¹⁴⁵ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

14. Special measures to protect detainees with disabilities or serious medical conditions

a. Care in detention

If a person taken into police custody is in obvious need of medical assistance, the police officer must acquire the opinion of a medical professional. After receiving the opinion, the police officer shall decide on the further detention of the person. If the person remains undergoing treatment in a medical institution and the detention is not terminated, the detention shall be carried out in a manner that allows medical care to be carried out. The manner in which the detention is carried out shall be coordinated with the competent health professionals (Art. 35).¹⁴⁶

No special standards are in place. General standards apply. Each person in remand shall be examined by a doctor within 48 hours of admission to the institution. The doctor shall also examine the person in remand before discharge from the institution. If the person in remand refuses to be examined by a doctor on discharge, they shall sign a written statement to that effect or an official note shall be written by a judicial police officer (Art. 31).¹⁴⁷ If a person in remand falls ill or is injured, he or she receives medical attention at the institution's outpatient clinic. If a person in remand requires treatment in a medical establishment, such treatment shall be ordered by the competent court on the proposal of the institution doctor. The competent court shall at the same time order such measures as are necessary to prevent escape or collusion which might prejudice the successful conduct of the proceedings. The director of the institution shall ensure that the measures ordered are carried out and shall keep the court informed of the implementation of those measures. In urgent cases, the director of the institution may order the detainee to be treated in a medical establishment and shall immediately inform the competent court thereof. If a person in remand falls seriously ill in the institution or is taken for in-patient treatment to a medical establishment outside the institution as a result of a serious illness or injury, the director of the institution shall immediately inform the next of kin or the person previously designated by the detainee for such a case (Art. 30).¹⁴⁸

In addition, according to the Criminal Procedure Act (*Zakon o kazenskem postopku*), during the procedure for the application of a psychiatric precautionary measure, the defendant against whom detention is ordered shall be placed in an appropriate medical institution (Art. 491) and cared for respectively.¹⁴⁹

On the doctor's referral, the prison shall allow the sentenced person to receive treatment or a medical examination from a health care provider outside the prison. The doctor shall refer the convicted person for treatment or examination to the nearest hospitals or medical establishments, unless he/she considers it necessary to refer him/her to a specific medical establishment. In cases of serious mental-

¹⁴⁶ Slovenia, The Rules on police powers ([Pravilnik o policijskih pooblastilih](#)), 10 February 2014, and subsequent modifications.

¹⁴⁷ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

¹⁴⁸ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

¹⁴⁹ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

health condition, the convicts in need of psychiatric treatment are referred to the Forensic Psychiatry Unit of the University Medical Centre in Maribor (Art. 38).¹⁵⁰

b. Continuity of care

General standards apply. The prison encourages and enables the convicted person to take an active part in the implementation of the social integration plan and the programme of measures needed to help him/her integrate into society after the completion his or her sentence. For the purpose of implementing the social integration plan, the prison shall allow the sentenced person to temporarily leave the prison if this is in accordance with his or her personal plan. The prison shall inform a convicted person for whom it appears from the programme of measures necessary to assist the convicted person in his or her integration into society after the completion of the sentence that he or she may be entitled to social assistance that he or she may, one month before the month of discharge, apply to the competent centre for financial social assistance under the social welfare regulations (Art. 95).¹⁵¹

c. Reasonable accommodation and accessibility

No specific standards are in place regarding police custody. As mentioned above, a police officer must provide emergency medical assistance to a person who is ill or injured, or who shows signs of intoxication by alcohol or another substance, and who is in obvious need of emergency medical assistance, or who so indicates. After receiving the opinion of the medical doctor, the police officer shall decide on the further detention of the person. If the person remains undergoing treatment in a medical institution and the detention is not terminated, the detention shall be carried out in a manner that allows medical care to be carried out. The manner in which the detention is carried out shall be coordinated with the competent health professionals (Art. 35).¹⁵²

When assigning a person in remand to a living place, the prison shall take into account the order of the competent court, the detainee's personality, state of health and the nature of the offence of which he or she is suspected or accused (Art. 23).¹⁵³

No specific standards are in place, general standards apply. The prisoner shall be provided with material conditions and other activities beneficial to his physical and mental health, in accordance with the possibilities available in the prison (Art. 16).¹⁵⁴

d. NPM assessment

Varuh človekovih pravic (2023) [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 2022](#), Ljubljana, Varuh človekovih pravic.

¹⁵⁰ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

¹⁵¹ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

¹⁵² Slovenia, The Rules on police powers ([Pravilnik o policijskih pooblastilih](#)), 10 February 2014, and subsequent modifications.

¹⁵³ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

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

Human Rights Ombudsman (2023), [Report of the Human Rights Ombudsman of the RS on the implementation of the tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading treatment or Punishment for 2022](#), Ljubljana, Human Rights Ombudsman.

ZPKZ Maribor Oddelek Murska Sobota je uresničil priporočilo DPM s prejšnjega obiska, da se prouči možnost popolnitve zasedbe nezasedenega delovnega mesta psihologa, saj je ob tokratnem obisku namestnik vodje oddelka pojasnil, da bo 8. 8. 2022 z delom v Oddelku nastopila psihologinja. (p. 84).

ZPKZ Maribor Murska Sobota unit implemented the NPM's recommendation from the previous visit of the possibility of filling the vacancy for a psychologist, since during this visit, the deputy head of the unit explained that a psychologist will start working here on 08/08/2022. (p. 84).

Varuh človekovih pravic (2022), [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 2021](#), Ljubljana, Varuh človekovih pravic.

Human Rights Ombudsman (2022), [Report of the Ombudsman of the Republic of Slovenia on the implementation of the tasks of the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the year 2021](#), Ljubljana, Human Rights Ombudsman.

Ob obisku ZPKZ Dob pri Mirni je bilo ugotovljeno, da je bilo v času obiska v zaprtem delu Zavoda nameščenih 16 obsojencev, ki so bili starejši od 65 let. Ti sicer pri vsakodnevnih opravilih po pojasnilih, ki smo jih prejeli ob obisku, niso potrebovali dodatne pomoči oziroma nege. Zavod ima sicer za tovrstne potrebe sklenjeno pogodbo z zunanjim izvajalcem, ki ga pokličejo, ko se za to pokaže potreba. odstvo je nadalje pojasnilo, da se sicer že nekaj let soočajo s problematiko posameznih obsojencev, ki potrebujejo vsakodnevno nego. Tako so izpostavili, da so imeli še nedolgo pred DPM obiskom obsojenca, ki je bil praktično nepokreten in je večino časa preležal v postelji. Imel je hudo inkontinenco (tako za urin kot blato), prav tako pa je imel motnje pri prehranjevanju. Temu obsojencu je zavodu uspelo s 1. 2. 2021 prekiniti prestajanje kazni zapora in mu urediti namestitev v socialnovarstveni zavod. Tudi v letu 2020 so imeli dva obsojenca, ki sta potrebovala nego. Nadalje je bilo ugotovljeno, da si zavod, tudi s pomočjo Varuha, vse od leta 2016 prizadeva urediti zadeve glede nameščenja obsojencev, ki niso primerni za prestajanje kazni zapora v zavodu, v primerne institucije, saj jim v zavodu ne morejo zagotavljati potrebne – primerne oskrbe (v zavodu namreč ni 24-urne zdravstvene oskrbe), niti nimajo primerne negovalnega osebja. Kljub vsem aktivnostim za rešitev situacije, ki se tiče težav nameščenja obsojencev, ki potrebujejo 24-urno oskrbo in nego, ni videti nekega resnega napredka. Na podlagi tega smo podali sistemsko priporočilo, da Generalni urad URSIKS z ostalimi pristojnimi ministrstvi prouči možnosti pospešitve reševanja problematike obsojencev, ki potrebujejo 24-urno zdravstveno oskrbo in nego, vključno z namestitvijo v druge ustrezne institucije (npr. socialnovarstvene zavode), če je to treba. (p. 67-68).

During the visit to the Detention Centre Dob pri Mirni, it was found that at the time of the visit, 16 convicts over the age of 65 were being held in the closed part of the facility. They did not need any additional help or care with their daily tasks, according to the explanations we received during our visit.

The Institute has a contract with an external contractor for such needs, who is called in when the need arises. Management further explained that, although for some years now, they had been dealing with the problem of individual convicts requiring daily care for some years. They pointed out that not long before the NPM's visit, they had a convict who was practically immobile and spent most of his time in bed. He had severe incontinence (both urinary and faecal) and eating disorders. The institution managed to terminate the prison sentence of this convicted person as of 1 February 2021 and arranged for him to be placed in a social welfare institution. Also in 2020, there were two convicts in need of care. It was further noted that since 2016, also with the assistance of the Ombudsman, the institution has been trying to regulate the placement of convicts who are not suitable for serving their prison sentences in the institution in suitable institutions, as the institution is not able to provide them with the necessary - appropriate care (there is no 24-hour medical care in the institution), nor does it have adequate nursing staff. Despite all the efforts to resolve the situation regarding the problems of housing convicts in need of 24-hour care, no serious progress has been made. On this basis, we made a systemic recommendation that the General Office of the Prison Administration of the Republic of Slovenia, together with other relevant ministries, explore the possibility of accelerating the resolution of the problem of convicted persons in need of 24-hour medical care, including placement in other appropriate institutions (e.g. social welfare institutions), if necessary. (p. 70-71).

Prisons in principle provide all the necessary medical care, but this is carried out in external clinics. Inside prisons, the prison administration does try to adapt the facilities, but within the limits of its capacity, which in practice means that the situation is often problematic, and adaptations are very limited. NPM representatives point out the problem of the recognition of distress or problems, particularly in cases of drug dependence. Often the distress experienced by these people is not recognised, which leads to individuals' behaviour being judged as confrontational and uncooperative. However, this brings us back to the problem of overcrowding in prisons, because the capacity simply does not allow for the possibility of appropriate individual work (Consultations, 16 April 2024).

The situation of those at the Forensic Psychiatry Unit of the University Medical Centre in Maribor is ok, but for all others there are problems in practice, especially in the case of elderly and disabled prisoners - they do not have adequate facilities. The situation is improving, however, and the new prison planned for the next few years will have a special ward for vulnerable groups. The NPM particularly highlights the problem of a shortage of nursing staff and the ageing prison population. There is also a problem with the placement of the persons in social care institutions, as it is very difficult to find placements for them in the existing social care system, mainly because of the stigma. On the positive side, home help services were launched last year (Consultations, 11 April 2024).

15. Specific measures to protect detainees with special needs or other vulnerabilities

a. Protection of LGBTI detainees

No standards in place.¹⁵⁵

b. Protection of trans detainees

There are no such special measures in place. Such person shall be placed in accordance with the general national standards. The prison shall pay special attention to convicted persons during the reception

¹⁵⁵ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 30 April 2024).

period, which shall last no longer than 30 days - during the reception period, all activities and procedures necessary for the proper integration of the convicted person into the life of the institution and the elaboration of a personal plan of the convicted person shall be carried out, which shall also take into account security reasons (Art. 29 and Art. 30).¹⁵⁶ During the reception period or the period after reception, convicted persons are accommodated in living quarters, which are usually separate from the living quarters of other convicted persons. The living accommodation referred to in the preceding paragraph shall be determined for the protected person in cooperation with the unit (Art. 20).¹⁵⁷

During the reception period or the period following reception, the convict shall be assessed by a team of experts, which shall, as a rule, consist in particular of: a psychologist, an educationalist, a sociologist, an educator, a social worker, an instructor, a practical teacher, a doctor and a representative of the judicial police. If necessary, a psychiatrist shall also participate in the team of experts (Art. 21).¹⁵⁸ The findings are used to determine where the convicted person will be accommodated.

c. Protection of other vulnerable detainees

As mentioned above, during the reception period, all activities and procedures necessary for the proper integration of the convicted person into the life inside the prison are carried out and a personal plan of the convicted person is drawn up, which must also take into account security considerations (Art. 29 and Art. 30).¹⁵⁹ No other standards are in place.

d. NPM assessment

While concrete measures and national standards have not yet been implemented, the NPM representative indicated that they are actively exploring possibilities and acknowledging the inevitability of addressing such issues more extensively in the future. Currently, there has been only one documented instance involving a transgender individual (biologically male), where the situation was resolved through house arrest. They advocate for a systemic approach to address such cases comprehensive. (Consultations, 11 April 2024)

Similar was reported during the second consultations – there are no standards, it's all governed by internal practices/house rules. In practice, prisons regulate this according to their capacity. (Consultations, 16 April 2024)

¹⁵⁶ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

¹⁵⁷ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

¹⁵⁸ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

¹⁵⁹ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

16. Specific measures to address radicalisation in prisons

a. General measures to prevent radicalisation

As confirmed by the NPM, no specific standards regarding the prevention of radicalisation are in place.¹⁶⁰ The Prison Administration of the Republic of Slovenia also reported that no specific standards have been adopted.¹⁶¹

b. Risk assessments

In the pre-trial period, no specific standards regarding these offences are in place, general standards apply - when assigning a detainee to a living place, the prison shall take into account the order of the competent court, the detainee's personality, state of health and the nature of the offence of which he or she is suspected or accused (Art. 23).¹⁶²

In the post-trial period, no specific standards are in place. As mentioned above, during the reception period, all the activities and procedures necessary for the proper integration of the convicted person into the life of the prison are carried out and a personal plan of the convicted person is drawn up, which must also take into account security considerations (Art. 29 and Art. 30).¹⁶³

c. Training of staff

As reported by the representatives of the NPM, prisons internally provide some radicalisation-related training, however, there are no systemic approaches in place at the moment.¹⁶⁴

d. Deradicalisation measures

No such measures are in place. General standards regarding the release and reintegration of convicted persons apply - the prison encourages and enables the convicted person to take an active part in the implementation of the social integration plan and the programme of measures needed to help him/her integrate into society after the completion his or her sentence. For purposes of implementing the social integration plan, the prison shall allow the sentenced person to temporarily leave the prison if this is in accordance with his or her personal plan. The prison shall inform a convicted person for whom it appears from the programme of measures necessary to assist the convicted person in his or her integration into society after the completion of the sentence that he or she may be entitled to social assistance that he or she may, one month before the month of discharge, apply to the competent centre for financial social assistance under the social welfare regulations (Art. 95).¹⁶⁵

e. NPM assessment

¹⁶⁰ Information was provided by the representatives of the NPM (consultations, 11 April 2024).

¹⁶¹ Information was provided by the Prison Administration of the Republic of Slovenia (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*) upon request (e-mail, 30 April 2024).

¹⁶² Slovenia, The Rules on the implementation of prison sentences (*Pravilnik o izvrševanju kazni zapora*), 17 July 2019.

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 representatives of the NPM (consultations, 11 April 2024).

¹⁶⁵ Slovenia, The Enforcement of criminal sanctions act (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

The NPM's observation is that there is no comprehensive system and there are no standards regarding the assessment of radicalisation in place. The prisons deal with this on a case-by-case basis. However, it is recognised that situation is likely to escalate in the following years and the possible solutions are being considered. (Consultations, 11 April 2024)

No standards and no guidelines are in place. The prison guards and administration do have some training, however, they have not yet put in place any consistent system of either informing about or recognising radicalisation. The prisons sometimes report that they do not feel the need to introduce this, which is again largely due to their understaffing. (Consultations, 16 April 2024)

17. Inspections and monitoring

a. Inspections

Supervision 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 them, 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).¹⁶⁶

The Ministry of Justice (*Ministrstvo za pravosodje*) and the President of the District Court in whose territory the prison or its department is located supervise the lawful treatment of convicted prisoners. The Ministry of Education (*Ministrstvo za vzgojo in izobraževanje*) shall supervise the education of convicted persons in prisons. Professional supervision and administrative supervision of the health-care activities of the prison shall be carried out in accordance with the law governing health-care activities. The Ombudsman must also be able to exercise oversight (Art. 212).¹⁶⁷

b. Access to detention facilities by national authorities

The President of the District Court supervises the treatment of detainees. The President of the Court or a judge designated by him or her must visit the detainees at least once a week and, if he or she considers it necessary, ask them how they are being treated, even without the presence of judicial police officers. They shall do what is necessary to remedy any irregularities which he has observed during his visit to the establishment. The designated judge must not be an investigating judge. The President of the Court and the investigating judge may visit the detainee at any time, speak to him and receive complaints (Art. 213.d).¹⁶⁸

As mentioned above, the Ministry of Justice (*Ministrstvo za pravosodje*) and the President of the District Court in whose territory the prison or its department is located supervise the lawful treatment of convicted prisoners. The Ministry of Education (*Ministrstvo za vzgojo in izobraževanje*) shall supervise

¹⁶⁶ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

¹⁶⁷ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

¹⁶⁸ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

the education of convicted persons in prisons. Professional supervision and administrative supervision of the health-care activities of the prison shall be carried out in accordance with the law governing health-care activities. The Ombudsman must also be able to exercise oversight (Art. 212).¹⁶⁹

In addition to that, as reported by the NPM, the state inspectorates have their own remit and may exercise monitoring and controls, however, these are rarely performed.¹⁷⁰

There are no standards and/or provisions providing access to parliamentarians. General provisions regarding access apply.

c. Access to detention facilities by international bodies

Access is provided to all competent international bodies empowered by the international law to protect human rights and to prevent torture, inhuman or degrading treatment or punishment (Art. 212).¹⁷¹

d. NPM assessment

Regarding the accessibility of detention facilities, no problems were reported. Within the scope of the NPM visits, NGOs are also present; visits, either announced or unannounced, are always carried out completely smoothly, be it visits to detainees in remand or prisoners. (Consultations, 11 April 2024).

Similar was confirmed by the representatives of the NPM during the second consultations - access has never been a problem – despite the vast majority of visits being unannounced. There has never been a situation where NPM representatives have not had access to prisons and contact with the detainees. However, representative of the NPM pointed out that the court's oversight and/or monitoring of prisons and living conditions of prisoners often depends mainly on the individual judge as some are very pro forma while others make a substantive effort. (Consultations, 16 April 2024)

18. Access to remedy

a. Legal remedies

In police custody, if the detained person invokes the right to a lawyer, the police officer makes the telephone call and then gives the detained person the opportunity to speak to a lawyer (Art. 33). The police officer shall allow the lawyer to have unhindered contact with the detained person. The police officer shall not listen to the conversation between the defence counsel and the detained person but may visually monitor it (Art. 34).¹⁷²

If a person in remand considers that he or she is being treated or treated inappropriately by the staff of the prison or that the living conditions are inadequate, he or she may complain to the president of the competent district court or to the director-general of the administration. The Director-General shall,

¹⁶⁹ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

¹⁷⁰ Information was provided by the representatives of the NPM (consultations, 11 April 2024).

¹⁷¹ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

¹⁷² Slovenia, The Rules on police powers ([Pravilnik o policijskih pooblastilih](#)), 10 February 2014, and subsequent modifications.

within 15 days, send a written reply to the detainee and, in the event of a substantiated complaint, shall determine the necessary measures to be taken (Art. 70).¹⁷³

In order to expedite the procedure, the convicted person may also lodge a complaint concerning violations of rights or other irregularities for which judicial protection is not available with the prison, which shall draw up a report on all the allegations and refer the complaint to the Director-General for competent resolution. The Director-General shall inform the convicted person in writing of the findings and any action to be taken on the complaint and shall also inform him or her that, if he or she disagrees with the Director-General's decision, he or she has the right to submit an application to the Ministry of Justice (*Ministrstvo za pravosodje*) (Art. 72).¹⁷⁴

b. Legal assistance

If the person in police custody invokes the right to a lawyer, the police officer makes the telephone call and then gives the detained person the opportunity to speak to a lawyer (Art. 33).¹⁷⁵ The police officer shall allow the lawyer to have unhindered contact with the detained person. The police officer shall not listen to the conversation between the defence counsel and the detained person but may visually monitor it (Art. 34).¹⁷⁶

At the request of a person in remand or their defence counsel, the court shall be obliged to provide an interpreter for a confidential conversation between the accused and a lawyer (Art. 74).¹⁷⁷

The defence lawyer must be allowed to speak to the person in remand in a separate and appropriate room, freely and without supervision. The lawyer may speak to the detainee at any time, except during mealtimes, and during periods when the detainee is in the open air and during night-time rest periods (Art. 49).¹⁷⁸

The sentenced person must be allowed to be visited, at his request, by a representative who represents him in his affairs, including the lawyer (Art. 73).¹⁷⁹

c. Request and complaints

If a person in remand considers that he/she has been ill-treated or ill-treated by the staff of the prison or that the living conditions are inadequate, he/she may lodge a complaint with the President of the competent District Court or the Director-General of the Administration. The Director-General shall,

¹⁷³ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

¹⁷⁴ Slovenia, The Rules on the implementation of prison sentences ([Pravilnik o izvrševanju kazni zapora](#)), 17 July 2019.

¹⁷⁵ Slovenia, The Rules on police powers ([Pravilnik o policijskih pooblastilih](#)), 10 February 2014, and subsequent modifications.

¹⁷⁶ Slovenia, The Rules on police powers ([Pravilnik o policijskih pooblastilih](#)), 10 February 2014, and subsequent modifications.

¹⁷⁷ Slovenia, The Criminal procedure act ([Zakon o kazenskem postopku](#)), 29 September 1994, and subsequent modifications.

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

¹⁷⁹ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

within 15 days, send a written reply to the detainee and, in the event of a substantiated complaint, shall determine the necessary measures to be taken (Art. 70).¹⁸⁰

A convicted person who considers that he or she has been subjected to torture or other cruel, prohibited, inhuman or degrading treatment or punishment may apply for judicial protection. The application for judicial protection shall be lodged by the convicted person with the district court in the territory of which the institution or a department thereof is located (hereinafter referred to as the competent court). The president of the competent court or another judge designated by the annual work schedule of the court shall rule on the legality of individual acts and actions which infringe the human rights or fundamental freedoms referred to in the preceding paragraph, applying *mutatis mutandis* the law governing administrative litigation. The court shall decide on the application within five days of receipt of the report of the prison concerning the alleged violations, which the institution shall be obliged to forward to the court within three days of receipt of the court's summons. Before issuing a decision, the court may, by means of the necessary verifications, establish the facts alleged by the convicted person in the application and, if necessary, interview the convicted person who has applied for judicial protection or other convicted persons, even without the presence of the staff of the institution. In the event of irregularities being found, the court may, before issuing a decision, order the director of the establishment or the director-general to remedy the irregularities immediately and to take measures to remedy the irregularities. The decision may be appealed to a higher court within eight days of the date of notification of the decision. The appeal shall be decided by the High Court within eight days of the date of receipt of the appeal (Art. 83).¹⁸¹

d. Independent authority

If a person in remand considers that he/she is being treated or treated inappropriately by the staff of the institution or that the living conditions are inadequate, he/she may lodge a complaint with the President of the competent District Court or the Director-General of the Administration. The Director-General shall, within 15 days, send a written reply to the detainee and, in the event of a substantiated complaint, shall determine the necessary measures to be taken (Art. 70).¹⁸²

A convicted person who considers that he or she has been subjected to torture or other cruel, prohibited, inhuman or degrading treatment or punishment may seek judicial protection. The application for judicial protection shall be lodged by the convicted person with the district court in the territory of which the prison or a department thereof is situated (hereinafter referred to as the competent court). The president of the competent court or another judge designated by the annual work schedule of the court shall rule on the legality of individual acts and actions which infringe the human rights or fundamental freedoms referred to in the preceding paragraph, applying *mutatis mutandis* the law governing administrative litigation. The court shall decide on the request within five days of receipt of the report of the prison concerning the alleged violations, which the prison shall be obliged to forward to the court within three days of receipt of the court's summons. Before issuing a decision, the court may, by means of the necessary verifications, establish the facts alleged by the

¹⁸⁰ Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

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

¹⁸² Slovenia, The Rules on the implementation of remand ([Pravilnik o izvrševanju pripora](#)), 19 March 1999, and subsequent modifications.

convicted person in the application and, if necessary, interview the convicted person who has applied for judicial protection or other convicted persons, even without the presence of the staff of the prison. In the event of irregularities being established, the court may, before issuing a decision, order the director of the prison or the director general to remedy the irregularities immediately and to take measures to remedy the irregularities (Art. 83).¹⁸³

If there are other violations of rights or other irregularities for which there is no judicial remedy, the convicted person has the right to complain to the Director-General. The prison shall forward to the Director-General the report and the documentation from the convicted person's personal file requested by the latter within eight days of receipt of the request. If the convicted person does not receive a reply to his/her complaint within 30 days of its lodging, or if he/she is dissatisfied with the decision of the Director-General, he/she shall have the right to lodge an application with the Ministry responsible for justice. The prison shall forward the report and the personal file of the convicted person to the Ministry responsible for justice within three days of receipt of the request and shall inform the General Office thereof (Art. 85).¹⁸⁴

e. NPM assessment

The primary challenge concerning the existence and utilization of remedies often stems from the lack of linguistic proficiency or comprehensive understanding of the system and its complaint mechanisms among foreigners. The National Preventive Mechanism (NPM) closely monitors the handling of complaints by all parties involved. In instances involving coercive measures, the NPM consistently requests explanations regarding the circumstances leading to any injuries, although such occurrences are relatively infrequent. On a positive note, individuals can also submit complaints anonymously, and designated boxes are provided for prisoners and detainees for this purpose. In essence, the internal mechanism operates effectively; every complaint receives a response. While the procedures have historically been time-consuming, recent improvements have expedited the process. The responses provided are substantive, underscoring the importance of the existing procedural framework. Moreover, these mechanisms are frequently utilized and often prove to be justified. Notably, there has been a discernible downward trend in the number of complaints in recent years, however, prisons should consider improving the modus of informing the foreign prisoners about their rights. In cases of justified complaints, the state pays compensation. (Consultations, 11 April 2024)

Similar observations were reported during the second consultations; representatives of the NPM have highlighted their observation that prisoners and detainees, particularly foreigners, often lack information regarding complaint mechanisms. Conversely, those who are informed about these mechanisms tend to utilize them extensively. The extent of utilization often hinges on whether the individual has legal representation. In essence, when individuals file complaints, the procedures are consistently and accurately executed. They receive responses within stipulated timeframes, and if their grievances are valid, appropriate or compensatory measures are implemented to rectify or ameliorate their situations. This ensures that their concerns are addressed effectively and that their circumstances

¹⁸³ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

¹⁸⁴ Slovenia, The Enforcement of criminal sanctions act ([Zakon o izvrševanju kazenskih sankcij](#)), 23 February 2000, and subsequent modifications.

are regularized, or at the very least, efforts are made towards regularization. (Consultations, 16 April 2024)

Part II: National case-law

Slovenia, Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije), Ljubljana / Judgment No. XI Ips 1901/2023, 17 January 2024

Thematic area	12. b. – Special measures for foreign nationals – interpretation and translation
Decision date	17 January 2024
Reference details	Slovenia, Supreme Court of the Republic of Slovenia (<i>Vrhovno sodišče Republike Slovenije</i>), Judgement No. XI Ips 1901/2023
Key facts of the case	The defendant in remand has not been served with the request for extension of detention and the parts of the indictment relating to them in translation until after the order extending detention had been made.
Main reasoning/argumentation	If a defendant who is in remand is served with a document in a language which he does not understand, this has the same consequences for him as if he had not been served with that document.
Key issues (concepts, interpretations) clarified by the case	In the present case, the defendant was not served with the request for extension of detention and the parts of the indictment relating to him in translation until after the order extending detention had been made. Therefore, the defendant's defence argument that the defendant had no opportunity to be heard on the allegations and grounds of detention against him before the order extending detention was made following the indictment is well founded. In so doing, the court infringed the defendant's minimum procedural guarantees of due process under Article 29 of the Constitution.
Results (sanctions) and key consequences or implications of the case	The decision grants the request for the protection of legality, annuls the order under appeal in respect of the defendant and refers the case back to the Court of First Instance for a new decision. It highlights the importance of court proceedings being carried out in a language which the defendant understands.
Key quotation in original language and translated into English with reference details	<p>“Če je obdolžencu, ki je v priporu vročeno pisanje v jeziku, ki ga ne razume, ima to zanj enake posledice, kot če mu to pisanje ne bi bilo vročeno. V obravnavanem primeru je bil obdolžencu predlog za podaljšanje pripora deli obtožnice, ki se nanašajo nanj v prevodu vročen šele po izdaji sklepa o podaljšanju pripora. Zato se za utemeljeno izkaže trditev obdolženčeve obrambe, da se obdolženec pred izdajo sklepa o podaljšanju pripora po vloženi obtožnici ni imel možnosti izjaviti o nanj naslovljenih očitkih in pripornih razlogih. S takšnim ravnanjem je sodišče kršilo obdolženčeva minimalna procesna jamstva poštenega postopka iz 29. člena Ustave.”</p> <p>“If a defendant who is in custody is served with a document in a language he does not understand, this has the same consequences for him as if he had not been served with the document. In the present case, the defendant was not served with the request for extension of detention and the parts of the indictment relating to him in translation until after the order extending detention had been made. Therefore, the defendant's defence argument that the defendant had no opportunity to be heard on the allegations and grounds of detention against him before the order extending detention was made following the indictment is well</p>

	founded. In so doing, the court infringed the defendant's minimum procedural guarantees of due process under Article 29 of the Constitution.”
--	---

Slovenia, Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije), Ljubljana / Judgement No. XI Ips 69156/2021, 13 July 2022

Thematic area	10 – Contact with legal representative, possibly 18 – Access to remedy
Decision date	13 July 2022
Reference details	Slovenia, Supreme Court of the Republic of Slovenia (<i>Vrhovno sodišče Republike Slovenije</i>), Judgement XI Ips 69156/2021
Key facts of the case	Defendant was in remand and has not been given the option to consult their lawyer before the hearing at which the court decided to extend their detention.
Main reasoning/argumentation	In a situation where he was brought without notice to a hearing at which he was to make a statement on the request for extension of detention, the defendant in remand was not given a real opportunity to prepare his defence, nor was he given a reasonable period of time before the hearing to acquaint himself with the material in such a way as to enable him to respond to it. It is not the responsibility of the defendant to inform their counsel of the hearing to make a statement on the request for extension of detention.
Key issues (concepts, interpretations) clarified by the case	The defendant in remand was not able to consult his lawyer before the hearing, at which he was informed of the Supreme Court's judgment. The defence counsel was not invited to the hearing. In order to be able to carry out his task, the court should have given the defence counsel the opportunity to attend the hearing.
Results (sanctions) and key consequences or implications of the case	The judgement grants the request for the protection of legality and annuls the contested order. It highlights the importance of a defence counsel being present at the hearing in order for constitutionally guaranteed legal protection to be granted.
Key quotation in original language and translated into English with reference details	<p>“Pravica do obrambe z zagovornikom je eno od jamstev, ki jih Ustava daje obdolžencu v kazenskem postopku zato, da mu zagotovi učinkovito uresničevanje drugih človekovih pravic Poudarjen pomen ima v tistih položajih, v katerih je po zakonu taka obramba obvezna oziroma v katerih šele obvezna obramba omogoča uresničitev pravice iz druge alineje 29. člena Ustave in daje zadostno jamstvo za pošten postopek, tj. tudi v primeru, da je zoper obdolženca odrejen pripor (drugi odstavek 70. člena ZKP). Ne le, da zagovornika na naroku ni bilo, o njem tudi ni bil obvešččen. Od priprtega obdolženca pa tudi ni mogoče zahtevati, da o naroku za podajo izjave obvešča svojega zagovornika. Glede na tako sosledje procesnega dogajanja, obdolžencu v nasprotju z drugo alinejo 29. člena Ustave tako ni bila dana možnost priprave obrambe z zagovornikom.”</p> <p>"The right to defence by counsel is one of the guarantees which the Constitution grants to the accused in criminal proceedings in order to ensure the effective exercise of other human rights. It is of particular importance in those situations in which such defence is mandatory under the law or in which only mandatory defence enables the right referred to in the second indent of Article 29 of the Constitution to be exercised. Not only was the defence counsel not present at the</p>

	hearing, he was also not informed of it. Nor can the detained defendant be required to inform his defence counsel of the hearing for the purpose of making a statement. In the light of this sequence of procedural events, the accused was thus not given the opportunity to prepare his defence with a lawyer, contrary to Article 29(2) of the Constitution."
--	--

Slovenia, Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije), Ljubljana / Judgement 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 (<i>Vrhovno sodišče Republike Slovenije</i>), 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, 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</p>

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, upoštevaje 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

	<p>derives from the nature of the space itself, was not further deteriorated (apart from the minimum square footage).”</p> <p>“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, 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>
--	--

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 (<i>Vrhovno sodišče Republike Slovenije</i>), Judgment No. II Ips 88/2017
Key facts of the case	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>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 načrtovati, 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.”</p> <p>“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).”</p>

“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 preseгло 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.”