



Response

**of the Slovenian Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Slovenia**

from 28 March to 4 April 2017

The Slovenian Government has requested the publication of this response. The CPT's report on the March/April 2017 visit to Slovenia is set out in document CPT/Inf (2017) 27.

Strasbourg, 20 September 2017

REPONSE OF THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA TO THE REPORT OF THE FIFTH PERIODIC VISIT OF THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT IN THE REPUBLIC OF SLOVENIA WHICH TOOK PLACE FROM 28 MARCH TO 4 APRIL 2017

I. Introduction

In accordance with paragraph one of Article 10 of the European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Official Gazette of RS – International Treaties, No. 1/49) the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the CPT) drafted a report on the fifth periodic visit of the CPT in the Republic of Slovenia (hereinafter referred to as the Report), which took place from 28 March to 4 April 2017. The CPT adopted the Report at its 93rd meeting, which was held from 3 to 7 July 2017 and which includes various recommendations, comments and requests for information.

During its regular visit, the delegation of the CPT visited 10 institutions within the jurisdiction of the Ministry of the Interior, the Ministry of Justice and the Ministry of Health, namely two police stations, two detention centres, a centre for foreign nationals, three prisons and a unit of forensic psychiatry.

In the course of the visit, the CPT delegation checked the treatment of persons who had been arrested and the provision of legal protection to the same persons. The CPT delegation devoted special attention to reviewing the situation of persons in prisons; the CPT delegation also studied the situation of foreign citizens who were arrested based on the Foreigners Act or the International Protection Act and forensic psychiatric patients.

The Government of the Republic of Slovenia expresses its appreciation for the CPT work and welcomes its important role in the field of human rights protection; at the same time, it notes with satisfaction the received commendation for good cooperation between the CPT delegation and the national authorities, as well as the personnel of individual institutions visited.

The Government of the Republic of Slovenia has thoroughly examined the Report; it welcomes the positive assessments in the Report and shall endeavour to maintain and also to improve them; and at the same time, it shall seriously and carefully consider all the weaknesses and inadequacies established and confirms the efforts to eliminate or improve them.

We therefore indicate below the findings of the Government of the Republic of Slovenia and a detailed treatment of the measures for implementing the recommendations received. and we give responses to the comments and requests for explanations in the order in which they are addressed in the final CPT Report.

The Government of the Republic of Slovenia hereby withdraws the confidentiality mark from the Report and the reply to the CPT Report and consents to their publication.

II. The measures for implementing the recommendations received and responses to comments and requests for explanations

A. Law enforcement agencies

2. Ill-treatment

12. Regarding the allegations of excessive use of force upon apprehension in individual cases, we would like to point out that the rules specify in which cases a police officer may use coercive measures, whereby in compliance with international documents, all the principles of legality, humanity, proportionality and professionalism are considered.

The Ministry of the Interior and the Slovenian Police management endeavour to prevent all forms of illegal and improper conduct by police officers of persons subject to procedures. If any such practices are identified, consistent measures are taken against the police officers in question.

The above is also evident from statistical data on complaints against the work of the police, which are very rare. For example, in 2016, police officers used 6,502 coercive measures in 2,870 cases against 3,052 offenders. In the same period, we received 309 complaints against the work of police officers. An analysis showed that all the complaints about the allegedly unjustified use of coercive measures (there were 29 such complaints) were unfounded.

3. Safeguards against ill-treatment

14. The CPT trusts that the Slovenian authorities will remain vigilant in order to ensure that all detained persons effectively benefit from the right of notification of custody from the very outset of their deprivation of liberty.

In relation to the exercise of the right of notification of custody to a next-of-kin, we would like to emphasise that in accordance with the law, a person being deprived of liberty must immediately be informed of their rights. Police officers inform such a person of their rights orally and in writing and enable them to enforce these rights as soon as possible. The individual highlighted cases of next-of-kin being notified of their member's arrest only after a delay of a few hours cannot be examined, because they are not specified. However, we presume that these are cases when the provision of information to the detainees' next-of-kin was delayed in the interest of the investigation (e.g. because it was necessary to search the home of the person deprived of liberty and there was a risk of their next-of-kin hiding or destroying objects which it was necessary to seize). Article 208 of the Criminal Procedure Act ((hereinafter referred to as the ZKP) (Official Gazette of RS [*Uradni list RS*], No. 32/12 – official consolidated version, 47/13, 87/14, 8/16 – Ruling of the Constitutional Court, 64/16 – Ruling of the Constitutional Court and 65/16 – Ruling of the Constitutional Court)) stipulates that in such cases, notifications to the next-of-kin may be delayed for the time necessary, but not exceeding 24 hours from the time of the person's arrest.

15. The Committee recommends that the Slovenian authorities take the necessary steps to ensure that, in practice, all detained persons effectively benefit from the right of access to a lawyer from the very outset of their deprivation of liberty, if necessary free of charge. A list of *ex officio* lawyers which detained persons can consult and use should be compiled for each police station in consultation with the Bar Association. Further, all *ex officio* lawyers should be reminded, through appropriate channels, of the importance of their role in preventing and, if necessary, reporting ill-treatment or intimidation by the police.

As referred to in the previous paragraph, police officers must enable an arrested person to exercise their rights as soon as possible. This also applies to the right to a lawyer. In relation to the recommendation that all the detainees should enjoy the possibility of access to a lawyer from the very outset of their deprivation of liberty, free of charge if necessary, we would hereby like to explain that, based on paragraph four of Article 4 of the ZKP, police officers expressly inform a suspect upon apprehension that an *ex officio* lawyer may be appointed at their request, for which the following two preconditions must be met:

- a suspect who is apprehended cannot afford to hire a lawyer themselves, and
- that the appointment of a lawyer at the expense of the state in such a case is considered to be in the interests of justice.

In relation to the compiling of a list of *ex officio* lawyers, we would like to explain that if a lawyer is appointed *ex officio* to a suspect, police officers appoint the lawyer who is on duty and included in the list of lawyers available on the website of the Bar Association of Slovenia or by contacting the investigating judge. All police officers have access to the lists of *ex officio* lawyers through the Police intranet, with a direct connection to the Bar Association of Slovenia, so it is not sensible or necessary to compile the list. If individual regional assemblies have no lists published, police officers obtain the data about the duty lawyer from the investigating judge on duty.

16. The Committee trusts that all information material on the right of access to a doctor will be revised in the light of the above remarks and that, if necessary, the relevant legislation will be made more explicit on this point.

In the brochure ‘Notice on the rights of a detainee’, we provided new content regarding free access to a doctor in order to improve comprehensibility (similarly to the way this right is indicated in the poster). The notice is translated into foreign languages.

17. Given the particular vulnerability of this age group, the CPT recommends that the necessary measures be taken to guarantee that juveniles deprived of their liberty by the police are never subjected to police questioning or requested to make any statement or to sign any document concerning the offence(s) they are suspected of having committed without the presence of a lawyer and, in principle, a trusted adult person. This should also be reflected in the relevant legislation. Further, juveniles who are not able to pay for a lawyer should be entitled to free legal aid from a lawyer appointed by the Bar Association.

Paragraphs three and four of Article 65 of the ZKP stipulate the right of a minor victim to a representative (also *ex-officio*), who, from the instigation of criminal proceedings for certain offences (offences against sexual inviolability from Chapter XIX of the Criminal Code, the criminal offence of neglect of minors and cruel treatment from Article 192 and the criminal offence of trafficking in human beings under Article 113 of the Criminal Code) shall take care of their rights, particularly in relation to the protection of their integrity during a hearing before the court and the enforcement of an indemnification claim. In pre-trial and criminal proceedings, a person whom the victim trusts may be present with a minor victim. Such a person may also be present with other victims of violence.

18. The CPT trusts that the Slovenian authorities remain vigilant to ensure that all persons taken into police custody are fully informed, from the very outset of their deprivation of liberty, of all their rights.

In relation to providing information on a person’s rights upon arrest, we emphasise again that, in accordance with the legislation, any person who is deprived of liberty must immediately be informed of their rights. Police officers inform such a person of their rights verbally and in writing and enable them to enforce these rights as soon as possible. In addition to the written notification of the fundamental rights listed in the document on the deprivation of liberty which is signed by the person, the person is also informed of these and other rights (the right to communicate to competent national or international institutions or organisations in the field of human rights and fundamental freedoms protection, the right to uninterrupted 8-hour rest time in 24 hours, the right to food, the right to permanent access to drinking water, etc.) by way of a copy of the brochure given to them before their accommodation in the cell where they are detained.

19. It is positive that persons deprived of their liberty by the police were requested to sign a detention protocol which contained information on their rights. The police also recorded, on a different document (“log-sheet”), whether or not the detainee had waived any of his rights. Unfortunately, this information was not confirmed by the detainee’s signature. At the end of the visit, the delegation suggested that the Slovenian authorities include the information as to whether the detainee has availed himself of his rights or has waived them, in a document which is signed by the detainee. The CPT was pleased to note that, according to a letter dated 5 May 2017, the authorities plan to adjust the “log-sheet” accordingly.

The form on which police officers record the data on the (non-) exercise of the rights of a detained person will be supplemented with the possibility of the detainee’s signature.

20. The Committee encourages the authorities to further promote the use of electronic equipment for recording police interviews as standard practice.

The Police try to use video recording equipment to record police interviews as frequently as possible.

4. Electrical discharge weapons and identification of police officers

22. The Committee trusts that the Slovenian authorities will ensure that the above-mentioned precepts, as well as the other safeguards advocated by the CPT in its 20th General Report,¹ will be reflected in the relevant legislation (including the Rules on Police Powers) and respected in practice.

The Ministry of the Interior and the Police are preparing draft rules amending the Rules on Police Powers, which will *inter alia* regulate in more detail how electrical discharge weapons are used. The draft Rules are currently being harmonised across sectors, and the draft article specifically regulating the use of electrical discharge weapons reads as follows:

**Article 43(a)
(Use of electrical discharge weapons)**

- (1) Before using their electrical discharge weapons, police officers shall, if with regard to the police officers' or other people's safety circumstances allow, caution the person against whom the electrical discharge weapons are to be used by calling out “Police! Freeze or I will use an electrical discharge weapon!”
- (2) Police officers may not use two or more electrical discharge weapons against one person at the same time.
- (3) Police officers may only reuse the electrical discharge weapon immediately after using it only if the person is endangering his/her life, the lives of police officers or other persons.
- (4) Police officers shall not be allowed to trigger or use it directly by pressing it to the vital parts of the body, such as the head, neck or genitals, or use it in the circumstances which could cause additional risk to the person concerned (e.g. falling into water, down stairs).
- (5) It shall be considered that electrical discharge weapons are equipped with a camera for video recording if the producer has equipped them with integrated or a stand-alone camera with a wireless connection for documenting the police procedure.
- (6) Electrical discharge weapons may be used by police officers performing tasks in intervention groups and other similar forms of work, Special Unit police officers and mobile criminal investigation departments' officers.

On 27 February 2017, the Act Amending the Police Tasks and Powers Act (ZNPPol-A) was published in the Official Gazette of the Republic of Slovenia, No. 10/17; it entered into force on 14 March 2017 and was applicable on 12 April 2017. Materials prepared by experts within the Police and the Ministry of the Interior

¹ See paragraphs 65 to 84 of <http://www.cpt.coe.int/en/annual/rep-20.pdf>.

have been presented several times to the internal and external public in coordination with the Ombudsman, the line ministries, Information Commissioner and non-governmental organisations. Analyses and impact assessments on privacy (regarding the use of unmanned aircraft in the performance of police tasks, the use of electrical discharge weapons as a means of restraint by police officers, automated verification of registration plates in the supervision of road traffic, searching for missing persons and passenger data processing (“PNR”). The Act supplements the provisions of the Police Tasks and Powers Act – which have proved during the implementation of the Act to be inadequate, or lacked detailed regulation – to provide higher legal and personal safety for people and their property, as well as the safety of police officers. We believe that the Act contains adequate safeguards in all the novelties, which, along with effective policing, prevent police officers from interfering excessively and disproportionately in the privacy of individuals and in other human rights during the implementation of police powers. The solutions in the amending Act were based on comparative legal examinations and current experience and findings, so that the necessary care for respecting human rights and fundamental freedoms is taken and at the same the needs of police organisations to properly ensure safety in the community are satisfied, taking into account that safety is a fundamental human right. In this regard, the safety of police officers carrying out their duties is also crucial.

One of the reasons for the enactment of the use of electrical discharge weapons has also been indicated. The preconditions for using electrical discharge weapons on particularly vulnerable groups are the same as for the use of firearms, and for others they are only slightly milder than the preconditions for the use of firearms. They are limited to the threat to life or severe injury if the use of other milder coercive means has not been successful and if they comply with the views advocated by the CPT in its 20th general report. We note that the preconditions for the use of firearms as a coercive means in Slovenia are very strict (unlike in some other countries, police officers may not, for example, use firearms solely to prevent from escaping a person who has been caught committing a particularly serious criminal offence).

The Act provided for the legal obligation that police officers must be trained to use coercive means. Coercive means are those police powers whereby police officers most sensitively interfere with human rights. Therefore, the legal amendment determines the obligation that police officers must be trained in their use and that they must also consider the producer's instructions in the use of technical coercive means (the above also applies to electrical discharge weapons). Police officers are trained in the use of coercive means during their education and training for performing police duties, and they strengthen and upgrade their knowledge through ongoing and advanced training. They must be specially trained in the user of new coercive means. The training of police officers (as is evident from the draft rules, electrical discharge weapons may be used only by police officers with the necessary knowledge and experience) will also include the highlighted contents and information (medical aspect, first aid, etc.).

23. The CPT would like to receive confirmation and further information of the introduction of this measure into the legislative framework as well as into practice.

Article 22 of the Police Tasks and Powers Act (Official Gazette of RS, No. 15/13, 23/15 – amend., and 10/17) stipulates that a police officer whose recognisability must be concealed in the performance of police tasks because of their safety may exceptionally wear hoods to conceal their faces. The use of such is decided by the Director General of the Police, Director of Police Directorate or a person authorised by the Director General of the Police or Director of Police Directorate.

Paragraph eight of Article 57 of the Act also stipulates that police officers may use a special hood on a person to conceal their faces for a necessary time while bringing the person in to conceal their recognisability if necessary because their lives may be threatened or in order to secure evidence. The decision on the use of such hoods is taken by the head of the police. A special hood may also be used by police officers at a person's request.

The recording of police procedures is regulated in Article 114 of the Act, which stipulates the following: “Police officers may use technical devices to take photographs and/or video and audio recording which are used by the Police when monitoring the legality of the implementation of police powers.”

5. Conditions of detention

25. to 27.

The CPT recommends that artificial lighting in police detention cells is always appropriately dimmed at night-time.

The CPT trusts that the authorities will ensure that police cells without access to natural light are not used for periods of custody lasting more than a few hours. Further, the Committee recommends that all police cells constructed in the future be provided with access to natural light.

The CPT trusts that all newly built police stations will be equipped with an outdoor exercise yard.

In 2016, the Minister of the Interior issued new Rules on Standards for the Construction and Equipment of Police Premises used for Detention (Official Gazette of RS, No. 62/16), which set out the norms that must be considered by designers, project designers, building constructors and renovation providers, as well as suppliers of equipment for police detention facilities. The norms are taken into account consistently in all new construction projects.

Detention facilities which do not provide adequate safety and health conditions are not used by the Police. Individual detention facilities deviate from the norms only with regard to the equipment and the provision of daylight, which is resolved through maintenance investments to provide adequate artificial lighting. Any eventual deficiencies are being gradually eliminated through the construction and technical adaptation of individual rooms. The Police use detention facilities with derogations from the norms only for the necessary time or for shorter detention.

Police officers are responsible for the safety of detainees, so it is not possible to completely turn off the artificial lighting in the night. Police officers only dim the light to the extent that it is still possible to check on detainees with video surveillance (police officers also monitor detainees by direct physical surveillance).

B. Prison establishments

1. Preliminary remarks

30. The CPT encourages the Slovenian authorities to build on the above-mentioned positive developments and continue their efforts to ensure that the aforementioned national standard for living space to be provided to prisoners is effectively implemented in practice.

All the CPT recommendations are taken seriously by the Prison Administration of the Republic of Slovenia (hereinafter referred to as the URSIKS), and we are aware that they serve as a stimulation to further implement standards and develop the quality of living space. In the same way as hitherto, we will also endeavour in the future to accept and realise all the recommendations made by the CPT.

32. The CPT would like to receive updated information on the progress achieved as regards the construction of a new prison in Ljubljana and on its expected capacity.

Regarding the construction of the new Ljubljana prison (hereinafter referred to as the ZPKZ Ljubljana), the Ministry of Justice in cooperation with the Slovenian Chamber of Architecture and Spatial Planning has opened an invitation for a public, project, open, anonymous, one-step architectural and landscape competition to select the most professionally suitable solution and select a contractor for project documentation for the purpose of resolving the spatial issues of the ZPKZ Ljubljana at the OPPN MOL 147 location (area along the eastern bypass and the Litijska cesta road). The decision on the outcome of the competition is expected on for 6 November 2017.

The expected capacity of the new construction of the ZPKZ Ljubljana will be 388 prisoners (including 60 prisoners from the Ig open section).

2. Ill-treatment

36. Notwithstanding this, the CPT recommends that a clear message be delivered to staff working at Maribor Prison, and at other prison establishments in Slovenia, that all forms of ill-treatment, including verbal abuse and provocative behaviour vis-à-vis prisoners, as well as any kind of threats, intimidating action or reprisals against a prisoner who has lodged a complaint, or attempts to prevent complaints from reaching the relevant authorities/bodies, are not acceptable and will be punished accordingly.

Maribor Prison (hereinafter referred to as the ZPKZ Maribor) will continue to strongly prevent any forms of ill-treatment or inappropriate treatment/handling of prisoners, either by the employees or other prisoners. The unacceptability of unsuitable behaviour and the importance of appropriate tolerance in human relations has been regularly emphasised as a guiding principle in the positive functioning of the prison at various forms of community meetings with prisoners as well as staff.

The CPT recommendation will be taken into account at all levels of organisation and work and all employees in all institutions will be informed of it. Further attention will also be devoted to this topic in training for the newly recruited employees in the system, both prison officers and treatment staff.

37. The CPT recommends that an effective strategy be devised and implemented at Maribor Prison, and where necessary in other prisons in Slovenia, to tackle trafficking in prohibited items. In the Committee's view, the implementation of the recommendations made in paragraphs 53 should be part of the strategy. Moreover, particular attention should be paid to the potential involvement of prison staff in the smuggling of illicit items into the prison and in their trafficking. Consideration might also be given in this connection to replacing cash payments in prisons with introducing internal "bank" accounts for inmates and electronic payments.

Further, the CPT recommends that the management and staff at Maribor Prison remain vigilant to any signs of intimidation and violence among prisoners and react immediately and adequately when confronted with instances of such behaviour. Moreover, the Committee recommends that the necessary steps be taken to ensure that complaints lodged by prisoners are always treated confidentially.

From the perspective of ensuring safe imprisonment, the ZPKZ Maribor has already adopted and taken certain concrete (additional) safety measures, e.g. the provision of the permanent presence of a prison officer also in the semi-open department for convicts, which has already been directly reflected as a positive security measure in the reduced number of incidents. In addition, the prison will also pay special attention to preventing trafficking in prohibited items and substances and thus directly limit/prevent the development of a black market in the future. For the above reason, we will try to employ additional prison officers, which in turn will also enable an increase in the number of searches of premises and the supervision of persons suspected of breaching the prison rules.

We hereby accept the CPT proposal to establish a complemented form of confidential complaint procedure for prisoners, and we will carefully examine how this may be done.

3. Conditions of detention

a. material conditions

40. However, the CPT recommends that other solutions be found to ensure that all prisoners are always provided with at least 4m² of living space per person in a multiple-occupancy cell and, preferably, 7m², in line with the Slovenian national standard.

The ZPKZ Maribor and all other locations will consistently comply with the agreed norms regarding the physical conditions for the accommodation of prisoners. For this purpose, we have established a system of monitoring the occupancy of individual institutions, and immediate action in terms of transferring prisoners between different institutions.

b. *regime*

45. The Committee recommends that the Slovenian authorities continue their efforts to provide a satisfactory programme of activities to all prisoners, whether held on remand or sentenced. The aim should be to ensure that all prisoners (including those on remand) spend a reasonable part of the day (i.e. 8 hours or more) outside their cells engaged in purposeful activities of a varied nature: work, preferably with vocational value; education; sport; recreation/association.

This is to explain that in recent years the time that prisoners spend outside their cells has been significantly extended in ZPKZ Ljubljana. According to the data collected, the time prisoners spend outside their cells at the detention block on the 1st floor (where the largest number of remand prisoners is accommodated) has been extended from 2 hours and 25 minutes in 2010 to 6 hours and 54 minutes in 2016. On the ground and second floors, the time remand prisoners spend outside their cells has been extended from 2 hours and 25 minutes in 2016 to 3 hours and 44 minutes in 2016.

Convicts on the 2nd floor may spend time outside their cells for 9 hours and 50 minutes on average, in one half of the 3rd floor for 12 hours and 5 minutes and in the 2nd half of the 3rd floor for 16 hours. The staff at ZPKZ Ljubljana are aware that the quality of prison life is important. Therefore, they endeavour each year to improve and enrich the programmes offered to prisoners.

The staff at ZPKZ Maribor are also aware that it is necessary to provide as many activities to prisoners as possible in order to structure their day and to spend as little time in their cells as possible. They agree with the recommendation of the committee that prisoners should spend a reasonable part of the day outside their cells.

In the future, too, we will endeavour to further develop programmes of activities to enable as many prisoners as possible to be included in various activities.

4. Prisoners held under the reinforced security regime

48. The CPT recommends that the Slovenian authorities take decisive steps to review the programme of activities offered to prisoners held under the reinforced security regime at Maribor Prison and, where applicable, also in other prisons in the country, in the light of the above considerations.

Further, the Committee recommends that inmates held under the reinforced security regime who are known or likely to have conflicts between themselves or are known or likely to be under threat by other inmates, be adequately protected. In particular, consideration should be given to offering them, within the reinforced security regime, separate access to outdoor exercise, the fitness room and showers.

In the case of inmates held under a reinforced security regime, it is necessary primarily to follow the purpose of separating them from the others, and therefore it is not possible to fully include them in work and other activities together with other inmates, and often it is also necessary to separate them from each other. In accordance with the recommendation, we will re-examine possible ways of providing various activities also for prisoners held under a reinforced security regime, whereby ZPKZ Maribor and other institutions will endeavour in the future to broaden the programme of activities for these prisoners.

49. The CPT reiterates its recommendation that the Slovenian authorities take the necessary steps to ensure that every prisoner in respect of whom the imposition of a reinforced security regime or its extension is envisaged is given an opportunity to be heard on the matter by the decision-making authority before a formal decision is taken.

Regarding the recommendation that the Slovenian authorities take the necessary steps to ensure that every prisoner in respect of whom the imposition of a reinforced security regime or its extension is foreseen is given an opportunity to be heard on the matter by the decision-making authority before a formal decision is taken, we would like to highlight that the possibilities of the recommendation will be examined in the light of the procedure.

Under the applicable legislation, the decision-making procedure on placement under a reinforced security regime leads to a shortened declaratory proceeding, where decisions are made based on documentary evidence and no hearing takes place. The latter is based on the objective of making the procedure as fast as possible, because there is usually a security reason that dictates a rapid decision on placing prisoners under a reinforced security regime. Regardless of the above, we will call upon all institutions to interview prisoners and record the content of the interview in prisoners' personal files before adopting a decision on the placement under a reinforced security regime.

50. The CPT would like to receive the comments of the Slovenian authorities on this issue.

Upon placement, a prisoner receives a written decision under Article 98, Article 98(a) and Article 206 of the Enforcement of Criminal Sanctions Act, and their personal plan is also supplemented as necessary. The decision on placement under a reinforced security regime contains an explanation of the reasons for such placement, the estimated duration, and legal information which enables the prisoner to contest the decision if they disagree. When placed under a reinforced security regime, each prisoner also receives a record to supplement their personal plan, including precise data on the degree of isolation of the prisoner concerned. In the plan, it is determined when and how the prisoner will make purchases in the prison shop, when and how visits will be held, where the prisoner will receive their meals, how they will spend their free time (walks, fitness, leisure activities), how they will make phone calls and how the treatment of the prisoner will be conducted (interviews with staff). The prisoner is made aware of the placement under the reinforced security regime as well as of changes following the regime (in the supplement to the personal plan which the prisoner is given to sign).

The decision on placement under a reinforced security regime is made by an expert group, and an interview with the prisoner to be placed under the reinforced security regime is usually also conducted. Based on the interview with the prisoner and the assessment of the expert group, a decision is made on placement under the reinforced security regime only if this is necessary for the safety of the prisoner or other prisoners or any other reasons stipulated by the relevant law.

All such placements under a reinforced security regime are reassessed every 14 days at the expert group meeting, where it is estimated whether the reasons for the measure remain. The findings are recorded in the prisoner's personal file. The placement is limited as far as possible, and when the reasons for the placement under the reinforced security regime cease to exist, the prisoners serve their sentence under the same regime as before being placed under the reinforced security regime.

The manner of implementing the reinforced security regime is determined individually for each prisoner (whether they will work, use fitness equipment and take walks with others, whether they will have meals alone or with others, etc.). The decision on the degree of isolation of individuals from others depends on the estimate of how threatened individuals feel or how much they threaten others or employees and how disturbing their behaviour is to others. All the decisions are taken in compliance with the regulations.

5. Health-care services

51. In due course, the CPT would like to be informed of the outcome of these discussions.

Despite discussions about transferring responsibility for all health care in prisons to the Ministry of Health, we estimated that, given the present situation in public health care of the Republic of Slovenia that such a decision would not significantly improve health-care services for prisoners, or even that under the existing competences of health-care centres it could worsen them. Regional health-care centres in prisons in the framework of public health-care services only perform primary services in the framework of certain health-care teams. Depending on the number of prisoners in a prison, a standard is determined based on which in most institutions a doctor and a nurse are not present every day. However, health professionals (nurses) employed by the Ministry of Justice are present in prisons every day except weekends and holidays. They perform specific interventions which prisoners cannot perform themselves because of their imprisonment and which are not classified as the competence of primary health care. Their tasks are more like secondary or hospital care. Following the instructions of doctors and for safety reasons, they distribute and divide psychiatric therapy and replacement therapy; they make appointments for prisoners for specialist examinations outside the prison, and they organise prisoner officers to escort them; together with the regional pharmacy they provide for the purchase of medicines and perform other preventive health-care tasks (first aid, ensuring the cleanliness and hygiene of prisoners and accommodation, etc.), which significantly influence prisoners' health. URSIKS will continue to endeavour to find the best solutions to provide prisoners with the most appropriate medical care.

53. Medication should only be distributed by health-care staff. Further, the intake of all medication should be properly supervised.

The intake of medication received by prisoners and a record of all medication is kept by prison nurses, who, during their absence (weekends and holidays, etc.) prepare medication for therapies in pill dispensers which is then distributed by prison officers. If a prisoner does not take a medication, the relevant prison officer forwards this information to the nurse on the first day of their work and they inform the competent doctor who prescribed the therapy. We agree with the recommendation that medication should be distributed only by health-care staff; however, based on the current human resource assignment of health-care staff in prisons, the recommendation cannot be fully implemented. The URSIKS will explore the possibilities of health-care staff distributing medication to the greatest extent possible. In negotiations with the Ministry of Health, we will endeavour to increase the presence of medical staff.

During imprisonment, most violent offenders and those who are violent to others in their behaviour have the first opportunity in their lives to face their inadequate and harmful behaviour and its consequences. Therefore, the URSIKS pays a lot of attention to the recognition of violence among prisoners and to appropriate action. This demanding and complex area of expertise requires qualified workers; therefore, in 2013, we systematically began acquiring skills and knowledge for the recognition and resolution of the problem of violence in prisons.

54. The CPT calls upon the Slovenian authorities to implement its long-standing recommendation that someone qualified to provide first aid, preferably with a recognised nursing qualification, be present on the premises at all times (including at night and weekends) at Ljubljana and Maribor Prisons, as well as in other prison establishments in Slovenia.

In the context of the provision of health care to prisoners and remand prisoners, continuous health care is provided by regional health centres in the framework of the public health-care network. They offer health-care services within the agreed working hours of individual health-care teams in prisons, and in the remaining time they provide health care on call by making house calls or in the relevant health centre.

We would like to inform the CPT that all the prison officers are trained to provide first aid, and every prison and division has been installed with AED defibrillators. If a prisoner needs emergency medical aid and if no medical staff are present in the prison, prison officers are the first to respond. In such cases, they immediately call the regional emergency medical services, which then come to the prison to offer qualified medical care and medical assistance. Because health-care activities are organised regionally, such prisoners are offered medical assistance in a very short time.

The arrangement of emergency medical treatment is the same as for any other citizen of the Republic of Slovenia when the emergency response team of the General Emergency Medical Services or the Emergency Centre responds, especially considering the fact that prison officers are trained to offer first aid and that divisions are equipped with AEDS defibrillators.

55. The CPT recommends that the Slovenian authorities take the necessary steps to ensure that a clinical psychologist (at least on a part-time basis) is contracted at Ljubljana and Maribor Prisons.

At ZPKZ Ljubljana, a clinical psychologist was employed by the Ljubljana Health Centre through the public health-care network and financed from the budgetary resources. He worked as required or after the referral of the prison psychiatrist. The recruitment of a clinical psychologist lies within the competence of the Community Health Centre Ljubljana. The competent Ministry of Health was warned again about our needs and your recommendations for a clinical psychologist for prisoners. In the context of the general agreement for 2017, they provided the possibility of employing a clinical psychologist in the Correctional Facility as of 1 January 2018; however, we will endeavour to ensure a clinical psychologist is also present in other prisons.

56. Dental care was provided in both establishments by visiting dentists (six hours a week at Ljubljana and four at Maribor). However, in both establishments, the delegation received a few complaints about long waiting times for an appointment with a dentist.

The URSIKS regularly reports to the Ministry of Health on any derogations from the agreement on the provision of health care for prisoners and communicates problems and needs arising in the provision of health-care services. This practice will continue, and we will draw attention to the waiting periods for dental treatment.

57. The CPT recommends that prisoners at Ljubljana and Maribor Prison be provided with envelopes in which they may place requests for medical consultations.

In compliance with Article 45 of the Rules on the Implementation of Prison Sentences, a prison must ensure that prisoners enjoy confidentiality in their communication with doctors, particularly when making a doctor's appointment. At their request, prisoners may submit notes to a doctor in a sealed envelope. Prisoners are aware that they can make a doctor's appointment by submitting an application in which it is not necessary to state their health issues, because an application suffices, or by submitting a request in a sealed envelope, because communication with doctors is confidential. The URSIKS will again remind all prisons of medical confidentiality.

We should add that we will seek an appropriate technical solution based on the Committee's recommendation.

60. The CPT would like to be informed whether the Protocol on suicide prevention is applied in all prison establishments in Slovenia and, if so, what the overall results of its implementation have been.

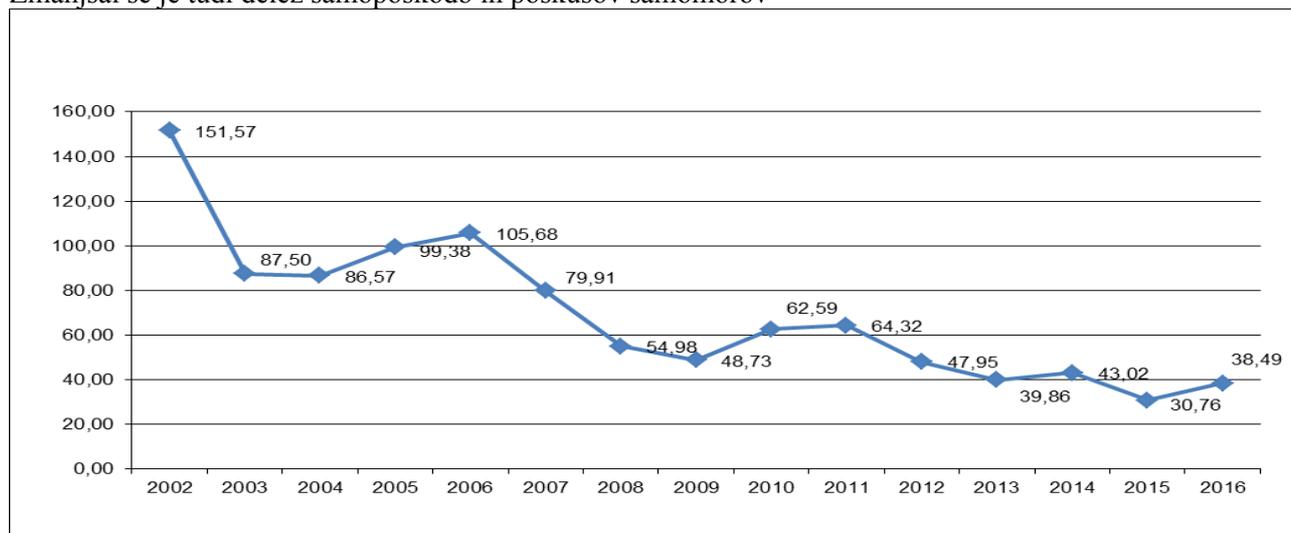
The Protocol is used at all locations in all prison institutions under the URSIKS.

The results of the implementation of the Protocol, which is an explanation of the triage assessment of suicide risk upon admission with the use of a questionnaire, cannot be separated from the implementation of the overall strategy for suicide prevention. We began implementing the strategy in 2004. The number of suicides in this period decreased significantly, as seen in the table below. Before the strategy was implemented, the proportion of suicides among prisoners was three times higher.

Leto	Smrti	Samomori	Odstotek samomorov v skupnem številu smrti	Povprečno število zaprtih oseb	Smrtnost na 10.000 zaprtih oseb	Stopnja samomorilnosti na 10.000 zaprtih oseb	Povprečje
1995	9	3	33,33%	772	116,58	38,86	34,97
1996	7	5	71,43%	682	102,64	73,31	
1997	4	2	50,00%	763	52,42	26,21	
1998	10	4	40,00%	810	123,46	49,38	
1999	1	1	100,00%	949	10,54	10,54	
2000	7	4	57,14%	1131	61,89	35,37	
2001	7	4	57,14%	1203	58,19	33,25	
2002	7	4	57,14%	1148	60,98	34,84	
2003	4	3	75,00%	1120	35,71	26,79	
2004	1	0	0,00%	1132	8,83	0,00	11,38
2005	6	2	33,33%	1137	52,77	17,59	
2006	4	1	25,00%	1268	31,55	7,89	
2007	8	3	37,50%	1339	59,75	22,40	
2008	7	3	42,86%	1364	51,32	21,99	
2009	4	2	50,00%	1416	28,25	14,12	
2010	5	1	20,00%	1374	36,39	7,28	
2011	4	2	50,00%	1337	29,92	14,96	
2012	6	3	50,00%	1418	42,31	21,16	
2013	3	0	0,00%	1430	20,98	0,00	
2014	6	0	0,00%	1511	39,71	0,00	
2015	5	3	60,00%	1463	34,18	20,51	
2016	3	0	0,00%	1378	21,77	0,00	
1995-2016	118	50	42,37%	26145	45,13	19,12	

Število smrti in samomorov v letih 1995-2016

Zmanjšal se je tudi delež samopoškodb in poskusov samomorov



Poskusi umorov in samopoškodbe na 1000 zaprtih oseb v letih 2002-2016

6. Other issues

a. *prison staff*

61. The CPT encourages the Slovenian authorities to step up their efforts to fill vacant posts at Ljubljana and Maribor Prisons, as well as in other prison establishments in the country. More generally, the CPT would like to be informed of developments regarding the staffing situation in the prison system and the recruitment of additional prison staff.

In compliance with the current legislation, the URSIKS constantly endeavours to employ the appropriate number of prison officers, on order to ensure security and conditions for the work of employees.

From 2012 to 2016, when intervention measures were adopted, the number of public servants in the URSIKS significantly decreased. Because of the limitations on recruitment, we were not able to compensate for departures of public servants, which was reflected in staff shortages in all fields of activity. With the possibility of re-employment, the employment situation is gradually improving.

A comparison of the number of employees with permanent contracts between 2009 and 2017

Situation on	Number of employees
31 December 2009	836
31 December 2010	868
31 December 2011	893
31 December 2012	866
31 December 2013	842
31 December 2014	832
31 December 2015	818
31 December 2016	845
1 July 2017	860

On 1 July 2017, there were 860 public servants employed at the URSIKS, 546 of whom were prison officers.

The permitted number of posts under the establishment plan for staff for the URSIKS includes 876 posts, and 4 posts for trainees, i.e. 880 posts.

The government of the Republic of Slovenia has informed the URSIKS of the personnel issue and ordered the line ministry to prepare appropriate solutions to resolve the staffing situation. We expect to obtain approval from the Government of the Republic of Slovenia for 40 additional posts to increase the staffing plan and the number of permitted posts. Based on a government decision, a process to recruit 30 new prison officers is under way.

b. contact with the outside world

62. Nevertheless, the CPT recommends that sentenced prisoners held under the reinforced security regime at Maribor Prison be encouraged by staff to receive visits and be regularly given the opportunity to meet visitors outside working hours and on weekends.

The ZPKZ Maribor will examine the possibility of providing prisoners held under a reinforced security regime with the chance to receive visitors outside working hours and at the weekend with a revision of prison rules and the agenda of the prison, which is already in the drafting phase.

63. The CPT calls upon the Slovenian authorities to implement its long-standing recommendation to increase the capacity and improve the layout of the visiting facilities at Ljubljana and Maribor Prisons.

The ZPKZ Ljubljana is aware that current visiting facilities are inadequate; however, in accordance with their physical resources, the prison is trying to maintain the latter to the best of its ability. The facilities are bright and airy and have also recently been whitewashed. For prisoners visited by next-of-kin with babies, visits are enabled in the facilities usually used by lawyers and police officers to conduct interviews. Toys and a pillow may be brought to the facility. We are planning to replace worn-out toys in the near future. We are convinced that the premises to be purpose-built for visits in the new building will be bigger and more convenient.

This year, the ZPKZ Maribor began realising the project of completely renovating the premises for prison visits. The project is technically divided into two phases, and complete realisation of the first phase of the project is envisaged in the second half of the year. In 2018, the second phase of the project will follow, so that in a relatively brief time the prison will provide prisoners and employees with significantly improved spatial conditions regarding visits and employees' work.

c. *discipline*

65. The CPT reiterates its recommendation that the rules governing disciplinary sanctions for remand prisoners be revised accordingly.

We hereby explain that the Ministry of Justice has prepared an amendment to the Criminal Procedure Act which also covers the area of disciplinary sanctions for remand prisoners. The duty of the judge to hear a remand prisoner prior to the imposition of a disciplinary sanction is expressly assumed. In light of the CPT's recommendations, the disciplinary sanctions of prohibiting or limiting visits and correspondence will be abolished. Instead, the right to carry and use items for personal use, money and other items may be temporarily withdrawn or limited. A disciplinary sanction cannot include items for maintaining hygiene, items for following public media, printed matter and technical or other literature, because this would be inhuman.

66. The CPT would like to receive confirmation that remand prisoners now have the right to be heard in person by the judge in the context of disciplinary proceedings prior to the imposition of any sanction.

The present regulation does not expressly provide for a compulsory hearing for remand prisoners prior the imposition of a disciplinary sanction; however, the position that such prior hearing is necessary does exist and some courts have implemented it. Therefore, in the light of the CPT's comments, an amendment to the Criminal Procedure Act was proposed which makes it clear that a remand prisoner must be heard in person prior to the imposition of a disciplinary sanction.

In important acts such as the amendments to the Criminal Procedure Act, the legislative procedure is usually focused and accurate. In this case, the proposed Act amending the Criminal Procedure Act was approved at a meeting of the Justice Committee of the National Assembly of the Republic of Slovenia on 5 September 2017, and we believe that the said proposed Act could be passed by the end of September 2017 and published in October 2017 in the Official Gazette of the Republic of Slovenia.

67. The CPT recommends that a register of disciplinary sanctions imposed on remand prisoners by a judge be introduced at Ljubljana Prison and, where applicable, also in other prisons in Slovenia. The CPT recommends that the Slovenian authorities take the necessary steps to speed up the time to investigate and decide on a disciplinary offence. In principle, when it is deemed necessary to impose a disciplinary sanction on a prisoner, this should be done within days rather than months of the offence.

All the data on individual remand prisoners in the ZPKZ Ljubljana are kept in the remand prisoner's dossier. They also include data on eventual proposals and implementations of disciplinary sanctions. In compliance with paragraph four of Article 211 of the ZKP, the data from the collection of personal data of remand prisoners need to be stored and used throughout the duration of detention. At the end of detention, the data must be archived and kept for ten years at the URSIKS, then deleted.

We would like to explain that the proposed amendment to the Criminal Procedure Act also regulates the issue of deadlines for implementing disciplinary sanctions imposed on remand prisoners, because a provision is added whereby, regarding the disciplinary punishment of remand prisoners, the provisions of the act governing the implementation of penal sentences and the regulations issued on the basis of this act are used. The Enforcement of Penal Sentences Act and the Rules on the Implementation of Prison Sentences lay down very short deadlines in which it is possible to begin a disciplinary procedure, impose a disciplinary punishment on a convict and to also implement it.

69. To avoid any possible perception on the part of the prisoners that health-care staff are involved in the imposition of the disciplinary sanction of solitary confinement and thus to preserve the doctor-patient relationship, **the CPT once again reiterates its recommendation that existing legal arrangements and practice concerning the role of prison doctors in relation to disciplinary matters be reviewed. Health-care staff should visit the prisoner immediately after his/her placement in solitary confinement (and thereafter, on a regular basis, at least once per day) and provide him/her with prompt medical assistance and treatment as required.**

As the CPT Committee has already noted, the URSIKS has adapted the regulations on the involvement of medical staff in the application of the disciplinary sanction of solitary confinement in view of the revised prison rules and thus maintained the doctor-patient relationship. In compliance with Article 100 of the Rules on the Implementation of Prison Sentences, prisoners placed in solitary confinement must be visited daily by a doctor or a prison health-care professional, as well as by a prison employee appointed by the director of the prison. While undergoing the disciplinary sanction of solitary confinement, the prisoner must be visited daily by the doctor performing health-care services at the prison or by any other prison health-care professional.

URSIKS will continue to seek to consistently implement the above provisions. We hereby emphasise that a doctor cannot influence decisions to implement disciplinary sanctions or the placement of prisoners in solitary confinement, because these decisions are made by the director of the prison. The doctor's duty is to visit the prisoner daily, and if the doctor decides that continued solitary confinement may be a threat to the prisoner's health, the doctor should immediately inform the prison director.

d. handling of agitated or violent prisoners

71. The CPT recommends that this shortcoming be remedied.

At the system level, we will study the CPT proposal to install a call bell in security cells; however, we would like to point out that such cells are under video surveillance, which enables constant passive communication with the person concerned, and provides for their security.

72. In the CPT's view, if a prisoner is placed in a security cell, he/she should be obliged to remove his/her clothes and to wear rip-proof clothing only if necessary (e.g. if there is a risk of self-harm or suicide).

The CPT proposal regarding the placement of prisoners in security cells, including the provision of spare clothing during that time as defined in by legislation, will be studied at the system level.

73. The CPT recommends that the existing procedures and practice at Ljubljana and Maribor Prisons, as well as in other prison establishments in Slovenia, be reviewed in the light of these remarks.

Regarding the proposal to establish special boxes for prisoners to submit complaints and requests – which the CPT believes would improve the effectiveness of complaints and inspection procedures – we would like to say that we will seek optimum options for effective procedures.

Complaints are kept in prisoners' file documentation. In compliance with paragraph one of Article 38 of the ZIKS-1, personal data from the database of prisoners are stored and used while the prisoner is imprisoned. When the prisoner has served their sentence, or is discharged from prison, the information on the prisoner is archived and kept permanently.

74. The CPT considers that inspection bodies should not limit their activities to seeing prisoners who have expressly requested to meet them, but should take the initiative by visiting the establishments' detention areas, entering into contact with inmates and interviewing them in private.

The prison is regularly supervised by judges on the basis of an order from the president of the court. The judges work independently; they are accompanied by prison officers around the prison, who do not audit individual meetings between judges and prisoners. The extent of supervision, the number of interviews conducted, etc., is a matter for the judges to decide. Whenever supervision is performed, a judge presents his/her findings to the director of the prison and records any special features in the register of court supervisions.

The applicable legislation (Enforcement of Criminal Sanctions Act) governs supervision regarding the legal treatment of prisoners in such a way that supervision is done by the Ministry of Justice and the president of the district court of the prison or its unit. However, it is specified that an authorised official of the Ministry of Justice or the president of a district court must be informed by prisoners about how they are treated and how their rights are exercised, and if a prisoner so requests, even without the presence of the prison employees.

Regarding remand prisoners, the Criminal Procedure Act stipulates that supervision of the treatment of remand prisoners is implemented by the president of the district court. The president of the court or a judge chosen by the president must visit remand prisoners at least once a week, and if he/she considers it necessary, ask them even without the presence of prison officers, how they are treated. The president of the court and the investigating judge may at any time visit a remand prisoner, talk to them or receive complaints.

Therefore, we emphasise that in terms of the implementation of supervision by courts regarding the legal treatment of prisoners and remand prisoners, the applicable legislation ensures that the judge implementing the supervision is able to speak to a prisoner without the presence of prison staff.

f. information provided to prisoners

76. The CPT reiterates its recommendation that further steps be taken to improve the provision of information on rights to all categories of inmate. Reference is made, in this respect, to Rule 30.1 of the European Prison Rules.²

Newly admitted prisoners are provided with the house rules and the prison agenda. During the admission period, preliminary interviews are held with a prisoner whereby the prisoner is notified of his/her rights, obligations, limitations and the possibility of appeal. Prisoners may borrow the ZIKS-1, PIKZ and other legislation on imprisonment from the prison library. In addition to the above, prisoners may turn to prison officers or education services for more information.

In all prisons, the “sets of information” received by an imprisoned person will be comprehensively reviewed, particularly information related to guaranteeing the rights of prisoners and remand prisoners and information on the complaints procedure available when a person believes that his/her legal rights have been violated or limited.

² Rule 30.1 of the European Prison Rules reads as follows: “At admission, and as often as necessary afterwards all prisoners shall be informed in writing and orally in a language they understand of the regulations governing prison discipline and of their rights and duties in prison”.

C. Foreign nationals held under aliens legislation

1. Preliminary remarks

79. The CPT would welcome the observations of the Slovenian authorities regarding the appropriateness of requesting such payment.

The costs of accommodation at the Centre for Foreigners are paid in accordance with the applicable legislation.

3. Conditions of detention

a. material conditions

81. The Committee trusts that the centre's management will bear this precept in mind whenever deciding on the accommodation modalities of unaccompanied minors.

In the case of unaccompanied minors of foreign nationality, the Centre for Foreigners acts in compliance with the principle of the child's best interests and, in special cases, according to the instructions of the guardian. Based on the local jurisdiction, the guardian is appointed by the Postojna Social Work Centre. Accommodation with an adult is possible in exceptional cases and, only after a thorough consideration and examination of such cases, the consent of the guardian and with due consideration of the best interests of the minor.

82. The CPT would like to be informed about the progress made in this respect.

Project documentation for the renovation of the units for adult men has been completed and approved, and it is expected to be carried out in 2018. The management of the centre presented the project of renovation to the Human Rights Ombudsman, who publicly supported the above-mentioned project (published on the website).

The Centre for Foreigners has already begun implementing activities to gradually arrange the living space for foreign nationals to the state in which it was prior to the migration wave in 2015/16. In addition, they will also install equipment which was lacking, some of which was moved to living spaces due to the lack of space.

83. Steps should be taken to remedy these shortcomings.

In compliance with the Rules on Residing in the Aliens Centre, Depositing own Financial Resources and on the Form and Content of the Card Stating Permission to Remain in the Republic of Slovenia (Official Gazette of RS [*Uradni list RS*], No. 11/15) dangerous items, valuable jewellery, mobile telephones and money were accepted for safekeeping from the accommodated foreign nationals. Therefore, their rooms or section where they are accommodated do not require cabinets which could be locked; moreover, foreign nationals have not expressed a desire for them to be installed. We encounter more cases when foreign nationals hand over individual items (which are not required to be deposited under the Rules) to the competent persons of a division for safekeeping for safety reasons. Because of the exceptional pressure of migration in 2015 and 2016, all the rooms were equipped with additional beds. Thus, it was impossible to equip the rooms with additional chairs and tables, because they were all full. Given that the migration situation is less serious, we are gradually returning to normal accommodation capacities, and thereby we will also provide other necessary equipment (in addition to bunk beds) in the rooms.

84. The CPT trusts that all foreign nationals held at the centre will be allowed to wear their own clothes.

For health reasons, the Centre for Foreigners pays great attention to the hygiene and health of its residents. It is these two factors that dictate the need for the clothing worn by foreign nationals to be regularly replaced and cleaned. Most accommodated persons have no other possessions apart from the clothes they are wearing. However, even these, because of the “barriers” they have overcome on their way, are in such a poor condition that we have been replacing them with clothes from our warehouses. We believe it would be irresponsible, inhuman and degrading if we did not provide foreign nationals with normal and clean clothes. Clothing given to foreign nationals in the Centre for Foreigners does not look like prison clothing or other types of uniform, because the purchased clothing differs in pattern and colour. In addition, the logistics of cleaning these clothes is problematic, because colours, types of fabric and manner/complexity of washing individual items need to be considered.

b. regime

86. The CPT trusts that these precepts will be implemented in practice. It further encourages the centre’s management to allow for more frequent access to the less carceral sports ground outside the building.

At the Centre for Foreigners, activities (administrative procedures and leisure workshops) have been organised to encourage foreign nationals to spend their time as actively as possible. The biggest challenges faced by the expert staff at the Centre are the inaction and that these persons lack of will to participate in these activities. Foreign nationals are not only allowed, particularly in the summer, but encouraged to do as many activities in the outdoor recreational areas as possible. The Centre for Foreigners notes that the residents are not interested in these activities, so it is true that outdoor recreation lasts even less than an hour, because such activities are concluded early explicitly at their request. This is specifically recorded in the report of the duty police officer, as well as by social services. It is also true that there were groups of foreign nationals who have shown a particular interest in specific sports activities, and the centre purchased special equipment or organised certain sports competitions for this purpose.

87. However, the CPT would like to point out that the longer the period for which persons are detained, the more developed should be the activities offered to them.

All leisure activities (involving computers, language, health care, general knowledge, hygiene, crafts, etc.) in the Centre for Foreigners are planned with the possibility of being upgraded, and they are adapted according to time, groups or needs. Most of these activities are organised by nurses (health, hygiene) and graduate social workers, one of whom has completed a degree in adult education and is therefore the most competent to prepare such activities for adults.

4. Detention of minors

89. Given their particular vulnerability, the CPT recommends that the necessary measures be taken to ensure that unaccompanied/separated minors are always provided with special care and accommodated in an open (or semi-open) establishment specialised for juveniles (e.g. a social welfare/educational institution for juveniles); the relevant legal provisions should be amended accordingly.

Further, notwithstanding the efforts made by the management to accommodate the special needs of families with children (see paragraph 87), **the CPT considers that the accommodation of children accompanying their parent(s) in a detention centre can have a negative psychological effect on the child’s development and well-being, particularly when the child is young. The placement of minors with their parents in a detention centre should only occur as a last resort, and if, in exceptional circumstances, such placement cannot be avoided, its duration should be as short as possible. Every possible effort should be made to avoid separation of children from their parent(s).**

Regarding alternative solutions for the accommodation of unaccompanied minors outside the Centre, this is always decided by the guardian in special cases, who always seeks to work in the best interests of the minor. The police have few alternative options for accommodation, because it is not within their competence to make decisions about this.

The Centre for Foreigners occasionally also accepts families with minor children. Unfortunately, children bear the consequences of their parents' decisions, which is why the Centre for Foreigners strives to give maximum attention and care to minors accommodated at the Centre together with their parents. In addition, the duration of the accommodation of such families is minimal and depends on the cooperation of parents in the procedure. Between January and August 2017, only 3 families with 4 minors were accommodated at the Centre for Foreigners. In none of the cases, including in previous years, were the children separated from their parents.

Last year, the government launched a pilot project for the accommodation of unaccompanied minors as the most sensitive category of vulnerable persons. These need full-time professional care and separate and thus safe accommodation in residence halls in Postojna and Nova Gorica. The residence halls provide professional work and care for unaccompanied minors 24 hours a day, 7 days a week and 12 months a year. Special attention is paid to increasing the minors' competence in choosing options in life, lifestyle, and value and normative systems, which will enable their integration into society, and in guidance towards accepting responsibility for their own lives. The pilot project is coordinated by the Ministry of the Interior in cooperation with the Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Ministry of Education, Science and Sport. After a year, a comprehensive evaluation of the project will be prepared, which will contribute to the development of better systemic solutions for the suitable accommodation of minors.

6. Legal safeguards

92. The CPT recommends that the judicial review of the detention order always includes an obligatory hearing of the foreign national concerned. The relevant legal provisions should be amended accordingly.

In the framework of the existing legal regimes, the Ministry strives to consistently respect the principle of the adversarial process, whereby a foreign national is heard in the framework of verifying the justification for limiting movement in so far as this is deemed necessary.

93. The CPT would like to be informed whether this is the case.

The Committee further recommends that regular access of legal counsellors to the centre be arranged (also without prior request by a foreign national). Steps should also be taken, including at legislative level, to ensure that all detained persons held under aliens legislation have an effective right of access to a lawyer for issues related to the detention, asylum and deportation. Those who are not in a position to pay for a lawyer themselves should benefit from an effective system of free legal aid. Further, appropriate interpretation should be provided for, whenever necessary.

The right to free legal aid in the procedure for issuing a return decision is stipulated in paragraph 3 of Article 64 of the Aliens Act, not in paragraph 4 of Article 78. Any foreign national in a procedure at a police unit that issues a return decision is informed of this right. This right is exercised by the "PIC", if a foreign national expresses a wish to do so.

In the process of issuing a return decision, every foreign national is informed of the decision through an interpreter, because the Police call an interpreter in any procedure if it is not possible to communicate with the foreign national. Foreign nationals are also given an explanation of the consequences of the decision and an explanation of their legal rights. They are also given a booklet translated into a language which they understand. The booklet contains all the relevant information related to the issued decision or the contact data of "PIC", which they may contact themselves (if no longer subject to a police procedure) or they may ask the police to do so. The contract between the Police and "PIC"/IOM also stipulates that in its consultations "PIC" shall use an interpreter who was previously "activated" by the Police for their needs (collection of

notices, issuing of the decision, etc.). The cost of the interpreter is born by the Police. We note that the right to free legal aid within the meaning of Directive 2008/115/EC has been implemented as per the meaning and manner dictated by the Directive.

Regarding the question of whether “PIC” also provides free legal representation in the form of lawyers, it is the case that “PIC” offers only free legal counselling and does not provide legal representation (independently or through lawyers). However, we do have a contract whereby if the Police make a serious error when issuing a return decision which could lead to systemic solutions, etc., “PIC” may seek legal remedies on behalf of a foreign national. The cost of preparing/lodging an appeal is covered by the contract and is free for foreign nationals. Several such cases have already occurred.

Regarding CPT’s proposal to also provide effective free legal aid in procedures to limit freedom of movement or accommodation in the Centre for Foreigners, the international protection procedure and the return procedure, the Police will study all the possibilities in the framework of its competences and if necessary prepare an appropriate proposal of amendments to the legislation.

95. The Committee would like to receive clarification from the Slovenian authorities on how the protection of foreign nationals against *refoulement*, including chain *refoulement* would be ensured in practice under the aforementioned measure.

In this regard, we can explain that the principle of non-refoulement in the provision of Article 10(b) of the Foreigners Act (Official Gazette of RS, No. 16/17) is secured both directly and indirectly, because this measure may be used only on the assumption that there are no systemic deficiencies in a neighbouring Member State in relation to the asylum procedure or the conditions for receiving asylum seekers which could cause the risk of torture, inhuman or degrading treatment. If such deficiencies were to exist in a Member State, it would not be possible to implement the measure. In addition to the above, the amendments to the Aliens Act allow exceptions to which the measure does not apply, which include foreign nationals whose health condition precludes the implementation of the measure.

The principle of non-refoulement in compliance with Article 33 of the Geneva Convention means that no Contracting Party may in any way deport or forcibly return any refugee to territory where his/her life or liberty is threatened due to their racial, religious, national identity, or because he or she belongs to a specific social group or because of his or her specific political conviction. Therefore, the law in no way assumes the infringement of the principle of non-refoulement as defined by the Geneva Convention, because persons to whom entry may be refused come from the territory of a safe neighbouring EU Member State.

Articles 10(a) and 10(b) of the Aliens Act constitute a necessary measure to enable the immediate and effective provision of security on the territory of the Republic of Slovenia and is at the same time a proportionate measure, because the Articles do not have a direct effect, but provide a legal basis for the Government of the Republic of Slovenia to propose to the National Assembly of the Republic of Slovenia, on the basis of a proposal from the Ministry of the Interior, if the migration situation changes, a decision on the use of the measure in Article 10(b) of the Act concerning the handling of foreign nationals seeking to enter the territory illegally at border crossings, and foreign nationals who enter the Republic of Slovenia outside the border crossings for a period of six months, with the possibility of extending for a further six months.

The fundamental reason for preparing the draft amendments to the Act was a temporary and territorially limited adaptation of the treatment of foreign nationals who do not meet the conditions for entering at border crossings and foreign nationals who enter the Republic of Slovenia outside border crossings in the event of a changed situation in migration, namely for the purpose of protecting public order and the internal security of the Republic of Slovenia.

Namely, in the event of a changed situation in migration, Slovenia could face a situation which could pose a threat to public order and internal security. Because of the unpredictable nature of migration, the risk factors associated with it are difficult to predict and may have a multiplier character and effect, which consequently influences the development of other security threats.

The Act does not revoke the right to a refuge, because the measure in question refers exclusively to persons entering the Republic of Slovenia from other European Union Member States, where the same standards of the Common European Asylum System apply as in the Republic of Slovenia and which are safe countries of origin. This means that such people can apply for protection in such a Member State. This interpretation is also considered in the proposal for new European Union asylum legislation, because someone who wishes to apply for international protection is explicitly required to apply for international protection in the first Member State that they enter. This prevents a person from selecting a Member State in which to apply for protection, since the sole objective of a person in need of protection would supposedly be to find it in the first safe country and not to subordinate the application for protection to other preferences, even though the above is to some extent understandable from a human perspective.

In addition, the Republic of Slovenia will continue to provide all the rights to which applicants for international protection are entitled to all persons who are in its territory and who applied for international protection before the introduction of the measure and to foreign nationals who wish to enter legally and who declare the intention to apply for international protection; these rights will be provided in both terms of acceptance (accommodation, care) and in procedural terms (provided procedure with all procedural guarantees and the receipt of a legitimate decision on the application). It is necessary to take into account that when adopting any decision on the proposed temporary measure, the National Assembly must also define the area along the state border to which the measure applies, which means that the proposed decisions will not be implemented outside the determined area.

The purpose of the Act is to protect public order, internal security and the functioning of central state institutions and the provision of its vital functions and, consequently, the human rights of all its residents, including refugees, and at the same time to prevent the possibility of the country having to wait to take measures until its existence, the functioning of its *acquis* and its subsystems are directly threatened, which would require the declaration of a state of emergency; however, in the event of a new migration wave, it could act in time. Neither international law nor European Union law prohibit such practices to Slovenia. Furthermore, they are not prohibited by the Constitution of the Republic of Slovenia, since it is precisely the Constitution that dictates proportionate action in such cases.

96. Whilst recognising the difficulties the authorities might face in finding appropriate guardians, the CPT recommends that owing to the special vulnerability of unaccompanied minors, steps should be taken to ensure that whenever they are deprived of their liberty, they are always assigned an appropriately trained and/or sufficiently experienced guardian (or legal representative) who effectively protects their rights and keeps them regularly informed about their legal situation. Review mechanisms should be introduced to monitor the ongoing quality of the guardianship.

In any procedures involving an unaccompanied minor, the police always inform the competent expert service, which is then included in the procedure and issues a written opinion, which it sends to the Postojna Social Work Centre, which appoints a guardian for a specific case by means of a decision. The police do not make decisions on guardians and are not competent to assess the competences of guardians.

The Postojna Social Work Centre undertakes guardianship for unaccompanied minors of foreign nationality, who are treated in compliance with the Aliens Act. For those minors who are accommodated by the police at the Centre for Foreigners, the locally competent Social Work Centre appoints a guardian – the Postojna Social Work Centre. The Postojna Social Work Centre authorises a professional worker to be a guardian. The professional worker must respond as soon as possible and interview the unaccompanied minor of foreign nationality. In the interview, the minor should always be informed of their rights in the territory of the Republic of Slovenia with respect to their status. Hereby the child's greatest benefit is pursued, its best interests. For certain specific issues on implementing guardianship tasks, guardians liaise with relevant institutions. Guardianships are carried out by professional workers with the appropriate education (BA in social work, several years of relevant experience, etc.). These are short-term guardianships (3 to 4 days on average), after which most of the minors decide to file the application of intent to apply for international protection and are then relocated and assigned a legal representative. The report on the completion of a guardianship is sent by the Postojna Social Work Centre to the competent Social Work Centre which assigned a guardian for a special case.

In recent years, the Ministry of Labour, Family, Social Affairs and Equal Opportunities has received no reports stating that the Postojna Social Work Centre has been unresponsive in implementing guardianships for children treated under the legislation on foreign nationals.

Regarding the regular contacts of guardians in special cases and of unaccompanied minors, the Centre for Foreigners can confirm that such contacts are regular and that guardians always respond according to the needs of minors.

7. Other issues

99. Steps should be taken to remedy this shortcoming.

The CPT Committee was sent data on the use of coercive measures at the Centre for Foreigners which were obtained from official records kept by the police for every use of coercive measures. The police have established a single electronic record on the use of coercive measures from which it is possible to obtain data on their use for every police unit and also for the CPT.

100. The Committee recommends that such provisions be adopted. Further, a legal upper time-limit for placements under the strict police supervision regime as a disciplinary measure should be introduced.

Amendments to the Aliens Act are envisaged to take account of the CPT proposals. The procedure for imposing disciplinary sanctions in cases of violations of house rules. When a measure is selected, a statement by the violator will be considered. Such persons will also have the right to appeal against the document, and the appeal will be examined by the competent authority.

101. The Committee therefore welcomes the fact that the centre's management assured the delegation that the House Rules would be complemented accordingly and would like to receive confirmation that this has been done. Once a formal disciplinary procedure has been established, the relevant information should also be included in the House Rules.

The house rules in the Centre for Foreigners and the categorisation of violations based on their gravity (more and less serious) and the measures envisaged for violations are stipulated in Articles 76(a), 76(b) and 76(c) of the Aliens Act. Before the visit of the CPT Committee, foreign nationals were able to read the Act if they wished and requested it. Based on the Committee's recommendations, the information form in the Centre was supplemented with information on the house rules, violations and envisaged measures if the Rules are violated, and this form is given to every foreign national before they are assigned a room. The information also includes Article 76 of the Act, which at present is only in Slovenian and English; translations into other languages are in preparation and will be available shortly.

D. Forensic Unit of the Psychiatric Department of the Maribor University Hospital

1. Preliminary remarks

104. In due course, the CPT would like to receive the confirmation that ward E2 has been opened.

The Department of Psychiatry of the Ministry of Health (hereinafter referred to as the Department) will make every possible effort to open ward E2 on time. They will also re-examine (based on the data collected on the number, diagnosis and status of patients since the opening of the Forensic Psychiatric Unit in 2012) which programmes will be introduced in ward E2.

3. Patients' living conditions

106. At the Forensic Psychiatric Unit in Maribor, long-term patients in particular should be encouraged by staff to personalise and decorate their rooms.

The Ministry of Health received a guarantee from the Department that they would consider the CPT's recommendation, and that patients would also be enabled to decorate their rooms in the framework of occupational therapy, and at the same time the Department would endeavour to create a friendlier environment with the planned renovation of wall paints (colours other than white, etc.).

108. The CPT recommends that the above-mentioned practices be revised at the Forensic Psychiatric Unit in Maribor and, where relevant, also in other psychiatric establishments in Slovenia. If necessary, other arrangements should be found to meet hygienic and security concerns.

The Ministry of Health will strive to implement this recommendation in all psychiatric wards. It received a notification from the Department that they had already submitted a request for the purchase of civilian clothes for patients, and at the same time they organised the washing of patients' own clothes outside the ward (in the framework of occupational therapy on ward E1). Thus, patients will only be dressed in pyjamas only for strictly medical or hygienic reasons (in the event of infection, skin disease or as required based on their health condition). Patients will be enabled to use cutlery and no longer, as stated in the conclusions of the CPT, only metal spoons to eat with on the ward. They warn that in otherwise extremely rare cases, to ensure the safety of others and themselves, it will be necessary to increase attention to the supervision of high-risk patients in whom hetero-aggressive behaviour has been recorded.

109. The CPT recommends that measures be taken at the Forensic Psychiatric Unit in Maribor to significantly improve patients' access to outdoor exercise. The aim should be to ensure that all patients benefit from unrestricted access to outdoor exercise during the day unless treatment activities require them to be present on the ward. Further, under no circumstances should daily outdoor exercise be prohibited as an informal sanction.

The Ministry of Health has been informed of the professional assessment of the Department. It would like to express its opinion, which was already expressed during the visits of the Human Rights Ombudsman in the framework of the Preventive Mechanism, that the current number of prison officers present in the Forensic Psychiatric Unit does not enable the implementation of longer access or movement in the open air. Maribor University Medical Centre is not competent to provide the number of prison officers at the Forensic Psychiatric Unit.

The restriction of outdoor movement may be imposed if a person's health prevents safe movement and when this would not have a negative influence on the patient's health.

With the above in mind, the Forensic Psychiatric Unit of the Maribor University Medical Centre is aware that any restriction of movement should not be a means of pressure on, or "informal punishment" of patients, and the CPT's recommendation is being fully complied with.

110. The CPT recommends that this shortcoming be remedied.

In cooperation with the Ministry of Justice and the Department, the Ministry of Health will make efforts to implement the recommendations. To implement this recommendation, it is necessary to increase the number of prison officers and arrange the technical conditions (a canopy).

4. Staff, regime and treatment

113. The CPT recommends that patients held on ward F1 of the Forensic Psychiatric Unit in Maribor be offered a broad range of therapeutic activities. Further, efforts should be made by staff to engage as many patients from ward F1 as possible in these activities.

The Forensic Psychiatric Unit is aware of the importance of offering therapeutic activities and sessions. Therefore, even before the visit of the CPT, a procedure was launched to arrange the matter: the management of Maribor University Medical Centre was requested to change the systematisation of employees in order to enable the provision of an appropriate number of qualified personnel to carry out therapeutic activities (as stated in the Rules on the Implementation of Safety Measures Including Compulsory Psychiatric Treatment and Care in a Health Care Institution and of Compulsory Psychiatric Treatment without Detention; Official Gazette of RS, No. 35/2016: 13 May 2016).

114. However, patients were apparently not always involved in the drawing up and subsequent modification of their treatment plan and were thus not fully aware of its existence. The CPT recommends that patients at the Forensic Psychiatric Unit in Maribor be involved in the drafting of their individual treatment plans and their subsequent modifications, and that they be informed of their therapeutic progress.

The Department is aware of the importance of planning treatment in individual plans for each individual patient, as well as the modifications of this plan (depending on changes in health; eventually with changed circumstances in the implementation of treatment or accommodation), which will be decided jointly by the patient and an expert team at the Department. The CPT recommendation will be strictly observed, since this is one of the preconditions for improving the patients' cooperation in the treatment process and the patient's cooperation with the expert team.

5. Means of restraint

120. The CPT recommends that the policy and practice concerning the use of mechanical restraint at the Forensic Psychiatric Unit in Maribor and in all other psychiatric establishments in the country be brought into line with the above requirements. In particular, immediate steps should be taken to ensure that patients subject to means of restraint are able to access the toilet facilities when necessary.

Further, **the management of the Forensic Psychiatric Unit in Maribor should be provided with all necessary support in their efforts to provide specific training to the staff of the Unit in de-escalation techniques.**

The Forensic Psychiatric Unit is aware that the use of a special security measure (use of mechanical restraint) is a last resort in the treatment of a patient and that it can have adverse effects on patients' further cooperation in the treatment. To this end, the Department of Psychiatry began teaching de-escalation techniques to all staff at the Department in recent years. Consequently, the number of special security measure required on wards of the Department of Psychiatry (with regular recording and monitoring) has declined. The Forensic Psychiatric Unit staff has also participated in this training, which, however, will have to be intensified or regularly repeated and upgraded (it should be noted here that the Forensic Psychiatric Unit was open in 2012 with the marked efforts of the entire Department, and that more than half of the entire staff that were required at the Forensic Psychiatric Unit lacked experience in psychiatric work and that new employees had to undergo intensive training).

Therefore, the Department undertakes to strengthen informing the Forensic Psychiatric Unit staff on the purpose and use of special security measure, which they also intend to upgrade with practical workshops for employees (role-playing, methods of treatment and support for patients after the use of special security measure, etc.). Thus, from 2017 on, the Department plans to conduct research in the framework of the PhD studies of a staff psychiatrist on the effectiveness of the use of de-escalation techniques in reducing the use of special security measure, which in part includes the above-mentioned education and training. Regarding the above, the Department will ask the Ministry of Health to provide assistance with implementing or extending the research to all psychiatric hospitals in Slovenia, because with such a project they can also enable education and training for them, while monitoring the results of such improved treatment throughout the country (this year the Ministry of Health called on the Professional College of Psychiatry of the Republic

(Republiški strokovni kolegij za psihiatrijo) to revise the guidelines on the application of the special security measure, on which a working group for this field is currently already preparing new guidelines. They believe that this is an opportunity when in cooperation with experts from several institutions a very concrete step toward the improvement in the said area is made). The Department believes that training planned in this way will ensure that they would make a full transition to the method of work recommended by the CPT under this point.

Additionally, depending on the interpretation of the report under point 120, they state that they will consistently use the recommendation on the use of adult nappies or bedpan and will remove all materials for implementing special security measures, which will be installed only immediately before any use.

After being reminded by the CPT of the warning given upon previous visits to psychiatric hospitals in Slovenia, namely that patients should be subjected to special security measure in a room with no other patients, they state that they will re-examine all the possibilities for providing such a room, which consequently means that it would be necessary to permanently remove the other beds from the room used to implement special security measures, which would reduce capacity. They are partly inclined to solve the problem by transferring some patients to ward E2 for long-term accommodation as soon as possible. Their response (as well as others in the report for the CPT) will be sent to Maribor University Medical Centre, because the resolution of this problem will also require additional financial resources.

123. The CPT recommends that the Slovenian authorities take the necessary steps – including at the legislative level – to ensure that all patients subject to the security measure of compulsory psychiatric treatment and protection in a health institution are heard in person by the judge in the context of the six-monthly review of the security measure.

At the legislative level, a system of review every six months is already adequately prescribed – paragraph two of Article 20(a) of the Criminal Code. This means that only the independent judiciary is competent to do this. In the framework of the fundamental constitutional principles of the separation of powers (sentence two of paragraph two of Article 3 of the Constitution of the Republic of Slovenia) and the independence of the judiciary and the independence of judges (paragraph one of Article 23 and Article 125 of the Constitution of the Republic of Slovenia) which are binding on the Government, the Government may only remind the judiciary of this obligation and it shall do this with a special submission of the text of the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and a warning regarding the content and meaning of the point by the European Committee as an independent body.

124. The CPT would like to receive the comments of the Slovenian authorities on this subject.

A person treated in a forensic department to whom the security measure of compulsory psychiatric treatment and/or a prison or detention sentence applies may be placed in the forensic unit of the psychiatric department of the Maribor University Medical Centre for a maximum of 5 years. Every six months, a court verifies whether the measure may be changed into compulsory treatment at liberty. Upon the expiry of these 5 years, a doctor may propose supervised treatment for individual forensic patients (under the Mental Health Act) at home or in the secure ward of a special social security institution. Persons subject to supervised treatment are accompanied by coordinators of the treatment. According to the Mental Health Act, coordinators of supervised treatment are engaged primarily in the following tasks:

- preparing a proposal of a plan for supervised treatment in cooperation with the person and his/her advocate and a working group appointed by the director of a psychiatric hospital, which consists of a doctor, a social worker, a nurse and other experts, the next-of-kin and other people who can influence the course of the supervised treatment,
- co-ordinating the course of the implementation of the supervised treatment,
- offering comprehensive support with the supervised treatment to the person.

A person under supervised treatment has the right to an advocate of the rights of persons with mental health problems, who responds to the initiative of the person in the event of a limitation of any rights provided for by the Mental Health Act. A transfer from supervised treatment to treatment in a ward under the special supervision of psychiatric hospital or in a closed ward of a social welfare institution is implemented on the basis a court order in accordance with the actual needs of the person and the current situation for the protection of the person and the surroundings.

A working group for the promotion of cooperation between district and local courts works in the field of justice in the procedure for transferring or discharging patients from the forensic unit, because the accommodation of patients in a special social welfare institution is under the jurisdiction of the local court of the patient's place of residence. The working group actively cooperates with the Forensic Psychiatric Unit of the Department of Psychiatry at Maribor University Medical Centre.

The group examines the possibility of accommodating forensic patients long term. Ways to improve the field of special social welfare institutions and to establish mobile units to support these persons are being examined.

Doctors may propose that patients who have been subjected to the measure of compulsory psychiatric treatment and incarceration be discharged and continue psychiatric treatment at home. A network of services in local communities is available for these and other patients with mental disorders. Social Work Centres have treatment coordinators in the community, who usually visit these persons before their discharge and help them return to the community by means of individual plans. To support these persons, ACT teams (intensive treatment teams) and SPO teams (community psychiatric treatment teams) as well as non-governmental organisations (ŠENT, OZARA, ALTRA, PARADOKS, etc.) have various programmes (counselling offices, daily centres, residential groups, destigmatisation, etc.).

125. The CPT recommends that the Slovenian authorities take appropriate steps to ensure that the above-mentioned precepts are effectively implemented at the Forensic Psychiatric Unit in Maribor. If necessary, the relevant legal provisions should be amended accordingly.

The Department agrees with CPT's recommendations and already partly responded to the recommendations under point 114 (about the therapeutic plan and the treatment of patients). They believe that for the overall implementation of the procedures proposed by the CPT it would be necessary to change the legal basis of these procedures; however, they do not have enough knowledge to give their opinion on the proposal for an amendment.

128. The CPT would like to receive the comments of the Slovenian authorities on this issue.

All Forensic Psychiatric Unit patients have access to information and the time and space to be able to talk to advocates of patient's rights under the Patient Rights Act and to the Human Rights Ombudsman, as well as to lawyers who represent them before any procedures before the courts. According to their powers and the content of the aforesaid acts, these advocates may not only talk to patients about their treatment plan or any other topics; from our professional position, it is surely recommended if they conduct such interviews, because they can obtain additional information that is welcome in the further planning of the treatment for both the patients and the Forensic Psychiatric Unit team. Regarding the CPT's indications on the warning that patient's advocates may not interfere in the patient-doctor relationship and therefore may not discuss with a patient on treatment provided by health-care professionals, we believe that the content of discussions between lawyers and patients cannot be determined by health-care personnel, because it is left entirely to the discretion of both patients and lawyers. We do not dispose of any information that health-care personnel have influenced the content of interviews at any time. In rare cases, patients have stated in therapeutic interviews that they talked with their advocates about the options courts have under the existing legislation in the implementation of measures or decisions, and some patients interpreted this as an offer or possibility to change the treatment plan in respect of their previous treatment plan. If a change or proposed change to the therapeutic plan based on these discussions was completely unfounded from the therapeutic point of view or inconceivable because of the patient's health, these topics were raised with patients, and the competent entities presented them to courts in procedures (at a hearing or in a report to the court on the course of treatment).

During psychiatric treatment in hospital, patients whose movement is subject to limitation at the psychiatric department of the Maribor University Medical Centre have at their disposal two advocates of the rights of persons with mental health problems appointed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, who also attend the Maribor Forensic Psychiatric Unit. To exercise their right to a second opinion, patients may also turn to the two patients' rights advocates who work at Maribor University Medical Centre under the Patient Rights Act. The cooperation of patients' rights advocates and advocates of the rights of persons with mental health problems has been established. Both the Patient Rights Act and the Mental Health Act are being updated. This field is also closely monitored by the Human Rights Ombudsman of the Republic of Slovenia.