



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Written replies by the Government of Slovenia to
the list of issues (CAT/C/SVN/Q/3) to be taken up
in connection with the consideration of the third
periodic report of Slovenia (CAT/C/SVN/3)***

[18 March 2011]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

Articles 1 and 4

Question 1. Please provide detailed information on the new provision defining and criminalizing torture provided for in article 265 the Penal Code adopted in 2008, especially if it contains all the elements specified in article 1 of the Convention.

1. The new criminal offence of Torture referred to in article 265 of the new Criminal Code of 2008 reads as follows:

“Torture

Article 265

(1) Whoever intentionally causes severe pain or suffering to another person, either physically or mentally, in order to obtain information or a confession from him, or a third person, or punishes him for an act committed by him or a third person, or which is suspected of having been committed by him or a third person, with a view to intimidate him or putting him under pressure, or to intimidate a third person or to put such person under pressure, or for any reason which is based on any form of violating equal status, shall be punished by imprisonment of one up to ten years.

(2) If the pain and suffering referred to in the preceding paragraph is caused or committed by an official person or any other person acting in official capacity, or on his initiative, or upon his expressed consent, or tacitly, he shall be punished by imprisonment of three up to twelve years.”

2. The Republic of Slovenia is of the opinion that the new criminal offence of torture pursuant to article 265 of the Criminal Code incorporates all the elements specified in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Moreover, criminal attempt, aiding and abetting as well as criminal solicitation are also punishable within the limits of the penalties prescribed for the offence.

3. The Republic of Slovenia is currently also planning to prepare additional amendments to the Criminal Code, which are expected to be submitted to the National Assembly (Parliament) for adoption in the first half of 2011, and which will ensure that the criminal offence of torture referred to in article 265 of the Criminal Code shall be transferred from the Chapter on Crimes Against Official Duty and Public Powers into the more appropriate Chapter of the Criminal Code on Criminal Offences Against Human Rights and Freedoms.

Question 2. In light of the Committee’s previous concluding observations, in which it expressed concern about the fact that torture is subject to a statute of limitation and that acts of ill-treatment are subject to a short statute of limitation in Slovenian criminal legislation, please provide information on the steps taken to repeal the statute of limitation for torture and increase the limitation period for other types of ill-treatment. Please indicate how the new Penal Code, adopted in 2008, addresses these issues.

4. The Criminal Code adopted in 2008 provides considerably longer limitation periods for criminal prosecution (art. 90). According to the third indent of the first paragraph of article 90 of the Criminal Code, the criminal offence referred to in the first paragraph of article 265 of the Criminal Code is subject to the limitation period of twenty years, and for the qualified form referred to in the second paragraph of article 265 of the Criminal Code, according to the second indent of the first paragraph of article 90 of the Criminal Code, a

limitation period of thirty years. According to the fourth indent of the first paragraph of article 90 of the Criminal Code the criminal offence of Maltreatment (ill-treatment) of children (art.192 of the Criminal Code) is now subject to a limitation period of ten years, and a criminal offence against a minor is now subject to the special limitation rule, according to which the limitation period begins from the age of majority of the injured party (victim of a crime).

Article 2

Question 3. Please provide detailed information on the brochure “Notice of rights to the person who has been arrested” published by the Slovenian Police as well as on the “Notice of rights in case of deprivation of liberty”, published in 22 languages, specially if they have been amended according to the observations of the Slovenian Human Rights Ombudsman in his regular annual report for 2004 (paras. 73–74).

5. In early 2009, a new brochure — the “Notice of Rights to the Person Who Has Been Arrested” — was prepared for all police forces, (available at police stations, specifically in every detention centre and other areas where procedures are carried out with persons who have been arrested). The brochure, which is also available in electronic format on the Police force’s web site,¹ also takes into account the observations of the Slovenian Human Rights Ombudsman.

6. The brochure on the notice of the rights to the person who has been arrested or detained includes the following information and legal instructions:

“The person who has been arrested on the territory of the Republic of Slovenia in accordance with the law of the Republic of Slovenia shall enjoy fundamental human rights and freedoms stipulated by the Constitution of the Republic of Slovenia, International Conventions and other documents regulating the conduct of police officers dealing with arrested persons.

Upon the arrest, police officers are obliged to inform you of your procedural rights. As, due to various circumstances, you might not be fully aware of or completely understand your statutory rights, we would like to give you short written information on these rights and the way of guaranteeing and exercising them:

The person detained on the basis of the Police Act, the Minor Offences Act, the Criminal Procedure Act or pursuant to the State Border Control Act must be immediately informed, in their mother tongue or another language they understand, that they have been arrested, as well as given the reasons for the arrest and instructed that they do not have to say anything, that they have the right to immediate legal assistance and an attorney of their choice and that they may demand that their closest relatives be informed of their arrest.

If the arrested person is an alien, they must also be informed, in their mother tongue or another language they understand, that they have the right to demand that the appropriate diplomatic/consular representative office of their country of origin be informed of their arrest.

The police officer may not proceed until the arrival of the attorney; however, if no attorney arrives within two hours of the moment the person was informed of the right to have an attorney, the police officer may proceed.

¹ See <http://www.policija.si/images/stories/DelovnaPodrocja/pooblastila/PDF/obvestilo-o-pravicah-osebe.pdf>.

If any postponement might prevent or jeopardize the action, the police officer may immediately bring in or detain the person or take other actions in accordance with the law.

During the entire period of the arrest procedure, the detained person shall have the right to remain silent, the right to an attorney and the right to have the diplomatic/ consular representative office informed. These rights can be exercised immediately or at any later moment during detention, regardless of the fact that they might have been previously waived.

The right to immediate legal assistance of an attorney means that the arrested person may directly orally communicate with their attorney, freely and without supervision, during a visit, by phone or by mail. The police officer must ensure that the attorney is able to communicate freely with such person and should not listen to the conversation between the attorney and the arrested person, although they may supervise them visually.

If the arrested person, given their financial situation, cannot afford an attorney, they may apply for free legal assistance pursuant to the Free Legal Aid Act. Outside normal working hours of the office for free legal aid, the allocation of an attorney is considered as emergency free legal aid in the form of a first legal advice. If subsequently free legal aid is not approved, the costs of the first legal advice are paid by the person themselves.

The person who has been arrested shall also enjoy other rights, which they can exercise or which have to be guaranteed to them during the arrest, namely:

- The right to be examined, at their own expense, by a medical practitioner of their choice. Medical examinations must be carried out without the presence of the police officers, unless otherwise requested by the medical practitioner. Should the person require urgent medical assistance, the police must make sure that it is provided to them pursuant to the law governing urgent medical assistance.
- The right to send a letter to the ombudsman and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, demanding protection of their rights. They shall have the right to submit their initiative (application, complaint) in a sealed envelope, which means that the police officer does not have the right to inspect the writing (constitutional protection of privacy of correspondence) and is obliged to send the letter to the addressee via regular mail.
- The right to uninterrupted 8-hour rest within the period of 24 hours.
- The right to receive meals at appropriate time intervals, which includes special diets for medical reasons or religious beliefs.
- The right to permanent access to drinking water.
- The person must be treated in a humane way. Their privacy and dignity must be respected. They should not be subjected to torture, inhuman or degrading treatment or punishment.
- Force may only be used when it cannot be avoided and is in line with the applicable legal provisions.”

Question 4. Following the concern expressed by the Committee in its previous concluding observations on the absence of adequate guarantees of the right of persons deprived of liberty to have access to an independent doctor from the outset of their custody, the State party introduced on 26 October 2005 a formal provision guaranteeing detainees access to a doctor. However, according to the Report of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment on its 2006 visit to Slovenia, detainees are not properly informed of such right. Please provide information on the measures adopted to guarantee that persons deprived of their liberty are informed of their rights, including access to a doctor, access to a lawyer and the right to contact a member of their family.

7. Every person has a right, in practice, that a physician that she/he chooses performs a medical examination of him/her, at her own expense. Physicians' examinations must be performed without a presence of police officers, unless a physician requests otherwise. If a person requires urgent medical aid, the police has to take care that it is assured in accordance with regulations that regulate urgent medical aid, and the cost are borne by the state. This area is regulated by article 44.a of the Police Act. No special measures were introduced, since we do not record complaints by the detained persons or their lawyers in this respect.

8. Additionally, the answer to this question is provided in the answer to the preceding question; all detained persons are additionally also orally informed of their right of access to a doctor, a lawyer, a family member and consular assistance (in cases of foreign nationals). In addition to this, both the Criminal Procedure Act and the Police Act provide for the right of access to counsel, moreover the Criminal Procedure Act and the Minor Offences Act also regulate the right to consular legal assistance.

Question 5. Please indicate if mechanisms have been devised to collect process and save data on the ethnicity of victims, excessive use of force and unlawful conduct of police officers and, if so, please provide the Committee with the relevant up-dated disaggregated statistical data.

9. The Republic of Slovenia retains its previous position that the processing of personal data on the national origin of victims and persons who have committed criminal offences or other violations (minor offences) should not be introduced as it would constitute a disproportionate means, and as such would most probably be unconstitutional as regards to the right to protection of personal data, and the right to human dignity (we refer to the decision of the Constitutional Court of the Republic of Slovenia of 2002 – Decision of the Constitutional Court, No. U-I-92/01, 28 February 2002), as this would not be a “necessary” (!) administrative task in terms of the principle of proportionality in a democratic society's perspective. An independent statistical survey made by one of the non-governmental organizations of 2004² illustrates an example of one of the constitutionally recognised ethnic community and states in their opinion that even if there might be certain, hardly recognizable, adverse deviations of police and public prosecutor's conduct in procedures against members of this community, judiciary achieves equal (fair) treatment, which, if anything, is in favour of this community, and therefore judicial proceedings finally as rule serve also as prevention of the emergence of discriminatory status.

² Enakost in diskriminacija — Sodobni izzivi za pravosodje [Equality and discrimination — Contemporary Challenges for the Justice System], Dean Zagorac et. al., Mirovni inštitut, Ljubljana, 2005, pp. 75–76.

10. As regards the issue of the excessive use of force by police officers or unlawful conduct by police officers a detailed answer is provided under question 7 below.

Question 6. In light of the Committee's previous concluding observations, please indicate if and how the safeguards provided for in the Code of Criminal Procedure against torture and ill-treatment have been strengthened. Please also provide updated information, disaggregated by sex, age, ethnicity or origins of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of acts of torture.

11. The Republic of Slovenia preliminarily states that in investigating and controlling all forms of ill-treatment, such as, torture, inhuman or degrading treatment and punishment, or excessive use of coercive powers, in connection of which information, reports or complaints occur indicating that they have been carried out by public officials, the police, or those with other similar coercive powers (the military police, judicial police officers in institutions for serving prison sentences, private security guards, and the like ...), it is necessary to derive from the fact that every such allegation should be thoroughly investigated or subject to surveillance, or even preventive controls of those most likely locations where such alleged ill-treatment could occur – the detention centres and other areas where procedures are carried out involving persons who had been arrested.

12. A more detailed response in respect of certain new system safeguards against torture is given in response No. 7 (Specialized Department operating at the Office of the State Prosecutor General's Office of the Republic of Slovenia). Implementing these new safeguards required four legislative changes (two legislative amendments of the Criminal Procedure Act and two legislative amendments of the State Prosecutor Act in 2007). The Republic of Slovenia is currently unable to provide updated information, disaggregated by sex, age, ethnicity or origins of the victims, except in the case indicated in response to question 7 below. As already indicated in response to question 5 above, data on the ethnicity or ethnic origin of victims is not processed.

13. Additionally, the Republic of Slovenia established a new, additional supervisory mechanism for the detection or prevention of torture and other cruel treatments in 2006. Upon the ratification of the "Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," the Republic of Slovenia, within the framework of implementation of the Act ratifying the aforementioned Optional Protocol (adopted in 2006), provided for that the Human Rights Ombudsman has to include representatives of non-governmental human rights organizations (which are registered in the Republic of Slovenia, or humanitarian organizations recognized by the legal system of the Republic of Slovenia) in the monitoring groups exercising control over conduct with all persons deprived or limited of their liberty located in places of detention. These non-governmental and humanitarian organizations are selected by the Human Rights Ombudsman following a public tender procedure. Members of selected organizations perform the supervisory and monitoring tasks together with representatives of the Ombudsman, yet completely independently. Specific implementing regulations also regulate the issue of reimbursement and symbolic awards for their work (i.e. for producing reports). This new system reinforced independent control, both in terms of human resources and finance, the effectiveness of such control, and its legitimacy.

14. The aforementioned mechanism for cooperation of the Human Rights Ombudsman with non-governmental and humanitarian organizations in exercising control over places of

deprivation of liberty became operational in 2007, and has proven to be very successful. There has been a significant increase in the number of exercised controls.³

Question 7. Please provide detailed information on the specialized department recently established within state prosecutors assigned to prosecute organized crime, under the Office of the State Prosecutor General, in order to pursue independent investigation of criminal offences of which police officers are suspected. Please also provide information on any other measure undertaken to guarantee prompt, effective and impartial investigations into allegations of torture and ill-treatment perpetrated by police officer and other public officials.

General comments on the Specialized Department

15. The Specialized Department operates within The State Prosecution Service to prosecute organized crime at the Office of the State Prosecutor General, which is the highest state prosecutor's office within The Republic of Slovenia. It exercises exclusive territorial and substantive powers to prosecute crimes committed at work or outside of work by officials that exercise the powers of the police force in pretrial criminal procedures. The aforementioned Specialized Department began exercising its competences, tasks and duties on 1 November, 2007. It was established by 2007 amendments to the State Prosecutor Act and Code of Criminal Procedure. The impetus for the establishment was the Judgement of the 2006 European Court of Human Rights in the case *Matko v. Slovenia*.

16. The complete (not only organizational) separation of the Specialized Department from the police force provides conditions for an independent, impartial and effective investigation of criminal offences and the prosecution of perpetrators.

17. In 2009, 256 cases against 316 persons involving those with police powers whilst facilitating pre-trial criminal procedures were referred to the police officers/investigators of the Specialized Department. 315 of the investigated persons with police powers were employees of the police and one of them was an employee of the Ministry of Defence. In the same year, work was completed on 69 cases that were started in previous years, investigating 102 persons (99 persons with police powers, employees of the police, and three employees at The Ministry of Defence). After completing the investigation, the police officers/investigators of the Specialized Department submitted 80 criminal complaints against 95 suspects, and in 196 cases submitted reports against 273 persons. One criminal complaint was made against an unknown perpetrator, an employee at The Ministry of Defence. Among the 256 cases dealt with in 2009 by the police officers/investigators of the Specialized Department, 67 per cent of these cases are criminal offences related to exercising police powers, from which almost 35 per cent (102 cases) represent the most commonly addressed criminal offence of violating human dignity through the misuse of official position and official rights pursuant to article 266 of the Criminal Code. Other frequently investigated criminal offences are: 36 cases of the criminal offences of the

³ See: Human Rights Ombudsman of the Republic of Slovenia, Report of the Human Rights Ombudsman of the Republic of Slovenia on the implementation of the tasks of the National Preventive Mechanism under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the year 2008) http://www.varuh-rs.si/fileadmin/user_upload/pdf/DPM/DPM_-_porocilo__za_letu_2008_-_zadnje.pdf.

Human Rights Ombudsman of the Republic of Slovenia, 2009 Report - National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) http://www.varuh-rs.si/fileadmin/user_upload/pdf/DPM/DPM_-_porocilo_-_okt2010_WEB.pdf [footnote by the Republic of Slovenia].

misuse of official position or official rights pursuant to article 257 of the Criminal Code, 17 cases of unconscientious work performance pursuant to article 258 of the Criminal Code, and 14 cases of falsification or destruction of official documents, books, papers or archives pursuant to article 259 of the Criminal Code. Criminal offences committed by officials outside of their work included, for example, the criminal offence of Threatening the Security of Another Person pursuant to article 135 of the Criminal Code. In 2009,

18. The Specialized Department made seven requests for judicial investigation, 60 direct indictments, and four indictments after the judicial investigation has been completed. Procedures against five suspects were completed with suspension of prosecutions. In 2009, there were 21 judgements issued: seven of them after completed main hearings, and 14 based on punitive orders. 19 judgments were convictions, one was acquittal, and one was a judgment of discontinuation of proceedings. 13 convictions became final by the end of 2009. A financial penalty was imposed in ten cases, conditional sentences in eight, and in one case, a prison sentence was imposed. The latter case was the criminal offence of causing a traffic accident through negligence pursuant to article 325 Criminal Code.

19. Adoption of a new State Prosecutor Act is planned in 2011. The amendments would, inter alia, establish a new District State Prosecutor's Office of The Republic of Slovenia – a Specialized State Prosecutor's Office for The Republic of Slovenia. The Department for investigating and prosecuting the misuse of coercive powers shall operate within the framework of this new state prosecutor's office as an independent internal organizational unit with a special position. This special department will operate on the principle of technical and operational autonomy in accordance with provisions of the State Prosecutor Act. The department will have only territorial and substantive jurisdiction for criminal offences, when committed by:

- Officials of the Police
- Officials of the Ministry of the Interior that exercise police powers pursuant to the Police Act
- Officials of the Military Police
- Officials that exercise police powers in pre-trial criminal procedures, who are deployed on missions abroad
- Officials of the Intelligence and Security Authority of the Ministry of Defence
- Officials of the Slovenian Intelligence and Security Agency

20. The department will continue to employ its own police officers subordinated to state prosecutors of the Specialized State Prosecutor's Office of Republic of Slovenia and to investigate criminal offences of officials with coercive powers.

21. This new reform in the field of The Office of the State Prosecutor General, which also includes the reform of the criminal investigation of officials with coercive powers, represents an upgrade of the suitable existing system of investigating such crimes as of 1 November 2007, since this areas deserves additional legal and organizational autonomy and specialization, which should further contribute to the effective investigation of crimes committed by officials with coercive powers.

The area of defence

22. Military Police officers exercise police powers in pretrial criminal proceedings over members of the armed forces of the Republic of Slovenia, and also over civilians located in buildings and districts of special importance for defence. When there are grounds for suspecting that an officer of the military police has committed a crime that is prosecuted ex officio, police officers assigned to the Group of State Prosecutors for prosecution of

organized crime have the powers of the police engaged in pre-trial criminal procedures pursuant to article 158.a. of the Criminal Procedure Act. Police officers assigned to the Group must immediately inform the competent State Prosecutor of their suspicion, and report regularly on the pretrial criminal procedure to the Group on a regular basis.

23. In the event that an individual military police officer is suspected of committing a criminal offence that is prosecuted *ex officio*, the state prosecutors assigned to prosecute organized crime shall promptly be informed regarding such matters, either by the alleged victim (who files a report with the Police, and the latter will hand the report to the state prosecutors assigned to prosecute organized crime), or the competent persons within the Military police.

24. Separately and independently from the process undertaken by the Group of State Prosecutors for prosecution of organized crime, it is possible to take disciplinary action against a military police officer suspected of committing criminal offence.

Question 8. Please provide information on the measures taken to avoid long periods of detention in case of particularly protracted proceedings. Please also provide detailed information on the cases in which courts ordered detention even after the expiry of the admissible period within an individual can be detained and on which legal basis this is done.

25. Unconstitutionally long periods of detention have been abolished. In the period between 1995 and 1998, the Constitutional Court of the Republic of Slovenia (in constitutional complaint procedures) developed its case-law with regards to the period of detention, as well as on alternative forms for providing the presence of the accused at criminal proceedings (especially home confinement). Furthermore, the precedent (semi "pilot") judgment of the European Court of Human Rights was issued in 2005 in the case of *Lukenda v. Slovenia*, which ruled that there is no effective remedy in Slovenia available to protect the right to a trial within a reasonable time (first paragraph of article 6 with respect to article 13 of the European Convention on Human Rights). As a result, the project referred to as *Elimination of Court Backlogs (the Lukenda Project)* was adopted in 2005 at the State level in cooperation between the Government, the National Assembly, and judiciary, under which court backlogs have almost been eliminated. On the basis of this project, the implementation of which is extended to 31 December 2012, court backlogs should be fully eliminated by the end of 2012.

26. The issue of a maximum time limit or a restriction of the detention period for ensuring presence of the accused at the criminal trial within the framework of criminal proceedings (the issue of the avoidance of the accused to be present at the main hearing in criminal proceedings before the criminal court) was solved with a "test case" in 2007. In 2007, the Local Court of Ljubljana ruled on its decision that the provision of the second paragraph of article 307 of the Criminal Procedure Act that provides for a maximum duration of detention of 30 days should be interpreted and used in absolute terms. The maximum period of 30 days can mean only 30 days. Any other interpretation of this provision would constitute unlawful interference with the accused person's right to personal liberty. The State Prosecutor's Office made appeal this decision before the Higher Court of Ljubljana (Order No. II Kp 326/2007 of 13 June 2007). However, it made a test ruling that the decision of the District Court of Ljubljana was correct, since any other interpretation could indicate that such a cyclic detention could last indefinitely.

Question 9. According to the 2008 report of the Slovenian Human Rights Ombudsman and the CPT report on its 2006 visit to Slovenia, conditions of detention remain in some prisons critical. Please provide detailed information about the most recent steps taken to improve conditions of detention and particularly to address overcrowding in prisons and excessive use of force by the police, especially against members of ethnic minorities. In relation to the “intolerable” conditions of detention of persons suffering from mental disturbances or illness, please update the Committee on the discussions between the ministries of health and justice on opening a forensic psychiatric hospital.

The situation in institutions for serving prison sentences

27. The Republic of Slovenia initially states that in order to relieve overcrowding at the existing location of the Ljubljana Prison; a decision was adopted restricting the upper limit of the acceptable number of prisoners to 245. All prisoners exceeding that limit by number have been gradually redistributed to other locations, or shall be transferred as soon as the set number of prisoners is exceeded. The overcrowding issue is also solved by closely monitoring trends in the number of prisoners, and to the extent possible, continuous transfers of prisoners from more occupied to less occupied rooms, departments and prisons, whilst also taking other measures to reduce the negative effects of overcrowding in prisons. After five years of continuous increase in the number of prisoners, this decreased in 2010 for the first time in relation to the previous year by approximately 4 per cent.

28. As we have already responded to the recommendation of the CPT,⁴ we state that the activities to build a new prison in Ljubljana at an appropriate alternative location are ongoing. Land had already been acquired. The new prison will eradicate the spatial problems and overcrowding we face at present. A work project has been made, the project was introduced into the development programme plan, and a public architectural tender is in preparation.

29. Despite the objective overcrowding, the Ljubljana Prison endeavours to allow its prisoners normal conditions and the ability to active serve their sentence as actively as possible within the limits of its space and active staff. Expert advisers encourage detained persons to actively use their leisure time. They provide them with the necessary material for drawing, painting and correspondence. They are also allowed to borrow books from the prison library. Detained persons have access to pastoral activity. They are visited by a priest on a regular basis. Significantly longer periods of time that can be spent by prisoners outside of the prison (with additional activities) will be ensured by building the new Ljubljana Prison.

30. Additionally, the first phase of renovation of the Dob Prison is also being implemented, including, in particular, the construction of two new residential buildings in the closed part of the Prison with a total capacity of 174 beds, which is expected to be completed in the first half of 2011. This will significantly improve housing conditions in the closed part of the Institute, and eradicate the issue of overcrowding, since these newly constructed buildings will accommodate prisoners from currently overcrowded bedrooms.

31. Within the Dob Prison, the new Puščava Open Department has been established at a new location with a current capacity of 17 persons. This way, overcrowdedness issue of the closed part of the Dob Prison has been diminished, since it is now possible to assign more convicts to the Slovenska vas Semi-open department in, where capacities were freed up due to the transfer of convicts to the Puščava Open Department. Additionally, the new open

⁴ See response of the Slovenian Government to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its visit to Slovenia.

department created conditions for a higher quality of work with prisoners, most of whom are employed by private enterprises in the vicinity of the prison.

32. Special attention was also devoted to alternative forms of custodial sentencing, especially to the one referred to as “Weekend Jail”, which is under the responsibility of the Prison Administration of The Republic of Slovenia (body within the Ministry of Justice). In this case, the Director of the Prison may allow the prisoners who meet certain statutory conditions to remain in their jobs or educational relationship and stay at home, except on holidays, usually weekends, when they need to stay in prison. The number of such sentences in the last two years has increased as 25 inmates undertook the aforementioned alternative form of custodial sentence in 2009, and 58 in 2010.

The establishment of a special forensic psychiatric hospital

33. An Inter-Ministerial Task Group was appointed in April 2010 with a mandate to examine and prepare the basis for the establishment of a *Special Forensic Psychiatric Hospital* in Slovenia, has produced a final report, and has submitted the proposal to establish a Forensic Psychiatric Department within Maribor Psychiatric Hospital. Preparatory work, studies, and formal procedures for the establishment of the forensic department at psychiatric hospital, which is expected to be established by the end of 2011, are currently under way.

Question 10. Notwithstanding the adoption of the Domestic Violence Prevention Act in 2008, the Committee on the Elimination of Discrimination against Women expressed concern on the continuing prevalence of violence against women and girls and the high number of women murdered by their intimate partners. Please provide information if, as recommended by CEDAW, steps have been taken to develop a comprehensive strategy or action plan to prevent and eliminate all forms of violence against women and girls and if an effective institutional mechanism to coordinate, monitor and assess the effectiveness of the measures taken. Please also provide updated information disregarded by sex, age, ethnicity or origins of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of violence against women.

34. In 2009, The Republic of Slovenia adopted a Resolution on the prevention of domestic violence for the period 2009–2014. It is a strategic document that sets objectives, measures and defines the key policy makers necessary to prevent and reduce domestic violence in Slovenia for a five-year period. The primary objectives of this document are to link the measures available to the departments, and to ensure effective action to reduce domestic violence, both at the recognition and prevention level. The 2010 two-year Action Plan which followed the adoption of the Resolution provides for a more transparent use of public resources to reduce violence, and targeted action by the competent authorities for specific target groups.

35. As regards the network of maternity homes, safe houses and shelters, we completed the National Social Security Programme by 2010 (the plan included 350 places: we achieved a number of approximately 360 places). We intend to expand the network as necessary (at least 1 crisis centre for adults in Ljubljana, 1 safe house in Ljubljana, and 1 safe house in the Coastal-Karst region, which is expected to become operational in mid-2011). Special attention will be focused on programmes working with the perpetrators of violence. Currently two programmes are being implemented. This is however not enough according to the assessment of the centres of social assistance. Special attention will be focused on programmes to assist elderly victims of violence who are often very helpless because of their frequent dependence on others in carrying out the basic tasks as well as because of weak social networks.

36. A safe house also accepts women who are experiencing any form of violence; children may also come with them. In addition, a safe house accepts male children under 15 years of age, or exceptionally up to the completion of primary schooling.

37. In 2010, centre of social assistance dealt with 1928 cases of domestic violence with 2975 victims and 1845 perpetrators. In most cases these centres dealt with psychological violence (in 1694 cases) and physical violence (in 1460 cases). Victims included 860 juveniles, 290 victims were aged over 60 years. Most perpetrators of domestic violence in relation to the victim were partners (1082), parents (460), children (292), and ex-partners (278). Amongst all cases of violence, Social Affairs Inspection Service received 13 initiatives for emergency control in 2010.

Question 11. Please provide detailed information on the measures undertaken to prevent and combat human trafficking as well as to ensure that victims of human trafficking have access to effective remedies and reparation and are provided with adequate recovery and social integration services and programmes. Please also provide updated information disregarded by sex, age, ethnicity or origins of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of human trafficking.

General information

38. Already in 2001, the Republic of Slovenia started to participate actively in countering trafficking in human beings when a National Coordinator was appointed for that purpose. In the light of these developments and a growing scope of obligations the Inter-Ministerial Task Group was established in 2003 by the Slovene Government's Decision (No. 240-05/2003-1, as of 18 December 2003). The Group is composed of the representatives of Ministries and other government bodies, and members of national non-governmental organizations (NGOs). At the same time the Group's mandate and the list of its tasks were defined. This was the basis for drawing up Action Plans which were confirmed by the government for the period of two years. The Plans are based on the preventive and protective operation of all bodies and organizations that are represented in the Inter-Ministerial Task Group for the fight against THB. Plans are also based on training and international cooperation of professional staff, officials and volunteers working in the area of THB. The Inter-Ministerial Task Group informs the Slovenian Government of its activities in regular annual reports.

Legislation

39. All forms of trafficking are prohibited in Slovenia in accordance with article 113 of the Criminal Code. The specific offence of trafficking in persons was determined in Slovenia in 2004. In May 2008, the National Assembly of the Republic of Slovenia (the Parliament) adopted the new Criminal Code (it entered into force on 1 November 2008), which also included the increase of the maximum punishment for trafficking to 15 years of imprisonment.

40. The Criminal Code of 2008, article 113 – criminal offence of Trafficking in Persons provides:

“Trafficking in Persons

Article 113

(1) Whoever purchases another person, takes possession of them, accommodates them, transports them, sells them, delivers them or disposes of them in any other way, or acts as a broker in such operations, for the purpose of the exploitation of prostitution or other forms of sexual exploitation, forced labour,

enslavement, servitude or trafficking in organs, human tissues or blood, shall be punished by imprisonment of one up to ten years.

(2) If an offence from the previous paragraph was committed against a minor or with force, threat, deception, kidnapping or abuse of a subordinate or person in a dependent position, or with intention of forcing towards pregnancy or artificial insemination, the perpetrator shall be punished by imprisonment of three up to fifteen years.

(3) The same punishment from the previous paragraph shall be imposed on anyone who commits an offence from the first or second paragraphs of this article as a member of a criminal association for the implementation of such offences, or if a large property benefit was gained through this offence.”

Relevant national legislation aimed to combat Human Trafficking:

- *Criminal Code of 2008 (KZ-1)* (article 112 – Placing in a Slavery Condition); and article 113 listed above.
- *Witness Protection Act*, which includes provisions referring to the protection of witnesses of trafficking in human beings.
- *Criminal Procedure Act* according to which a minor victim of a criminal offence of trafficking in human beings shall be entitled to have an authorised person assisting them to represent his/her rights (art. 65).
- *State Prosecutor’s Office Act*, which envisages that the criminal offences of trafficking in human beings are dealt with by specialized Group of State Prosecutors for the Prosecution of Organized Crime operating within the Office of the State Prosecutor General of the Republic of Slovenia (art. 10).
- *Act on Compensation to Crime Victims*, which provides for a prior payment of compensation to crime victims from the budget of the Republic of Slovenia, if the victims are the citizens of the Republic of Slovenia or any other EU Member State. This right shall also apply to victims of trafficking in human beings (art. 5).
- *Aliens Act*, which provides for measures and procedures regarding the arrangement of the status of victims of trafficking in human beings including a three-month reflection period and the possibility to obtain a temporary residence permit (arts. 30, 38 a).

Prevention

41. Prevention and awareness-raising campaigns target the broader public and the professional community, the specific target groups, potential victims, and the research sector. These activities are carried out continuously, or in the form of one-day campaigns. They may take the form of internet publicizing campaigns, show-casing, discussion panels, training, programmes, and projects. They involve governmental bodies, NGOs, and humanitarian organizations. The resources are either budgetary or donations. The efforts are centred on identification of problems and assistance to victims. Prevention activities include raising awareness among the general public, education and training of experts, raising awareness within target groups – potential victims of THB, carrying out research activities, monitoring of the phenomenon and enhanced control mechanisms with the investigation and prosecution authorities, as well as with other institutions where their activities concern the fight against THB.

42. Preventive activities were carried out within the framework of raising awareness among the broader public through the web page of the Government of the Republic of

Slovenia, by means of the production of preventive advertising spots, publication of preventive documents, etc. According to the data available, over 40 THB-related articles have published in the Slovenian media per year. Many of those are linked with the procedures of detection and prosecution of criminal offences connected with THB. With regard to the majority of more in-depth contributions or in radio or TV programmes, the national coordinator and the members of the national working group (NWG) have taken part.

43. In the field of education and training, common horizontal training regarding the issue of THB aimed at non-governmental organizations and experts coming from the law enforcement authorities took place. Regular vertical training within the framework of individual organizations whose work is connected with THB is organized; and representatives of the aforementioned organizations participate at training sessions organized abroad.

44. The fact that regular training of police officers (annually approximately 800 police officers) and state prosecutors takes place should be highlighted. In 2009 the Ministry of Justice, through the Centre for the Education in the Justice System, started the training of judges and state prosecutors.

45. For other expert communities and employees whose work is linked to the issue of THB, special publications were issued which include translations of the most important international documents as well as collections of expert articles. Individual expert panels were organized which included the issue of THB, namely, for the Slovenian consular posts abroad, for the administrative units staff, representatives of religious communities, Slovenian representatives in military peace missions abroad and for primary and secondary school teachers. Lectures at these kinds of consultations are carried out by the representatives of the National Working Group (NWG) for countering THB.

46. At the Faculty of Criminal Justice and Security regular lectures are held, which are carried out by the National Co-ordinator for countering THB in the capacity of a visiting lecturer.

47. Awareness-raising campaigns of the target population are carried out through projects performed by non-governmental organizations which are co-financed by individual ministries. The programme on how to counter THB is carried out by the NGO *Ključ* in a form of workshops for the youth. In 2009/2010, this project was carried out in primary and secondary schools for approximately 775/1790 persons between 14 and 18. The same programme is carried out for parents and was implemented for approximately 100/300 parents. The programme has been co-financed by the Government.

Victim protection and assistance

48. Non-governmental and humanitarian organizations with the cooperation of law enforcement, which carry out such programmes through various forms of governmental co-financing, are responsible for this field. For this purpose Protocol on cooperation is used either on the basis of a mutual agreement or a treaty of cooperation.

49. By ratifying the Council of Europe Convention on Action against Trafficking in Human Beings Slovenia assumed the obligations under this regional instrument. The Act on the Ratification of the Convention was enacted in August 2009 and provides for the manner of cooperation between the Slovenian Government and non-governmental or humanitarian organizations, especially in the areas of supplying THB victims, detecting THB victims, housing of the victims in safe premises, crisis placement of the victims, offering assistance and protection to victims during the pre-criminal, criminal and other judicial proceedings, assisting them in the accessing employment, professional training and education, helping to arrange their status in Slovenia, informing and raising awareness among target populations,

returning victims to their countries of origin. The organization who are going to participate in the above-listed activities to offer assistance, will be chosen on the basis of two public competitions, separately conducted by the Ministry of the Interior and the Ministry of Labour, Family and Social Affairs, who also decide on the choice of organizations and whether the deadline for offering services will be two or three years.

50. The programme on care for victims of THB is also defined in the Action Plan of the NWG and is usually carried out by the NGO *Ključ* and *Slovenska Karitas*. Both organizations were selected to perform activities of care and assistance for victims, on the basis of which public tenders published by responsible ministries and have received funds for the agreed programme from the budget. The programme was carried out within the framework of two projects. By carrying out the project “Care of victims of trafficking in human beings in the Republic of Slovenia – emergency accommodation” assistance was provided to victims of THB with regard to their physical, psychological and social recovery. This included urgent removal due to difficult circumstances, mostly by providing adequate accommodation, food and care, psycho-social aid, assistance in providing health care, translation and interpretation, counselling and information about the rights, assistance in proceedings before courts and law enforcement authorities, protection when necessary, assistance in arranging the status and obtaining documents for residence in the Republic of Slovenia, inclusion into education programmes and other measures necessary for socialization and revitalization.

51. Victims who decided to cooperate in the criminal procedure of THB were included in the second project “Care for victims of trafficking in human beings in the Republic of Slovenia – accommodation in a safe house” which, besides the above mentioned services, includes assistance in arranging residence status in Slovenia in compliance with the Aliens Act and regulations concerning the accommodation in a safe house.

Reflection period

52. The Aliens Act, article 38. a provides that identified foreign victims are granted a reflection period of three-month, which can be extended to a further three-month period. Victims are encouraged to participate in trafficking investigations and assist with the prosecutions of trafficking offenders. A temporary permit residence with the minimum and maximum validity period 6 and 12 months, respectively, is issued if the victim is willing to testify in court as a witness in a criminal proceeding. The same principles apply to trafficked victims who have been employed illegally (the Aliens Act, art. 38.a).

Compensation

53. It is possible to file a civil suit for compensation related to pecuniary and non-pecuniary damage against the trafficking perpetrator, in accordance with the Obligations Code of 2001. Similar procedure is also possible as an “ancillary procedure” within the context of criminal proceedings — a victim may file (attach) during the criminal proceedings the property-law claim (claim for compensation) against the trafficking perpetrator — in accordance with the Criminal Procedure Act of 1994 and the Criminal Code of 2008.

54. There is also an additional speedy administrative proceedings for victims of violent offences so that they can get some compensation from the state (the perpetrator then has to reimburse the Budget of the Republic of Slovenia), however due to the European Union directive this is limited only to victims that are citizens (nationals) of the Member States of the European Union and not to citizens of third countries – in accordance with the Act on Compensation to Crime Victims of 2005.

Prosecution

55. Information on criminal procedures, sentences and the assistance to THB victims are related exclusively to the illegal activity "THB" according to article 113 of the Criminal Code, for the year 2010. The information are harmonised with the Police, state prosecutor's office and non-governmental organizations executing the programme of assisting THB victims in the Republic of Slovenia.

Table 1

Victims of trafficking in human beings (THB), 2010

	<i>Women</i>	<i>Men</i>	<i>Children</i>	<i>Total</i>
Identification of the victims				
Number of victims identified during the year	31	1	1	33
Types of exploitation identified victims of THB were subject to:				
Sexual exploitation	31		1	32
Forced labour or services		1		1
Slavery or practises similar to slavery				
Servitude				
Removal of organs				
Other				
Residence permit				
Number of victims of THB who were issued a residence permit:				
Owing to their personal situation				
For the purpose of their co-operation with the competent authorities	1			1

Table 2

Criminal proceedings and sanctions

	<i>2010</i>
Criminalization of trafficking in human beings	
Number of criminal proceedings initiated on grounds of THB	12
Number of convictions for THB	8
Sanctions and measures	
Number of convictions for THB resulting in penalties involving deprivation of liberty	8
Duration of penalties on grounds of THB involving deprivation of liberty:	
Minimum duration	16 months
Maximum duration	3 years
Number of judgements resulting in the confiscation of assets	3

Table 3
Country of origin of victims of THB

	<i>2010</i>
Number of victims of THB originating from	
Bosnia and Herzegovina	1 woman
Bulgaria	2 women
Czech Republic	3 women
Hungary	9 women
Romania	1 woman
Slovak Republic	3 women
Slovenia	2 women
Ukraine	4 women
Ghana	1 man
Dominican Republic	6 women
Kazakhstan	1 woman

Question 12. Please provide detailed information on the amended Aliens Act (Ur. 1. RS, No. 79/2006), and especially on the newly introduced movement restrictions and stricter police supervision at the Aliens Centre.

56. The entering, leaving and residence of aliens in the Republic of Slovenia is regulated by the Aliens Act, (Official Gazette of the RS, No. 64/09, officially consolidated text). With the Act amending the Aliens Act (Official Gazette of the RS, No. 79/06), which entered into force on August 26, 2006, the Aliens Act (Official Gazette of the RS, No. 112/05, Officially Consolidated Text) was harmonized with some of the Directives of the European Union in the field of migration, i.e. with Council Directive 2004/81/EC of 29 April, 2004, on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, Council Directive 2004/114/EC of 13 December, 2004, on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, and Council Directive 2005/71/EC of 12 October, 2005, on a specific procedure for admitting third-country nationals for the purposes of scientific research. With the aforementioned stated Act amending the Aliens Act, some novelties were introduced in relation to the removal of illegally residing aliens from The Republic of Slovenia. Therefore, the newly introduced possibility of voluntary removal of an alien from the country, meaning removal where an alien cooperates with the police, the police may also cooperate with other national bodies and international and non-governmental organizations in the voluntary removal of an alien. Moreover, the Administrative Court of the Republic of Slovenia in an administrative dispute relating to the detention of aliens at the Aliens Centre and accommodation under stricter police supervision, has to make decisions within eight days, a shorter time period than for decisions in relation to administrative disputes determined in the Act that regulates administrative disputes, and what the Aliens Act in its former text (Official Gazette of the RS, No. 112/05, Officially Consolidated Text) did not determine. This change is definitely in favour of the protection of the rights of an illegally residing alien.

57. The valid Aliens Act (Official Gazette of the RS, No. 64/09, Officially Consolidated Text) regulates the removal of an illegally residing alien from the Republic of Slovenia. According to the Aliens Act, removal of the alien from the country can be voluntary or compulsory. The stated Act also regulates movement restrictions, the accommodation under

stricter police supervision, and so-called lenient measures for the illegally residing alien, who fails to leave the country by the specified deadline and who, for whatever reason, cannot be removed immediately from the country. According to the Act, an alien who fails to leave the country by the specified deadline, and who, for whatever reason, cannot be removed immediately from the country, shall be ordered by the police by the stated time of his removal from the country to stay in the Aliens Centre or outside of it, but for no longer than six months. An alien who cannot be accommodated at the Aliens Centre as a result of special reasons or needs, may, in agreement with the social security facility and with the costs borne by the Aliens Centre, be accommodated at a social security facility, or be provided with other appropriate institutional care. In cases where an alien fails to leave the country by the specified deadline and cannot be removed immediately from the country for whatever reason and for whom the police have ordered, by the time of his removal from the country, to stay in the Aliens Centre, the police can order accommodation in the Aliens Centre under stricter police supervision. Accommodation under stricter police supervision is the confinement of the alien's free movement to the premises of the Aliens Centre ordered by the police with a decision if statutory reasons exist. The reasons for accommodation under strict police supervision are enumerated in the Aliens Act. Accommodation under strict police supervision is imposed on an alien if there is a suspicion that the alien will attempt to avoid deportation, or if he has already avoided this measure, and to an alien if this is required by reasons of public order, national security or international relations. Accommodation under strict police supervision is ordered for the time that is necessary for the alien's removal from the country, but for no longer than six months.

58. The Aliens Act also regulates the procedure relating to confinement of movement, i.e. the procedure to accommodate an alien in the Aliens Centre or outside the Aliens Centre, as well as the procedure on ordering accommodation under strict police supervision. An accommodation at the Aliens Centre as well as accommodation outside the Aliens Centre and accommodation under strict police supervision shall be ordered by the police with a decision, against which the alien may file an appeal with The Minister Responsible for the Interior within eight days of the receipt of a written copy of the decision on accommodation in or outside The Aliens Centre or in accommodation under strict police supervision. Although an appeal does not withhold the execution of the decision, the Minister has to decide upon it within eight days. An administrative dispute may be initiated against the Minister's decision to appeal. The Aliens Act also regulates the so-called more lenient measures; according to the stated Act, the police may, at any point in time, replace the measure of the obligatory accommodation of an alien at the Aliens Centre with more lenient measures if they believe that they will thereby accomplish their purpose, i.e. ensure successful removal of an alien from the country. Police may allow an illegally residing alien who failed to leave the country by the specified deadline, and who cannot be removed immediately from the country to stay outside the Aliens Centre, whereby the Police may determine the area of his residence. The police may also demand that he or she reports regularly to the nearest police station. The conditions and the procedure for the use of lenient measures were set out by the General Director of the Police pursuant to the Aliens Act.

59. The Government of the Republic of Slovenia is preparing a new text of the Aliens Act (EVA 2010-1711-0004), which will transpose the Council Directive 2008/115/EC of 16 December, 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals shall be transposed into the legal order of the Republic of Slovenia. Pursuant to the provisions of the new Aliens Act, the regulation on restriction of movement, accommodation under strict police supervision, and the use of so-called lenient measures shall be in accordance with the stated Directive.

Question 13. Please provide updated information disaggregated by sex, age, ethnicity or origin, on the number of ordered expulsions or residence prohibitions for aliens, returns and extraditions as well as countries of destination.

60. The Republic of Slovenia indicates that it does not process data on ethnicity or origin in these cases (an extensive response is provided in the response to question 5 above).

Information on the return of aliens in terms of internal affairs

Information on the return of aliens according to their nationality

<i>Nationality</i>	<i>Number</i>
Bosnia and Herzegovina	267
Croatia	258
Macedonia	172
Serbia	249
Kosovo	133
Albania	127
Ukraine	190
Moldova	107
Afghanistan	52
China	66
Turkey	39
Brazil	33
Other countries	247
Total	1 940

61. The country of return is evident from the information in the table below.

<i>Country of return</i>	<i>Number</i>
Croatia	863
Italy	493
Hungary	269
Austria	71
Kosovo	86
Bosnia and Herzegovina	31
Other countries	127
Total	1 940

Negative decisions in the procedure of issuing a permit for temporary residence/residence registration certificate (by gender)

<i>Year/gender</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Male	2 694	5 204	3 515
Female	582	928	917
Total	3 276	6 132	4 432

Negative decisions in the procedure of issuing a permit for temporary residence/residence registration certificate (by age group)

	<i>2008</i>	<i>2009</i>	<i>2010</i>
Under 15	139	215	192
15–24	388	1 115	1 008
25–34	1 309	2 476	1 606
35–54	1 256	2 106	1 465
55–64	144	171	129
65 and over	40	49	32

Negative decisions in the procedure of issuing a permit for temporary residence/residence registration certificate (by nationality – top 10 countries) – year 2008

<i>Nationality</i>	<i>Number</i>
Bosnia and Herzegovina	911
Serbia	733
Macedonia	376
Bulgaria	344
Kosovo	180
Croatia	132
Slovakia	119
Ukraine	39
Romania	33
Germany	27
France	27

Negative decisions in the procedure of issuing a permit for temporary residence/residence registration certificate (by nationality – top 10 countries) – year 2009

<i>Nationality</i>	<i>Number</i>
Bosnia and Herzegovina	1 757
Kosovo	1 298
Serbia	884
Macedonia	788

<i>Nationality</i>	<i>Number</i>
Bulgaria	292
Croatia	250
China	93
Slovakia	93
Romania	52
Ukraine	51
France	41

Negative decisions in the procedure of issuing a permit for temporary residence/residence registration certificate (by nationality – top 10 countries) – year 2010

<i>Nationality</i>	<i>Number</i>
Kosovo	1 352
Bosnia and Herzegovina	887
Macedonia	537
Serbia	401
Croatia	235
Bulgaria	204
Slovakia	81
China	59
Ukraine	52
United States of America	46

The extradition of foreign nationals and surrender of foreign nationals and nationals of the Republic of Slovenia – suspects or defendants in criminal cases.

62. The Republic of Slovenia does not extradite nationals of the Republic of Slovenia to other countries; exceptionally it may surrender nationals of The Republic of Slovenia to other countries within the framework of the European Union legal order.

Acquired information with regard to extraditions and surrenders

Statistical review of the analysed cases on extradition by country (new cases in the year 2009)

<i>Country</i>	<i>From other country to Slovenia</i>	<i>From Slovenia to other country</i>	<i>Total per countries</i>
Albania		1	1
Australia	1		1
Bosnia and Herzegovina	2	6	8
Monte Negro		1	1
Dominican Republic	1		1
Croatia	9	2	11
Italy	1		1

<i>Country</i>	<i>From other country to Slovenia</i>	<i>From Slovenia to other country</i>	<i>Total per countries</i>
Colombia	1		1
Kosovo	1		1
Macedonia	1	1	2
New Zealand	1		1
Germany		1	1
Russia	1		1
Serbia	2	6	8
Switzerland		7	7
Ukraine	1	1	2
Uruguay		2	2
United States of America	3	1	4
Total	25	29	54

Number of extradition cases which resulted in surrendering a person in 2009

63. In 2009, the extraditions from Slovenia of four persons to Switzerland, four persons to Serbia, four persons to Bosnia and Herzegovina, one person to Monte Negro, one person to the United States of America, and one person to Germany were approved.

64. In 2009, nine persons from Croatia, two persons from Bosnia and Herzegovina, two persons from Serbia, and one person from Macedonia were extradited to Slovenia.

Statistical review of the analysed cases on extradition by country (for new cases 2010)

<i>Country</i>	<i>From other country to Slovenia</i>	<i>From Slovenia to other country</i>	<i>Total per countries</i>
Albania	2		2
Australia	1		1
Bosnia and Herzegovina		3	3
Monte Negro	2	3	5
France	1		1
Croatia	5	2	7
Macedonia	1	2	3
Peru		1	1
Serbia	2	3	5
Switzerland	2	2	4
Total	16	16	32

All cases analysed in 2010

65. In 2010, 2 persons from Albania, two persons from Croatia, two persons from Monte Negro, one person from Macedonia, two persons from Serbia, three persons from Switzerland, one person from USA were extradited to Slovenia.

66. In 2010, the extraditions of five persons to Bosnia and Herzegovina, four persons to Croatia, three persons to Serbia, one person to Switzerland, one person to The Ukraine, two persons to Monte Negro, one person to Macedonia, and one person to Switzerland were realized from Slovenia.

67. In 2009, Slovenian district courts received a total of 56 European Arrest Warrants, according to which, 47 persons were apprehended and 39 persons were actually surrendered. 22 persons agreed with the surrender, 17 did not. In 5 cases, the courts denied the execution of the European Arrest Warrant.

68. In nine cases, the courts executed European Arrest Warrant pertaining to nationals of The Republic of Slovenia or a person with permanent residence in the Republic of Slovenia.

69. In the procedures of extradition or surrender, it is usually male persons, and therefore the information on the gender of persons is not processed, as it is a non-existent or negligible amount (for example, only one female person was extradited in 2010).

Question 14. The CPT in the report on its visit to Slovenia in 2006 indicated that, notwithstanding the general improvement of the living conditions for foreign nationals in Aliens Centres, refurbishment and the revision of the current practice concerning clothing were needed in some centres. Please provide information on the concrete measures that have been taken to address these issues.

70. Upon entering accommodation at The Aliens Centre, aliens receive clean clothing (underwear, shirts, socks, training suits, and footwear, which do not look like a uniform). This measure is only undertaken to ensure adequate hygienic conditions. The Centre takes care of the dirty clothes the alien is wearing upon arrival, which are washed after reception of the alien and ready for use when an alien is removed from the country or leaves the Aliens Centre. The House Rules of the Aliens Centre determine that the aliens accommodated in the vulnerable categories' department and in the department for minors can wear their own clothes. Other aliens can wear their own clothes during accommodation due to special needs (for example illness, religious or cultural reasons etc.), and with the permission of The Director of the Centre.

Question 15. According to the information before the Committee, the Government of Slovenia has proposed a new Law on International Protection that does not fully comply with international standards and especially that does not contain a non-refoulement clause. Please provide detailed information on the measures that have been taken to bring the law in line with international standards, including with regard to the State party obligations under the Convention, especially to establish the principle of non-refoulement whenever there are substantial grounds for believing that a person would be in danger of being subject to torture. Please also provide information on any other steps taken to ensure that State party fulfils its obligations under article 3 of the Convention, in particular to consider all elements of an individual case, and provides, in practice, all procedural guarantees to the person expelled, returned or extradited.

71. Article 19 of the Act amending the International Protection Act (Official Gazette of the RS, No. 99/10) deleted article 20 of the International Protection Act (Official Gazette of the RS, no. 111/07, 111/08 – decision of the US and 58/09), which included the non-refoulement principle. Considering that the International Protection Act (Official Gazette of the RS, no. 111/07, 111/08 — decision of the US, 58/09 and 99/10 — hereinafter: ZMZ) merely regulates the field of applicants for international protection and persons with acknowledged international protection who have, according to articles 78 and 89 of the ZMZ, the right to reside in The Republic of Slovenia, and therefore cannot be, under any

condition, removed from the Republic of Slovenia. Therefore the Republic of Slovenia considers the inclusion of the non-refoulement principle into ZMZ unnecessary.

72. When the request of the applicant for international protection is rejected (the decision is final) or when there is a cessation of refugee status or subsidiary protection of a person with acknowledged international protection, or if the latter is revoked, then these persons become aliens who are treated under the Act that regulates the entering, leaving and residing of aliens in the Republic of Slovenia, i.e. the Aliens Act (Official Gazette of the RS, No. 64/09 – Officially Consolidated Text), which includes the principle of non-refoulement in article 51. With the principle of non-refoulement included into the Aliens Act and implemented, the Republic of Slovenia has fulfilled its obligation under international law and European Union legislation.

73. The valid Aliens Act incorporates the non-refoulement principle in article 51 (prohibition of deportation). The deportation or return of an alien to a country in which his life or freedom would be endangered on the basis of race, religion, nationality, membership of a special social group, or political conviction, or to a country in which the alien would be exposed to torture, or to inhumane treatment, or punishment, shall not be permitted. For an alien whose removal from the Republic of Slovenia would be contrary to the non-refoulement principle, The Aliens Act enables permission to stay in the Republic of Slovenia. In accordance with this Act, a stay in the country shall mean permission granted to an alien who has been given a deadline by which to leave the country, or to an alien who must be deported, to remain temporarily in The Republic of Slovenia. Permission may be extended for as long as the conditions for which the return is not permitted exist. An alien who has been granted a temporary stay in The Republic of Slovenia shall have the right to emergency health insurance pursuant to the Act Governing Healthcare and Health Insurance and Basic Treatment, whilst alien students below the age of 18 shall also have the right to basic education.

74. The proposal of the new Aliens Act (EVA 2010-1711-0004) adopted by the Government of the Republic of Slovenia on 24 February, 2011, and submitted for adoption to the National Assembly (Parliament) also includes the non-refoulement principle. The new Aliens Act shall in accordance with the Council Directive 2008/115/EC of 16 December, 2008, on common standards and procedures in Member States for returning illegally staying third-country nationals, determine the prohibition of deportation of an alien to a country in which his life or freedom would be endangered on the basis of race, religion, nationality, membership of a special social group, or political conviction, or to a country in which the alien would be exposed to torture or to inhumane treatment or punishment. The Act shall establish and systematically strengthen the non-refoulement of aliens to countries in which their life or freedom are endangered or where they would be exposed to danger of torture, inhumane and humiliating treatment for the reasons and circumstances which the Act shall explicitly determine. Because the principle of non-refoulement only becomes important if the alien is illegally in the territory of the country, which is also the case when the applicant for international protection has been finally rejected, and because such aliens, after the final completion of the procedure for acknowledgement of international protection, are processed under the Act that regulates the entering, leaving and residing of aliens in the Republic of Slovenia, the non-refoulement principle does not necessarily have to be included to the International Protection Act (ZMZ), and has also been deleted from the stated Act, but it is necessary and shall remain in the new Aliens Act, which, amongst other things, regulates the field of the return and deportation of illegally residing aliens in The Republic of Slovenia.

75. In the proposal of the new Aliens Act, the wording of proposed article 74, which is also substantially expanded compared to the previous provision of article 20 of 2007 of the International Protection Act, is as follows:

“Article 74

(Prohibition on the Removal of an Alien)

76. The principle of non-return under this Act, and in accordance with the principles of international customary law, represents the obligation of the Republic of Slovenia not to remove an alien to the country in which his life or freedom would be endangered on the basis of race, religion, nationality, membership of a special social group, or political conviction, or to a country in which the alien would be exposed to torture, and other cruel, inhumane or degrading punishment or treatment.”

Question 16. Please indicate if the State party relies on “diplomatic assurances” to return a person to a third country. If so, please provide information on such cases and on what post return monitoring mechanisms are put in place in such cases.

77. The Republic of Slovenia does not rely on diplomatic assurances as this legal institute is not regulated by the Act, and it is questionable whether, with respect to the legal order of the Republic of Slovenia, the use of this institute would be admissible even if these diplomatic assurances can maybe be considered to be anchored in international customary law. In view of these concerns in the field of protection and the effective exercise of human rights and fundamental freedoms, no such practice has therefore been developed in the Republic of Slovenia.

78. With regard to extraditions the Republic of Slovenia occasionally, in cases that have been reviewed in greater detail by Slovenian courts or by the Constitutional Court of the Republic of Slovenia, seeks information on the outcome of the criminal proceedings with the countries to which the aliens were extradited. This is a subsequent and indirect examination of the adequate level of the protection of human rights in the stated countries, and has no special legal meaning; it has only an informative value. The examination is performed on grounds of bilateral international treaties in the area of legal assistance in criminal matters.

Question 17. According to information before the Committee, despite the fact that the Government of Slovenia committed to take part in the Asylum Systems Quality Assurance and Evaluation Mechanism Project (ASQAEM) promoting the adherence to established common international standards in the European Union and supporting the full application of the 1951 Convention within the framework of asylum related EU legislation, it is not engaging in the second phase of the Further Developing Quality (FDQ project). Please provide information on the reasons why the State party has failed to continue to actively participate in the FQD project.

79. The Republic of Slovenia participated in the first stage of the Asylum Systems Quality Assurance and Evaluation Mechanism (ASQAEM), which was concluded in March 2010, when the last professional training for officials and interpreters was facilitated.

80. Even before the signing of the agreement between the Republic of Slovenia and the Regional Representative of The United Nations at the High Commissioner for Refugees in Budapest (UNHCR), on cooperation in the first stage of the project, a letter of support for the second level of the project was requested from the Ministry of the Interior. It needs to be stressed that with the letter of support, the Republic of Slovenia has not in any way committed itself to participate in the project, nor was it ever officially invited. Therefore, the statement that the Republic of Slovenia has committed itself to participation in the second stage is inadequate.

81. The decision of the Ministry for the Interior that the Republic of Slovenia shall not take part in the second stage was based on the fact that at the beginning of the second stage, the findings of the first stage of the project were still unknown, and the Ministry assessed

that for the evaluation and implementation of the recommendations from the first stage a certain time period was necessary. Furthermore, the opinion of the Ministry for the Interior was that the framework of the second stage of the project was not clearly set out in terms of the methodology for selection of participating countries and their role in the project, which is contrary to the point of view of the Republic of Slovenia on evaluation and monitoring projects, etc., mainly with regard to the added value of such projects.

Question 18. Please provide detailed information on which legislative and other measures have been taken to address the situation of the group of permanent residents in Slovenia known as “the erased”.

82. In relation to the activities of the Republic of Slovenia in terms of the regulation of the status of citizens of the other republics of the former Socialist Federal Republic of Yugoslavia (hereinafter: FSFRY) who were erased from the Register of Permanent Residents, we explained that the National Assembly of the Republic of Slovenia, acting upon proposal of the Government of the Republic of Slovenia on 8 March, 2010, in an simplified legislative process, adopted the Act amending the Act Regulating the Legal Status of Citizens of The Former Socialist Federal Republic of Yugoslavia Living in the Republic of Slovenia; but as 31 members of the National Assembly of the Republic of Slovenia demanded that a legislative referendum on the stated Act be called, the National Assembly of the Republic of Slovenia at its session of 18 March 2010 adopted a decision, that, according to the opinion of the National Assembly, that by postponing the enforcement, or due to the possible rejection of the Act amending the Act Regulating the Legal Status of Citizens of The Former Socialist Federal Yugoslavia Living in the Republic of Slovenia by means of the requested legislative referendum, unconstitutional consequences might arise. It therefore demanded a decision of the Constitutional Court of the Republic of Slovenia to decide on the matter. The Constitutional Court of the Republic of Slovenia in its Decision No. U-II-1/10 as of 10 June 2010 (published in the Official Gazette of the RS, No. 50/10) decided, that unconstitutional consequences would arise if the requested legislative referendum was to take place.

83. Following this decision of the Constitutional Court of the Republic of Slovenia, the Act amending the Act Regulating the Legal Status of Citizens of Former Socialist Federal Republic of Yugoslavia Living in The Republic of Slovenia (hereinafter: ZUSDDD-B, published in the Official Gazette of the Republic of Slovenia, No. 50 on 24 June 2010), entered into force on 24 July, 2010.

84. ZUSDDD-B remedied the unconstitutionality of the Act Regulating the Legal Status of Citizens of Former Socialist Federal Republic of Yugoslavia Living in the Republic of Slovenia, as found by the Constitutional Court in its decision no. U-I-246/02 of 3 April 2003. Additionally, certain imperfections, revealed through the application of the Act and connected to the cessation of permanent residence of the citizens of other republics of FSFRY, were corrected.

85. ZUSDDD-B determines the conditions under which an alien who was on the 25 June 1991 a citizen of another republic of FSFRY and who does not have a permit for permanent residence in the Republic of Slovenia, notwithstanding the provisions of The Aliens Act, can obtain a permission for permanent residence. It also determines in which cases it is considered that the citizens of other countries of FSFRY that were erased from the Register of Permanent Residents, have permission for permanent residence and retroactively valid permanent residence, (from the cessation of the application of the permanent residence forward). With regard to the latter, a special decision is issued.

86. As the Constitutional Court of the Republic of Slovenia in Decision No. U-I-246/02 on 3 April, 2003, decided that the Act Regulating the Legal Status of Citizens of Former Socialist Federal Republic of Yugoslavia Living in The Republic of Slovenia is inconsistent

with the Constitution of the Republic of Slovenia, and that it also does not set the standards for establishing the undefined legal term of actual living, ZUSDDD-B in article 1.č sets the standards for establishing the fulfilment of the condition of actual living in the Republic of Slovenia, and which the absences from the country do not interrupt the condition of actual living.

87. Absence from the Republic of Slovenia which did not last for more than a year does not interrupt actual living regardless of the reason for the absence. If absence from the Republic of Slovenia has lasted for more than a year, the condition of actual living is fulfilled if it was a justified absence for one of the reasons determined in article 1.č, paragraph 3 (justified reasons are, amongst other things, when the person has left the Republic of Slovenia because of the consequence of being erased from the Permanent Population Register; or if a person left The Republic of Slovenia because it could not acquire permission for residence due to unfulfilled conditions, and the request was denied, rejected, or the procedure was stopped – according to the established reason we explained, that the stated data is evident from the official records which are held in all procedures of issuing a permit for residence and from insight into the administrative files of the matter; a justified reason is also if the person could not come back to the Republic of Slovenia due to war in other countries, the successors of FSFRY, or medical reasons, and if the person was deported from the Republic of Slovenia, or was denied entrance). Admissible absence from the Republic of Slovenia for one of the justified reasons determined in the stated provision can last up to five years (except under conditions from article 1.č, paragraph 3, subparagraph 2, such as a posting to work, study or medical treatment, or employment on a ship with its home port in the Republic of Slovenia, whereby absence is allowed for the time of posting, study or medical treatment, or for the time of employment on the ship).

88. If absence according to the Act's determined justified reasons lasted for more than five years, it is considered that the condition for actual living was fulfilled for the period of those five years. For all other periods of absence (even if they were longer than ten years) only if the person, after the past five years of admissible absence in the period of additional five years, tried to return to the Republic of Slovenia, and tried to continue with actual living in Republic of Slovenia which is indicated by its actions in this additional five year period, the condition of actual living is also fulfilled.

89. According to ZUSDDD-B, a permit for permanent residence can also be acquired by those erased from the Register of Permanent Residents who do not reside in the Republic of Slovenia due to justified absence (for example if they left the Republic of Slovenia due to the consequence of being erased). By fulfilling the condition of actual living under ZUSDDD-B, a permit for permanent residence can also be acquired, for example, for those who were erased from the Register of Permanent Residents who left the Republic Slovenia on the grounds of justified reasons in 1992, and who since then have not resided in the Republic of Slovenia.

90. Fulfilment of the condition of actual living is proven in procedure ZUSDDD-B and according to the rules regulated in the Republic of Slovenia by the General Administrative Procedure Act. Fulfilment of the condition of actual living can be proven with the support of various documented evidence, witnesses submitted by the party, or with a statement by the party. It is also established on the grounds of information in official records (like records on residence permits, visas). ZUSDDD-B also determines a new three year period for filing a request for issuing a permit for permanent residence.

91. As a novelty, the issue of permits for permanent residence for the children of the erased who were born in the Republic of Slovenia after 25 June 1991, is also regulated, and for those who have actually lived in the Republic of Slovenia from birth. In this new regulation, the issue of special, additional retroactive decisions is regulated for the citizens of the Republic of Slovenia who were at the time of independence citizens of other

countries of FSFRY who were erased from the Permanent Population Register. Concomitant with this, they were accepted into Slovenian Citizenship without the prior issue of permits for permanent residence.

92. In its Decision No. U-II-1/10 of 10 June 2010, (Official Gazette of the RS, No. 50/10), with which it decided on the inadmissibility of the requested referendum, the Constitutional Court of the Republic of Slovenia also found that ZUSDDD-B remedies the unconstitutional situation that had been ruled upon in the decision of the Constitutional Court of the Republic of Slovenia, No. U-I-246/02-28 on 3 April 2003. The Constitutional Court also established that ZUSDDD-B justifiably regulates the status of the children of the erased and the retroactive status for the citizens of the Republic of Slovenia, as they are inseparably connected to the remedying of the unconstitutional situation. In view of the Court ZUSDDD-B was to be considered adequate legal basis to resolve the legal position of those citizens of other countries of FSFRY that had been erased from the Register of Permanent Residents of Permanent Residents whose status had not yet been regulated.

93. To those citizens of other countries of FSFRY who had been erased from the Permanent Population Register and had obtained permits for permanent residence before the entry into force of ZUSDDD-B, complementary decisions were issued, declaring that them permanent residents of the Republic of Slovenia in the time period from the erasure to the obtaining of permits for permanent residence. Complementary decisions were issued by the Ministry of the Interior of the Republic of Slovenia pursuant to Subparagraph 8 of the operative part of the Decision of the Constitutional Court of the Republic of Slovenia No. U-I-246/02 of 3 April 2003 (published: Official Gazette of the RS, No. 36/03). Complementary decisions were issued in 2004 and from February 2009 onwards.

94. The Government of the Republic of Slovenia realizes the extreme importance of the informing of those erased from the Register of Permanent Residents of Permanent Residents and of the general public on the new ZUSDDD-B. The Government of the Republic of Slovenia undertook several activities to introduce all the interested parties to ZUSDDD-B before the Act entered into force. The Ministry of the Interior of the Republic of Slovenia also issued a special brochure, available to all the interested parties at all administrative units in the Republic of Slovenia, and at all diplomatic and consular representations of the Republic of Slovenia in other countries of FSFRY. The brochures were also distributed to non-governmental organizations. The brochure explains the procedure and conditions for obtaining a permit of permanent residence, as well as retroactive complementary decisions. All relevant information is also available in six languages on the website of the Ministry of the Interior of the Republic of Slovenia (www.infotujci.si), and the website of the Ministry of Foreign Affairs of the Republic of Slovenia. Operation guidelines were issued by the Ministry for the Interior of the Republic of Slovenia to all officials at the administrative units who conduct procedures and adopt administrative decisions pursuant to ZUSDDD-B in July 2010 (before the Act entered into force). The Ministry also organized trainings, and ZUSDDD-B was presented to the officials from administrative units at the 'Administrative Units Days' conference in November 2010.

Articles 5 and 7

Question 19. Please update the Committee on whether the State party has rejected, for any reason, any request for extradition by another State for an individual suspected of having committed an offence of torture, and has started prosecution proceedings as a result. If so, please provide information on the status and outcome of such proceedings.

95. No State body of the Republic of Slovenia has ever adjudicated or decided upon such a case.

Article 10

Question 20. Please provide detailed information on the documents regulating police work, relevant in combating cruel, inhuman and degrading treatment, that have been mentioned in the State party's Report but that have not been submitted due to their internal nature.

96. The Republic of Slovenia introductorily states that the police officers in the process of investigating criminal offences, and/or during execution of other police tasks on several occasions obtain information on the possible involvement of police officers in different criminal offences. Consequently, the Police has established a system for the recording of information on the criminal conduct and illicit activities of police officers, including information on cruel, inhuman or degrading treatment by police officers. Every police officer can therefore make notice of such an occurrence in the system. In this way, the competent department of the Police is informed of such information, which they then check, and take appropriate measures when necessary.

97. Since the entry into force of the Rules on restraining order prohibiting approach to a certain location or person (26 Sept. 2004), guidelines for the implementation of such a measure are also followed in relevant cases. The guidelines are accompanied by a technical instruction/manual on recording imposed restraining orders. The guidelines regulate specific questions regarding the exercise of a restraining order (compliance supervision, informing competent authorities etc.).

98. Guidelines for police work also determined in which cases the police must notify centres of social assistance to ensure the protection of children and minors.

99. Conditions on the use of instruments of restraint are laid down in the Police Act. Rules on Police Powers determine the use of instruments of restraint, the recording of their use, and the evaluation of the use of instruments of restraint. Manuals for the application of instruments of restraint provide legal and professional rules, instructions and explanation for the use of instruments of restraint.

100. Guidelines for police work were prepared taking into account irregularities or unprofessionally conducted procedures by police officers that have been previously established. Such cases are especially mentioned, and police officers are informed of established irregularities.

101. The guidelines for the treatment of victims of criminal offences deal with the following issues:

- Information on the right to compensation in accordance with the Act on Compensation to Crime Victims
- Exceptions to the notification of victims of certain criminal offences against property

- Content of the notification regarding the initiation of a police investigation
- Information on the availability of psychosocial assistance and support for the victims of particular criminal offences

102. In the concluding section, we present a specific situation which could provide certain conclusions regarding proactive police action in terms of the protection of human rights and freedoms in cases where acts of torture and cruel treatment are perpetrated by the so called “private factors”. The “Instruction on Police Measures in Cases of Kidnapping, Hostage Situations, the Occupation of Buildings, and Similar Risk Situations” regulates police measures in the event of kidnapping, hostage situations, the occupation of buildings, and similar risk situations where the security situation is uncertain, and where the perpetrators endanger their own personal security, the security of other people and property, and whether or not the perpetrators will follow through with their threats depends on the goals they are pursuing. In crisis situations, police action pursues the protection of threatened persons, liberation of hostages, apprehension of perpetrators, and protection of property.

Question 21. In its 2008 report the Slovenian Human Rights Ombudsman informs that the Slovenian Code of Police Ethics was renewed in 2008 and brought into line with the European Code of Police Ethics and that the provisions of the Code are included into the programmes of education, basic training and advanced training in the police. Please provide detailed information about the new legislation and about any measures taken to develop training and education of the police as well as other staff especially if working in direct contact with foreign nationals.

103. We introductorily state that no new legislation for training or education of police officials was adopted. Insofar as questions refer to the issue of legislation in general, we can explain that all new legislation that changes police procedures or similar procedures is always speedily included in existing programmes of education and training that are stated below.

Institution “Police Officers School”

104. The contents of the Code of Conduct for the Police are included in educational programmes for police officers. The syllabus for the Social Skills course incorporates 24 hours of lectures in professional ethics. Lecturers in PROFESSIONAL ETHICS address the following topics:

- Ethics as Practical Philosophy
- Applied Ethics
- Police Ethics
- The Police in a Democratic Society
- The Ethical and Legal Conduct of the Police
- The Professional Image and Behaviour of a Police Officer

Institution “Police College”

105. Two professional courses “Police Powers” and “Professional Ethics” are particularly underpinned by human rights concerns, professional ethics, and integrity.

Police powers with practical procedure course

106. This is a 60 hour course, 15 hours of which address human rights. Within the broader topic “Police in a Democratic Society” students get a better insight into how important it is for police officers to realize that human rights are not an obstacle to their work, but rather that human rights should be accepted as an integral or even the most important part of police work and its responsibilities, and that the legal security of police officers, the level of cultural dialogue, and ethics in human relations are also very important tools in the protection of human rights and basic freedoms.

107. Students learn about the development of the constitutional and international protection of human rights, protection of human rights in Slovenia, the role of the Ombudsman and the Police, as well about the Code of Police Ethics and the European Code of Police Ethics.

108. Within the “Human rights and the Police” topic students familiarize themselves with the following aspects:

- The importance of human rights for police work
- How aware police officers are of basic human rights
- Which are the safeguards are designed to prevent of misuse of powers
- The extent to which police officers respect, acknowledge and protect human rights
- The research study “The Protection of Human Rights and the Police”
- The European Committee for the Prevention of Torture (their principles, basic criteria for the evaluation of police custody, and its tasks whilst visiting the police station)
- The work of the Ombudsman and representatives of Amnesty International that visit the Police College every year

Subject: Professional ethics

109. This is a 48 hours course. 12 hours are intended for the study of human rights, and 12 hours for the development of social skills; the rest of the course focuses on other topics.

Human rights (12 hours)

- Introduction
- The development of constitutional and international protection of human rights
- The protection of human rights in the Republic of Slovenia
- The Human Rights Ombudsman (the Human Rights Ombudsman Act, Rules of Procedure, petitions for proceedings, and the modus operandi of The Human Rights Ombudsman, the Human Rights Ombudsman and the Police, a visit of the Human Rights Ombudsman to the police station)
- International instruments for the protection of human rights
- The role of civil society (civil disobedience)
- Human Rights and the Slovene Police
- The Code of Police Ethics
- The European Code of Police Ethics

- Whether the mechanisms of the Slovene Police are adequately developed to protect human rights

110. In the following paragraphs, we submit a brief overview of the Code of Police Ethics (why it has been modified) and the European Code of Police Ethics.

The Code of Police Ethics

111. The Code is written in a first person plural narrative which emphasizes association with the organization and its ethical values. Consequently, it is easier for each individual to identify with the ethical provisions, as not everything depends solely on him (that is why the narrative is not in the first person singular), but rather his affiliation with the organization, and his attitude towards it (healthy, positive solidarity).

112. The Code is mainly inspirational, while the other acts regulating police work provide regulatory provisions (Police Act, Rules of the Police, Civil Servants Act, Criminal Procedure Act, and so on).

113. The Code only establishes the moral responsibility of police officers and does not provide for any sanctions. Options of the latter are defined in the Code of Conduct of Civil Servants, which the Code of Police Ethics upgrades. Sanctions for violation of the due actions of police officers are provided for in several other acts (the Civil Servants Act, the Police Act, the Criminal Procedure Act, and others).

114. The Code also abolishes the Ethics Commission which proved to be ineffective for 15 years. Therefore, we believe that the non-existence of the Ethics Commission is better than one not functioning as a result of different formal and informal obstacles. We also considered that the existence of the Ethics Commission is only rational if it possesses power or influence (e.g. the granting and withdrawal of licences).

115. The article that lays down the procedure of amending the Code was added to the Code. With regard to the role of the representative trade unions and of the Director General of the Police, the new provision is in accordance with the Code of Conduct of Civil Servants.

116. A list of values and virtues which express the mission of the Police is annexed to the Code. The list is posted in visible spot at every organizational unit of the Police, so that police officers would familiarize themselves with these values even more.

The European Code of Police Ethics

117. In its introduction, the Code defines the objectives of the police, the legal basis for the activities of the police, the relationship between the Police and the criminal justice system, the organizational structure of the Police, the training and education of the Police, the recruitment of police officers, and the rights of police personnel. Guidelines for police action/intervention are the most extensive part of the Code, defining the powers vested in the Police, accountability and control of the police, as well as international police cooperation.

118. New legislation in the area of work with foreign nationals is constantly changing, and where appropriate, it is integrated into the educational process. All 1st year students attend the 48 hours Cross-Border Issues and Foreign Nationals course. The topic is even more extensively presented to the student in the second year of their studies through the 156 hour Cross-Border Issues and Foreign Nationals I course.

Institution “The Training Centre”

119. There are two programmes facilitated by the Training Centre that include among their topics the content of the Code of Conduct of the Police.

Preparation for the examination on the exercise of police powers

120. The purpose of this programme is to train participants to exercise police powers professionally, independently and according to the law.

121. The programme is designed to enable persons that have concluded an employment contract with the Police according to which their task is to exercise police powers to:

- Learn the scope of police work, police duties, the organization, and relationships between units
- Learn how to apply laws and provisions in the performance of their tasks and in the exercise of police powers
- Obtain the basic professional-theoretical and practical knowledge for carrying out their duties and the exercise of police powers
- Develop skills for the professional assessment of situations and events, and for recognizing unlawful conduct, and the legal use of police powers
- Learn to recognize danger, to make decisions, and to take professional action
- Develop awareness of the importance of acting in accordance with the principle of legality, and to respect and protect human rights and freedoms
- Learn about and follow the ethical principles of police codes in their work
- Get to know the measures and equipment used, and how to use them appropriately and safely in their work exercising police powers
- Strengthen and maintain psychophysical fitness

Subject: Police powers with practical procedure

122. This professional course consists of 44 hours, out of which five hours are intended for the study of human rights; the rest of the course focuses on other topics.

Subject: Self-defence

123. This course consists of 20 hours, out of which two hours are intended for the study of human rights; the rest of the course focuses on other topics.

Programme: Basic training in criminal investigation – Course on criminal investigation

124. The purpose of the programme is to train the participants for the individual, professional and lawful performance of tasks regarding the prevention, detection and investigation of criminal offences.

125. The programme enables the individuals employed to perform the tasks of the police officer, as specified below:

- Participants’ awareness on protection of human rights protection in police procedures, and on ethical principles in the field of criminal investigation is raised
- Participants study the legal basis for police powers and instruments of constraints, as well as how to use them

- Participants study the competence and tasks of the criminal police in relation to the prevention, detection and investigation of criminal offences, the identification and apprehension of perpetrators of criminal offences, and extradition to competent authorities
- Participants acquire the necessary knowledge of criminal tactics, methodology and techniques of investigating criminal offences
- Participants study the correct application of substantive and procedural criminal law, how to classify criminal offences correctly, and how to use appropriate approaches to the detection and investigation of criminal offences
- Participants understand the exercise of powers pursuant to the Criminal Procedure Act at the theoretical and practical level as well as the use of investigative activities in pre-trial criminal procedures
- Participants familiarize themselves with forensics and other techniques of criminal investigation (types of leads, criminal-technical tasks during the examination, detection, challenging, securing, and how to document leads)
- Participants are trained to gather information, and how to obtain operative information through informative interviews
- Participants study strategies, techniques and tactics for conducting interviews and police interrogations
- Participants study the intelligence activity in criminal investigation
- Participants familiarize themselves with the forms of cooperation and powers of state prosecutors, investigating judges and other state authorities and institutions, cooperating in the prevention, detection and investigation of criminal offences
- Participants understand the importance and the role of investigative support (criminal psychology, polygraphs, police sketches of the suspect)
- Participants learn how to use criminal informatics and analysis in criminal work
- Participants learn how to communicate correctly, how to protect personal and confidential data obtained in procedures and from the relevant operational police databases

126. Participants are made aware of the dangers of criminal work, and trained for the safe and professional exercise of police powers and criminal tasks.

Subject: Human rights and police powers

127. This professional course consists of 25 hours, out of which six hours are intended for the study of human rights; the rest of the course focuses on other topics.

- Participants' awareness of the lawful purpose of the use of police powers and of the duty to respect human rights in the process of the use of police powers is raised
- They learn how to correctly apply proportionality and other principles of human rights law
- Participants learn the procedure for recording instruments of restraint that they use, and the appeal procedure which enables individuals to enforce the protection of rights which were violated by the misuse of police powers
- They familiarize themselves with the different forms of individual responsibility, and the state's liability for damages arising from the misuse of police powers

- Participants are made aware of the fact that the misuse of police powers can result in disciplinary measures, liability for damages, and criminal liability
- Participants learn about the exclusion of evidence in criminal procedures that occurs when the evidence is collected by violating human rights and basic freedoms that stems from the illegal use of police powers

128. The task of the Training centre, in cooperation with other internal organizational units of General Police Directorate is to detect the has for training, and to define the strategy and the objectives of training; to create and plan new training programmes; to facilitate training programmes; last but not least, to evaluate training at all levels and ensure the effectiveness and quality of these training programmes. This is the centre's contribution to a better and more efficient police work that also increases staff satisfaction and motivation. The philosophy of life-long learning and the modern principles of adult education are incorporated into the centre's training programmes.

129. Police officers also attend special trainings on a monthly basis. The purpose is to further develop their theoretical and practical knowledge and skills which ensure a complete understanding of the lawful, professionally effective, safe and coordinated exercise of powers, including practical procedures and self-defence, the ensuring of a uniform exercise of police powers whilst in performance of police work, as well as to enable the participants to acquire and maintain a certain level of psychophysical abilities. The training focuses on the different topics connected to the protection and enforcement of human rights in police procedures.

Article 11

Question 22. During its visit in Slovenia in 2006, the CPT was informed that a handbook on police interrogations had been prepared and made available to police staff through the Ministry of the Interior intranet site. However, hardly any police officers interviewed by the delegation were aware of the new guidelines. Please provide information on whether, as recommended by the CPT, the handbook on police interrogations has been integrated into ongoing training programmes. Please provide also information, as the CPT recommended, on the measures that have been taken to ensure that electronic equipment for recording police interviews is used on a regular basis.

130. The Handbook "Police Interrogations" was issued in 2003 after the Criminal Procedure Act was amended. Amendments of the Criminal Procedure Act were based on a decision of the Constitutional Court of The Republic of Slovenia, no. U-I-92/96 of 21 March 2002. The Handbook is divided into several sections:

- (1) The procedural value of the police's gathering of information from suspects in the light of human rights protection;
- (2) The importance of the police's gathering of information from a suspect by the means of interrogation;
- (3) Informing, presence, and the role of state prosecutors;
- (4) Experience with the particularities of the interrogation by an investigating judge.

131. The handbook was issued by the Ministry of the Interior in cooperation with other institutions (including the Ministry of Justice). As a result of amendments to the Criminal Procedure Act, and the aforementioned Decision of the Constitutional Court, the police had to train police officers and criminal investigators in accordance with the adopted changes.

The handbook also complies with all the standards of human rights protection arising from different conventions, such as the International Covenant on Civil and Political Rights and the European Convention on Human Rights, as well as all other international documents defining human rights, basic freedoms, and human dignity. The Handbook also incorporates all of the recommendations of the Council of Europe regarding human rights. All CPT Standards, such as the rights of the detainee, the course of an interrogation, as well as the electronic recording of police interviews as an assurance against inhuman treatment, are also strictly regarded in the Handbook. The Handbook also covers the ethical norms and the Code of Police Ethics. Police conducted several trainings in this area in order ensure undisturbed police work and to enable participation of all the authorized officers in the training. All the participants received the Handbook in electronic or paper form. Police also provided training for several multipliers in the field of education to ensure further trainings for police officers and criminal investigators at all levels of Police organization, from general to regional level. Due to the importance of CPT recommendations, the Handbook on Police Interrogations is now incorporated in all current educational and training programmes in the following manner.

The Police Officers School

132. The topic of Police Interrogation is included in and discussed within the lecture Criminal Investigation and Criminal Law. It is also incorporated into the current training programme with the following objectives: police tasks in pretrial criminal procedures; gathering information; investigative activities; the search of premises and persons, and the seizure of property; inspection; expert witnesses; and preparation of the main hearing and the main hearing. These topics are covered in 12 hours.

The Police College

133. The Handbook on Police Interrogations is used as recommended literature in the first year study course Criminal Procedure Law (36 hours).

The training centre

Programme: Basic training in criminal investigation – Course on criminal investigation

Course: criminal procedural law

134. This professional course consists of 30 hours, out of which 4 hours are intended for the study of police interrogations; the rest of the course focuses on other topics.

Course content regarding pretrial criminal Procedure:

- The Role of the Police in the detection of criminal offences
- The Role of the Public Prosecutor in Pre-trial criminal Procedure and his guidance for the police
- Reporting criminal offences
- The definition and content of a Criminal Complaint
- Evidence
- Evidence standards (grounds for suspicion, reasonable grounds for suspicion, reasonable suspicion)
- Indications (clues) and their importance in procedural law

- Police measures and powers pursuant to articles 148 and 149 of the Criminal Procedure Act
- Interrogation by the Police
- Covert Investigative Measures
- Detention, Arrest, Reasons for Detention and Arrest
- Decisions of the public prosecutor with regard to the criminal complaint
- The work and powers of police officers assigned to the special unit of the Group of State Prosecutors for the Prosecution of Organized Crime
- Autopsy and Exhumation
- Urgent Investigations
- Immunity – Diplomatic, Consular, immunity of Deputies of the National Assembly
- Appropriate procedure when the suspect claims immunity

135. Regarding the recommendation of the Committee for the Prevention of Torture on the adoption of measures to ensure the regular use of electronic equipment to record police interviews by the Slovenian Police, we would like to reiterate that pursuant to article 148.a of the Criminal Procedure Act, interrogation of the suspect may, with prior notice, be recorded by a machine for audio and audio-visual recording. As a result of this provision, the rooms intended for the interrogation of persons were equipped with the appropriate technical equipment (a work group for the installation of electronic equipment for recording police interrogations was set up). The Criminal Procedure Act does not provide for the obligatory recording of interrogations, it only provides an option for police officers to record interrogations when prior notice is given. We believe that the decision whether to record interrogations with suspects using the provided technical equipment for audio and audio video recording depends exclusively on the relevant criminal investigation methodology and tactics. We would also like to emphasize that we welcome the aforementioned proposal of the Committee for the Prevention of Torture and that we agree that any misuse of police powers would be prevented in such a manner. At the same time, we have to point out that insofar as police interrogations are not conducted pursuant to article 148.a of the Criminal Procedure Act, they do not have any evidentiary value, therefore it is not probable that there frequent police abuses would occur. To reiterate, the suspect needs to be informed of the use of technical equipment during the interview prior to being questioned, his consent is however not necessary. The possibility needs to be considered that the suspect, whose interview would be recorded against his will, would refuse to provide data and information the Police would otherwise be able to obtain from him or her. Notwithstanding these concerns regarding the recommendation of the Committee for the Prevention of Torture, guidelines on how to use professional criteria to identify cases where audio and audio-visual recording using is recommended, were prepared. We also prepared an updated Handbook on Interrogations to ensure the correctness and legality of interrogations, The Handbook classifies the individual cases where audio and audio-visual recording is recommended.

Question 23. Please provide information on the concrete application of the provisions of the Slovenian Criminal Procedure Act amended in 2003 allowing the Police to obtain the possibility to interrogate the suspect and prepare the record, which can be used as evidence in the main hearing.

136. In practice, only a small number of interrogations are conducted under article 148.a of the Criminal Procedure Act, and therefore the use of such interrogations in accordance with this provision are rarely used as a formal piece of evidence at main hearings. As

evidence at the main trial the records from the judicial investigation are used or the charged person is directly questioned. Due to this reason such procedures are not statistically monitored, nor is there a substantial amount of appropriate case law with regard to this since 2003. Case law in this field, insofar as it exists, is strictly oriented in the favour of suspects or defendants, and in particular, judicial power is very persistent with regard to the strict requirements of the so called “*Miranda Rules*”, and judicial reviews on the exclusion of unlawfully acquired evidence.⁵

137. When the Police interrogates the suspect in accordance with article 148.a of the Criminal Procedure Act, this represents a formal act of investigation that can be performed by the Police only if strict conditions from the statute are fulfilled. In accordance with article 148.a, paragraph 3 of the Criminal Procedure Act the court may not base its judicial decision on the statements of the suspect, if he was not instructed with his rights from article 148.a, paragraph 4 (the so called “*Miranda rule*”), if the instruction provided and the statement of the suspect are not written in the records, if he was interrogated without a presence of the defence counsel (formal obligatory defence) or if activities were performed contrary to article 227, paragraph 8 of the Criminal Procedure Act (force, threat or similar measures may not be used against the charged person to get his statement or confession – article 266, paragraph 3).

138. Since in the case of interrogation in accordance with article 148.a there is a formal investigatory activity that may be used as evidence before the court, the settled case law states that provision of article 73 of the Criminal Procedure Act that provides for the right to review and transcribe judicial papers and to inspect the collected items of evidence, may be used for the interrogations in accordance with article 148.a, even if this interrogation of the suspect does not mean that criminal proceedings have been officially started. This is an expression of the of the defendant’s right to have ample time and facilities to prepare his defence in accordance with article 29., item 1 of the Constitution of the Republic of Slovenia.

Question 24. Please provide up-dated detailed information on the construction, adaptation and furnishing of detention facilities and psychiatric hospitals for the period 2006–2010.

139. In the area of adaptations of premises of psychiatric hospitals within the period 2006–2010 there were refurbishments or additions to premises and the capacities and service for the users were significantly or adequately increased in these psychiatric hospitals:

- (1) Psychiatric hospital of Idrija (refurbishment of both buildings, a high level of residence is guaranteed for users, which includes additional activities);
- (2) Psychiatric hospital of Ormož (an annex was built, the old building of the hospital was refurbished, multipurpose premises were additionally built);

⁵ As an example of the standpoint of the highest court in the Republic of Slovenia we quote the decision of the Supreme Court, Ref. No. I Ips 417/2006: “The official annotation on the conversation of policemen with a suspect did not become a record on interrogation, due to the [mere fact of] policeman’s question to the suspect that was answered by him, since the interrogation of the suspect by the police may be conducted only with a presence of the defence lawyer in accordance with provisions of the statute, that are in force for the interrogation of the charged person in the proceedings (articles 227-233 of the Criminal Procedure Act). This type of informal conversation of the suspect that was performed by the Police in this specific case is not a base for the court’s decision, in accordance with the provisions of the Criminal Procedure Act (as is totally generally stated by the defence lawyer in his request)”.

(3) Psychiatric hospital of Begunje (refurbishment of premises – departments, ambulance offices on-duty, pharmacy, refurbishment and change of administrative premises to daily hospital).

140. The answer concerning the special forensic psychiatric hospital is provided in the answer to question 9 above.

Question 25. Please provide updated information, including statistics, disaggregated by sex, age and ethnicity, on the number of pre-trial detainees and convicted prisoners, the occupancy rate of all places of detention as well as on crimes reports filed against police officers for the period 2006–2010. Please also provide also information on the number of persons deprived of their liberty in psychiatric hospitals.

141. Presentation of statistical data disaggregated by sex, age and number of detained and convicted prisoners, and the occupancy rate for the period 2006–2010:

Number of remand prisoners and sentenced prisoners in the 2006–2010 period

<i>The Prison Administration of the Republic of Slovenia</i>	<i>Remand prisoners</i>	<i>Sentenced prisoners</i>
2006 average	341	890
2007 average	342	939
2008 average	309	1 002
2009 average	355	1 011
2010 average	352	975

142. The table does not include other categories of prisoners, namely the following: persons under compliance detention, detained persons, juvenile prisoners, and minors who were subject to the educational measure of referral to a correction home.

Composition of sentenced prisoners by age and gender in 2006

18 to 23 years	37	1	38	96	2	98	136	7.4
23 to 27 years	138	4	142	196	6	202	344	18.6
27 to 39 years	328	8	336	417	25	442	778	42.2
39 to 49 years	157	6	163	193	11	204	367	20
49 to 59 years	76	8	84	70	11	81	165	8.9
59 to 69 years	25	2	27	17	6	23	50	2.7
Over 69 years	2	0	2	1	1	2	4	0.2
Total	763	29	792	990	62	1 052	1 844	100

Composition of sentenced prisoners by age and gender in 2007

18 to 23 years	43	0	43	93	3	96	139	7.4
23 to 27 years	150	2	152	182	9	191	343	18.3
27 to 39 years	371	15	386	410	18	428	814	43.5
39 to 49 years	167	6	173	164	11	175	348	18.6
49 to 59 years	70	6	76	77	9	86	162	8.7

59 to 69 years	24	4	28	21	4	25	53	2.8
Over 69 years	6	1	7	5	0	5	12	0.6
Total	831	34	865	952	54	1 006	1 871	100

Composition of sentenced prisoners by age and gender in 2008

18 to 23 years	55	3	58	95	6	101	159	7.9
23 to 27 years	131	8	139	220	10	230	369	18.4
27 to 39 years	417	17	434	409	21	430	864	43.1
39 to 49 years	182	5	187	171	9	180	367	18.3
49 to 59 years	90	7	97	83	8	91	188	9.4
59 to 69 years	34	1	35	16	2	18	53	2.6
Over 69 years	3	1	4	1	0	1	5	0.2
Total	912	42	954	995	56	1 051	2 005	100

Composition of sentenced prisoners by age and gender in 2009

18 to 23 years	47	1	48	85	9	94	142	7.2
23 to 27 years	155	8	163	151	7	158	321	16.3
27 to 39 years	413	20	433	437	13	450	883	44.9
39 to 49 years	217	6	223	146	10	156	379	19.3
49 to 59 years	99	9	108	70	4	74	182	9.3
59 to 69 years	27	3	30	20	3	23	53	2.7
Over 69 years	3	0	3	1	1	2	5	0.3
Total	961	47	1 008	910	47	957	1 965	100

Composition of sentenced prisoners by age and gender in 2010

18 to 23 years	37	2	39	78	6	84	123	6.3
23 to 27 years	120	8	128	160	3	163	291	14.8
27 to 39 years	404	9	413	463	13	476	889	45.2
39 to 49 years	201	1	202	168	14	182	384	19.5
49 to 59 years	107	10	117	83	14	97	214	10.9
59 to 69 years	28	3	31	22	3	25	56	2.8
Over 69 years	5	1	6	4	0	4	10	0.5
Total	902	34	936	978	53	1 031	1 967	100

Composition of remand prisoners by gender in the period 2006–2010

Year 2006	304	22	326	888	67	955	1 281
Year 2007	317	20	337	881	42	923	1 260
Year 2008	300	14	314	856	58	914	1 228
Year 2009	304	26	330	969	46	1 015	1 345
Year 2010	353	16	369	869	54	923	1 292

Occupancy of individual prisons and sections according to the average number of prisoners in 2006

Dob	233	344	147.8
Slov. vas	63	44	69.9
Ig	79	43	53.9
Celje	96	98	101.8
Koper	110	120	109.4
N. Gorica	32	22	68.8
Ljubljana	128	244	190.9
N. mesto	35	37	105.6
Radovljica	22	30	135.7
Ig OPS	27	16	58.2
Maribor	146	174	119.2
M. Sobota	41	34	82.5
Rogoza	36	36	100.8
Radeče	68	26	38.2
Total	1 116	1 268	113.6

Occupancy of individual prisons and sections according to the average number of prisoners in 2007

Dob	233	395.25	169.64
Slov. vas	63	51.55	81.83
Ig	79	49.1	62.15
Celje	96	98.1	102.19
Koper	110	118.09	107.35
N. Gorica	32	28.71	89.72
Ljubljana	128	256.68	200.53
N. mesto	35	42	120
Ig OPS	27	16.37	60.63
Maribor	146	188.74	129.27
M. Sobota	41	36.07	87.98
Rogoza OPS	36	37.22	103.39
Radeče	68	21.4	31.47
Total	1 094	1 339.28	122.42

Occupancy of individual prisons and sections according to the average number of prisoners in 2008

Dob	233	443.24	190.23
Slov. vas	63	59.77	94.87
Ig	83	56.73	68.35
Celje	96	93.81	97.72
Koper	110	121.24	110.22

N. Gorica	32	28.17	88.03
Ljubljana	128	251.98	196.86
N. mesto	35	39.89	113.97
Ig OPS	27	17.13	63.44
Maribor	146	154.09	105.54
M. Sobota	41	36.42	88.83
Rogoza OPS	36	38.46	106.83
Radeče	68	23.2	34.12
Total	1 098	1 364.13	124.24

Occupancy of individual prisons and sections according to the average number of prisoners in 2009

Dob	233	435.9	187.08
Slov. vas	63	62.3	98.89
Ig	83	59.7	71.93
Celje	96	91.1	94.90
Koper	110	126.5	115.00
N. Gorica	32	25.9	80.94
Ljubljana	128	261.9	204.61
N. mesto	35	46.6	133.14
Ig OPS	27	24.3	90.00
Maribor	146	176.2	120.68
M. Sobota	41	40.4	98.54
Rogoza OPS	36	40	111.11
Radeče	68	25	36.76
Total	1 098	1 415.8	128.94

Occupancy of individual prisons and sections according to the average number of prisoners in 2010

Dob	233	412.4	177.00
Slov. vas	63	51.3	81.43
Puščava	17	16.2	95.29
Ig	83	49.6	59.76
Celje	96	90.9	94.69
Koper	110	133.7	121.55
N. Gorica	32	29.8	93.13
Ljubljana	128	245	191.41
N. mesto	35	45.3	129.43
Ig OPS	27	18.1	67.04

Maribor	146	178.8	122.47
M. Sobota	41	37.6	91.71
Rogoza OPS	36	38.9	108.06
Radeče	68	26.1	38.38
Total	1 115	1 373.7	123.20

Detention procedures in the field of compulsory psychiatric hospitalization, from the preliminary Court Statistics of the Republic of Slovenia for 2010

143. The Republic of Slovenia also submits preliminary Court Statistics for 2010 regarding the detention procedures in the field of compulsory psychiatric hospitalization, with data that we process.

Court Statistics 2010

Local courts

Pr matters of psychiatric detention

<i>Code of the court</i>	<i>Local court</i>	<i>Unresolved cases 1.1.2010</i>	<i>Submitted cases</i>	<i>Cases being resolved</i>	<i>Resolved cases</i>	<i>Unresolved cases 31.12.2010</i>	<i>Unresolved 1.1.2010–31.12.2010 difference %</i>	<i>Unresolved/Resolved x 1 000 (in%/</i>
	Together	51	2 030	2 081	2 024	57	11.8%	2.8%
	Local court of							
500	Ajdovščina	0	11	11	11	0	0.0%	0.0%
501	Local court of Brežice	0	1	1	1	0	0.0%	0.0%
502	Local court of Celje	1	82	83	83	0	-100.0%	0.0%
503	Local court of Cerknica	0	18	18	17	1	0.0%	5.6%
504	Local court of Crniomelj	0	0	0	0	0	0.0%	0.0%
505	Local court of Domžale	0	29	29	28	1	0.0%	3.4%
	Local court of Gornja							
506	Radgona	0	0	0	0	0	0.0%	0.0%
507	Local court of Grosuplje	0	9	9	9	0	0.0%	0.0%
509	Local court of Idrija	0	297	297	295	2	0.0%	0.7%
	Local court of Ilirska							
508	Bistrica	3	16	19	16	3	0.0%	18.8%
510	Local court of Jesenice	0	1	1	1	0	0.0%	0.0%
511	Local court of Kamnik	0	7	7	7	0	0.0%	0.0%
512	Local court of Kočevje	1	19	20	20	0	-100.0%	0.0%
	Local court of							
513	Koper/Capodistria	1	19	20	20	0	-100.0%	0.0%
514	Local court of Kranj	22	38	60	56	4	-81.8%	10.5%
515	Local court of Krško	0	0	0	0	0	0.0%	0.0%
516	Local court of Lenart	0	17	17	15	2	0.0%	11.8%
	Local court of							
517	Lendava/Lendva	0	9	9	9	0	0.0%	0.0%
518	Local court of Litija	0	25	25	25	0	0.0%	0.0%
519	Local court of Ljubljana	14	971	985	969	16	14.3%	1.6%

<i>Code of the court</i>	<i>Local court</i>	<i>Unresolved cases 1.1.2010</i>	<i>Submitted cases</i>	<i>Cases being resolved</i>	<i>Resolved cases</i>	<i>Unresolved cases 31.12.2010</i>	<i>Unresolved 1.1.2010–31.12.2010 difference %</i>	<i>Unresolved/Resolved x 1 000 (in%/</i>
520	Local court of Ljutomer	0	12	12	11	1	0.0%	8.3%
521	Local court of Maribor	1	115	116	109	7	600.0%	6.1%
522	Local court of Murska Sobota	1	2	3	3	0	-100.0%	0.0%
554	Local court of Nova Gorica	0	44	44	44	0	0.0%	0.0%
523	Local court of Novo Mesto	0	1	1	1	0	0.0%	0.0%
524	Local court of Ormož	0	18	18	18	0	0.0%	0.0%
525	Local court of Piran/Pirano	1	0	1	1	0	-100.0%	0.0%
526	Local court of Postojna	0	0	0	0	0	0.0%	0.0%
527	Local court of Ptuj	0	4	4	4	0	0.0%	0.0%
528	Local court of Radovljica	0	163	163	163	0	0.0%	0.0%
529	Local court of Sevnica	0	1	1	1	0	0.0%	0.0%
530	Local court of Sežana	1	15	16	16	0	-100.0%	0.0%
532	Local court Slovenjgradec	0	9	9	7	2	0.0%	22.2%
531	Local court of Slovenska Bistrica	0	6	6	4	2	0.0%	33.3%
533	Local court of Slovenske Konjice	0	0	0	0	0	0.0%	0.0%
534	Local court of Šentjur	0	2	2	1	1	0.0%	50.0%
535	Local court of Škofja Loka	0	0	0	0	0	0.0%	0.0%
536	Local court of Šmarje Pri Jelšah	0	2	2	2	0	0.0%	0.0%
537	Local court of Tolmin	0	8	8	8	0	0.0%	0.0%
538	Local court of Trbovlje	0	18	18	17	1	0.0%	5.6%
539	Local court of Trebnje	0	0	0	0	0	0.0%	0.0%
540	Local court of Velenje	0	15	15	6	9	0.0%	60.0%
541	Local court of Vrhnika	1	5	6	4	2	100.0%	40.0%
542	Local court of Žalec	4	21	25	22	3	-25.0%	14.3%

Question 26. Please provide up-dated disaggregated statistical data regarding reported deaths in detention facilities and psychiatric hospitals according to the location of detention, sex, age, ethnicity of the deceased and cause of death for the period 2006–2010. Please make available detailed information on the results of the investigations in respect of those deaths and measures implemented to prevent suicides and other sudden deaths that occur in detention centres.

- (a) **Statistical data on the deaths in prisons, broken down by location of detention, gender, age and causes of death, and the information on the results of the investigations on these deaths**

<i>Year</i>	<i>Number of all deaths</i>	<i>Number of suicides</i>	<i>Share of suicides according to all deaths</i>	<i>Average number of prisoners</i>	<i>Mortality per 10,000 prisoners</i>	<i>Suicides per 10,000 prisoners</i>
2006	4	1	25.00%	1 268	31.55	7.89
2007	8	3	37.50%	1 339	59.75	22.40
2008	7	3	42.86%	1 364	51.32	21.99
2009	4	2	50.00%	1 416	28.25	14.12
2010	5	1	20.00%	1 374	36.39	7.28
2006–2010	28	10	35.71%	5 387	51.98	18.56

Deaths in 2006

Sentenced person, born in 1981

Maribor Prison

144. Methadone and midazolam poisoning. An inspection by Maribor Police Force was conducted with the participation of the investigating judge from Maribor District Court Maribor and the District State Prosecutor.

Sentenced person, born in 1948

Dob Prison

145. Suicide by hanging. An inspection of the scene of the event was conducted by the on-duty physician from Trebnje Health Centre, a police officer from Trebnje Police Station, the District State Prosecutor and an investigating judge, as well as by criminal police officers from the Novo mesto Police Directorate.

Sentenced person, born in 1971

Dob Prison

146. He collapsed when returning from the walking area. He was transported to a health care institution by ambulance. On the way, the physician declared death. The autopsy confirmed heart attack as the cause of death.

Sentenced person, born in 1979

Maribor Prison

147. The autopsy revealed methadone and tramadol poisoning as the cause of death.

Deaths in 2007

Sentenced person, born in 1937

Slovenska vas Open and Semi-Open Prison Section

148. A guard found a sentenced person in bed. The person did not show any signs of life and had death spots on the face. A physician from Trebnje Health Centre declared death by natural causes.

Detained person, born in 1954

Celje Prison and Correction Home

149. Suicide by hanging. The commission for determining the causes of death was composed of an on-duty investigating judge, the District State Prosecutor, the Prison and Correction Home Director, and a medical expert in the field of forensic medicine. He was judicially detained from 30 March 2007 from 5.45 p.m. During triage, no suicidal risk was established.

Remand prisoner, born in 1968

Ljubljana Prison

150. Suicide by overdose. The commission, appointed by the Vice President of the District Court in Ljubljana, established that the remand prisoner had committed suicide by ingestion of medicinal products.

Sentenced person, born in 1967

Maribor Prison

151. The court-ordered autopsy revealed a sudden failure of vital life functions, respiration and heart function as the direct cause of death. We have not been able to obtain the findings of toxicological analyses conducted at the Institute of Forensic Medicine in Ljubljana. The sentenced person was a diabetic patient and a drug addict.

Remand prisoner, born in 1974 – former Federal Republic of Yugoslavia

Koper Prison

152. Suicide by cutting. The commission established that the remand prisoner cut his own throat using a piece of broken glass (a glass shelf from the bathroom). The injury was so serious that the first aid given by the guards and the medical team, who arrived at the prison within a short period of time, could not have been successful.

153. The remand prisoner had been in therapy with the prison psychiatrist. For a short period of time, he had been hospitalized at the Idrija Psychiatric Hospital.

Sentenced person, born in 1946

Dob Prison

154. Death by heart attack. On 11 October 2007, he had heart surgery and was placed in an intensive care surgical department. He died at Ljubljana Medical Clinical Centre.

Remand prisoner, born in 1940

Maribor Prison

155. He died at the pulmonary department of the Maribor University Medical Centre. He had been hospitalized since 18 September 2007.

Remand prisoner, born in 1974 – Lithuania

Maribor Prison – Murska Sobota Section

156. Fellow remand prisoners and guards attempted to resuscitate the remand prisoner. The medical team arrived at 2.02 a.m. and continued with resuscitation procedures. The court did not order an autopsy. The pathologist stated that the lungs of the deceased were completely filled with food and stomach content, furthermore, an inhibition of the swallowing reflex occurred which resulted in the filling of the lungs.

Deaths in 2008

Remand prisoner, born in 1964

Maribor Prison

157. Suicide by hanging on 29 December 2007 (resuscitation procedures undertaken between 29 December 2007 and 7 February 2008) at Maribor University Medical Centre. He was given first aid by the guards, until the arrival of the rescue team.

Sentenced person, born in 1946

Dob Prison

158. Suicide by hanging. In accordance with this prisoner's established suicidal risk, he was regularly monitored by the prison psychiatrist, psychologist and the expert personnel of the section, while he was also under increased surveillance by the guards. The sentenced person was monitored on a daily basis by the relevant health care personnel. He was placed in a facility with an outpatient regime.

Person in compliance detention, born in 1950

Ljubljana Prison

159. Death due to an internal haemorrhage and the resulting cardiac arrest at Ljubljana Medical Centre. He was examined by the prison physician on 29 February 2008. It revealed liver disorder and polyneuropathy as a consequence of a long-term addiction to alcohol.

Sentenced person, born in 1966

Dob Prison

160. The deceased was not a drug addict and he did not receive any therapy. The on-duty physician ordered a sanitary autopsy.

Sentenced person, born in 1963

Maribor Prison

161. Death occurred due to the presence of methadone in the blood (0.64 mg/l). On the body itself, a minor hole in the skin was found in the left hand groin, which indicated that the deceased had done this to himself some time ago, due to the injection of drugs. The autopsy revealed highly expressed organ disorders.

Sentenced person, born in 1962

Dob Prison

162. Suicide by hanging. At 12.55 a.m., the sentenced person and his wife started enjoying a 4-hour unsupervised visit outside of the prison. At 3.25 p.m., the wife reported that he had hit her and escaped towards the forest. A search operation was launched. At 6.20 p.m., a body was found, hanging from a tree. An inspection of the scene of the event was conducted by criminal police officers, while the physician ordered a sanitary autopsy.

Sentenced person, born in 1949

Dob Prison

163. He collapsed whilst taking a shower. Prior to that, he had complained about pain in the chest area. The guards unsuccessfully attempted resuscitation, and the on-duty physician declared death. Trebnje Police Force conducted an inspection of the scene of death. A sanitary autopsy was ordered.

Deaths in 2009

Remand prisoner, born in 1978

Koper Prison

164. Suicide by hanging. The guards attempted to resuscitate him until the arrival of physician who declared death. The scene of the event was inspected by a criminal police officer from the Koper Police Directorate, the Vice President of the District Court, the State Prosecutor, the physician, and the Prison Director.

Sentenced person, born in 1943

Dob Prison

165. We were informed of the death of the sentenced person by Novo mesto General Hospital, where the sentenced person had been hospitalized at the pulmonary department since 22 February 2009.

Sentenced person, born in 1930

Dob Prison

166. The sentenced person had been on temporary release due to the person's poor medical condition, and lived at a civil society institution.

Sentenced person, born in 1983

Dob Prison

167. Suicide by hanging. The commission, appointed by the Director General of the Prison Administration of the Republic of Slovenia, did not establish any irregularities.

Deaths in 2010

Female sentenced person, born in 1959

Ig Prison

168. At 7.10 a.m., the female sentenced person was transported to a health care institution by ambulance. At 8.00 a.m., she was admitted to the health care institution. At 10.15 p.m., the on-duty physician informed the prison that the patient had passed away.

Remand prisoner, born in 1964

Ljubljana Prison – Novo mesto Section

169. The commission consisting of the District Judge Councillor, the District State Prosecutor, the physician and the Head of the Novo mesto Section of Ljubljana Prison, established the cause of death to be pneumonia and other injury complications caused by injuries inflicted by the jump through the window on the 2nd floor of Novo mesto General Hospital. The commission believes that no error was made in the implementation of remand and the protection of the remand prisoner during hospitalization.

Remand prisoner, born in 1954

Maribor Prison

170. Suicide by hanging. The scene of the event was inspected by criminal police officers from Maribor Police Force, accompanied by the investigating judge and the on-duty State Prosecutor. No irregularities were established.

Remand prisoner, born in 1963

Maribor Prison

171. He passed away at the thoracic department of Maribor University Medical Centre, where he had been admitted on 28 July 2010.

Sentenced person, born in 1971

Dob Prison

172. On 3 December 2010, the sentenced prisoner completed his treatment at Novo mesto General Hospital and was, accompanied by an ambulance and a judicial police officer, transported for a medical examination at the Ljubljana Polje Psychiatric Hospital. Since no special problems were established at the psychiatric hospital, the sentenced prisoner was brought to the prison at 5.25 p.m. He was taken to the prison infirmary on a stretcher, where the prison nurse removed his catheter. At 5.30 p.m., the sentenced prisoner was placed in infirmary room 35 in the 1st department. Upon the collection of dishes at 5.50 p.m., two fellow prisoners, who had shared the room with the sentenced prisoner, informed judicial police officers of the poor medical condition of the sentenced prisoner. They had reported

this to the prison nurse, who came to the room and established that the sentenced person had a very weak heartbeat, which is why she immediately informed the on-duty physician at Trebnje Health Centre. At 6.20 p.m., an ambulance arrived at the prison, and its medical personnel immediately started to attempt to resuscitate the sentenced prisoner. At 6.56 p.m., the death of the sentenced prisoner was confirmed.

173. An inspection of the scene of the event was conducted by the investigating judge, the District State Prosecutor and criminal police officers from the Criminal Police Service of The Novo mesto Police Directorate. No special problems were established during the inspection.

Overview of deaths by locations

<i>Prison/section</i>	<i>All deaths</i>	<i>Share of suicides</i>
Dob pri Mirni Prison	11	4
Maribor Prison	8	2
Koper Prison	2	2
Ljubljana Prison	2	1
Celje Prison and Correction Home	1	1
Ig Prison (for women)	1	0
Novo mesto Section	1	0
Murska Sobota Section	1	0
Slovenska vas Section	1	0
Total	28	10

Source: One person was female. All others were males.

174. Data on ethnicity is not processed. One sentenced prisoners was a citizen of Lithuania, while one of the remand prisoners was a citizen of the former Federal Republic of Yugoslavia. All others were citizens of the Republic of Slovenia.

(b) Activities and measures for suicide prevention

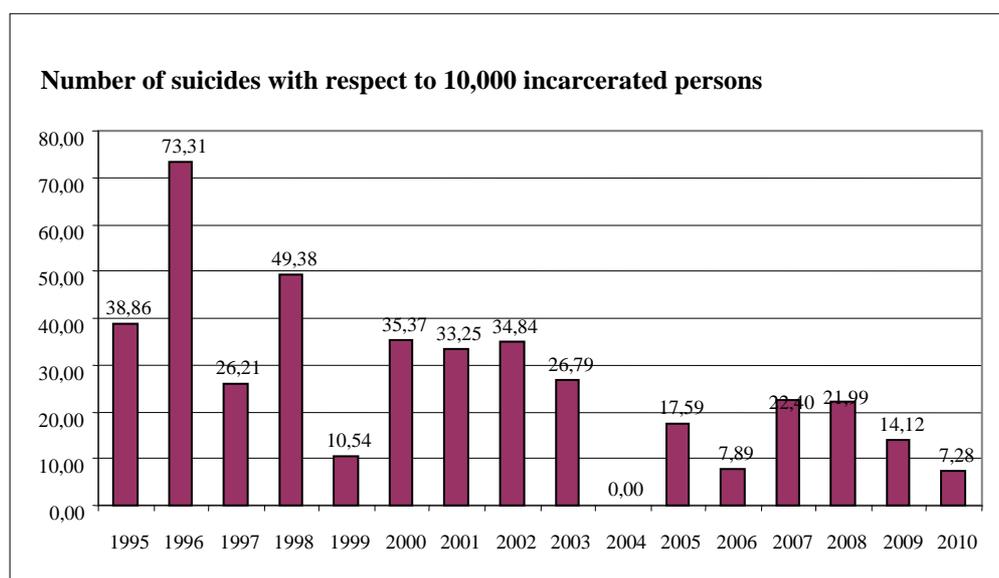
175. Based on an analysis of the situation, and taking into account good foreign practices, the Administration for the Enforcement of Penal Sanctions of the Republic of Slovenia (The Prison Administration of the Republic of Slovenia) adopted "The Suicide Prevention Strategy". Professional recommendations for internal use were also prepared.

176. We began with the systematic education of prison personnel in recognising suicidal risk factors. A large number of employees working in all services were initially included in the education process at two educational forums: "Determining Suicidal Risk Factors Upon Admission" and "Suicide Prevention", both lasting six hours. The subject of suicide prevention was included in the mandatory education of new judicial police officers.

177. Last year and two years ago, two longer intense training courses of 54 hours were facilitated, focusing on presentations and case studies. A supervisory group was formed this year, composed of participants from both groups and from every location. The main task of the group is to exchange information and good practices, as well as to transfer this to all other relevant institutions and departments.

178. In 2004, we introduced a systematic assessment of suicidal risk factors for every imprisoned person upon admission to prison, using the interview supported by a questionnaire as its basis.

179. A committed suicide is an extremely burdensome situation, both for the personnel of the institution and for the other imprisoned persons; therefore help in the form of debriefing is provided in such cases.



180. Considering that deaths and suicides occur as rare events, it would be too early to speak of the positive impact of measures and to be satisfied with positive trends. The efforts of the Republic of Slovenia are not only directed toward reducing suicides in prisons, but also toward all types of autodestructive behaviour prevention.

(c) **The health-care sector**

Number and causes of “sudden” deaths in psychiatric hospitals

181. At the Department of Psychiatry of the Maribor Teaching Hospital, 17 persons (11 women and 6 men) died in the period 2006–2010. Most of them were elderly (aged between 70 and 94), with the exception of two persons aged 46 and 57 years, respectively. The main cause of death was cardiac arrest.

182. In the same period, 12 persons (six women and six men) died at Ljubljana Psychiatric Clinic. The main cause of death was cardiac arrest, with the exception of one respiratory arrest.

183. In the period 2006–2010, two men (aged 50 and 81) from the closed section of the Begunje Psychiatric Hospital died. The cause of death was cardiac arrest in both cases.

184. In the period 2006–2010, a woman aged 59 died at Idrija Psychiatric Hospital. She died after an acute deterioration in respiratory function, after an attempt of resuscitation and salvage by helicopter. The autopsy showed death was as a result of pulmonary embolism.

185. In the same period, nine persons (eight men and one woman) died at Ormož Psychiatric Hospital. All of them died of cardiac arrest.

186. All hospitals systematically monitor warning hazardous events, and prepare special measures if such events are detected. At Ljubljana Psychiatric Clinic, Special Clinical Pathways for the Hospital Management of a Suicidal Patient were implemented in 2010.

Question 27. Considering the declaration of unconstitutionality by the Slovenian Constitutional Court of articles 70–81 of the Non-litigious Civil Procedure Act, please provide up-dated information on the current legislation regulating confinement in psychiatric hospitals.

187. Based on the aforementioned Decision of the Constitutional Court of The Republic of Slovenia of 2003 (Decision of the Constitutional Court, Ref. No. U-I-60/03 of 4 December 2003), a special Mental Health Act was adopted in 2008, which is presented in more details in answer to question 28 below.

Question 28. Please provide detailed information on the proposed legislation on mental health mentioned in the State report if it has been adopted and, if so, provide detailed information on the procedure for the confinement of mental patients in psychiatric hospitals and social welfare institutions.

188. Detention proceedings for people with mental health problems in social institutions are governed by the Mental Health Act of 2008 (Official Gazette of the Republic of Slovenia, No. 77/08). The abovementioned Act regulates proceedings before a court for the admission without consent of a person to the department under the special surveillance of a psychiatric hospital, to a closed section of a social security facility and to supervised management. In the proceedings before a court, a person with mental disorder must be represented by a lawyer, or more specifically, according to this Act, in all proceedings before a court, representation through an attorney who is a lawyer is mandatory, which includes all proceedings of forced deprivation of liberty or forced hospitalisations. For a juvenile and an adult declared legally incompetent, a lawyer is authorised by their legal representative, unless when proceedings are opened at their request. In such cases a lawyer is appointed by the court.

189. Admission to a psychiatric hospital or a social security facility may be carried out in the following ways:

- (a) Admission with consent;
- (b) Admission without consent, by decision of a court;
- (c) Admission without consent in emergencies, when the person has been detained in the department under the special surveillance of a psychiatric hospital, on the basis of a physician's notice of a selected personal physician, psychiatrist or other physician before the court has made its decision.

190. When a person is admitted without her consent in emergency situations, the physician on-duty of the psychiatric hospital has to inform the detained person immediately about her rights from article 58 of the Mental Health Act and inform the Director of the psychiatric hospital and the Director has to inform the competent court. After the court received this information, it has to adopt a ruling on starting the procedure within one day and in the next day visit and interrogate the detained person, in the presence of a lawyer. The court has to decide on detention of this person within the deadline of three days after the visit was performed.

191. Treatment of a person in the department with the special surveillance of a psychiatric hospital without their consent is admissible if all of the following conditions have been fulfilled:

- If they endanger their own life or lives of others, or if they severely endanger their health or health of others, or if they cause serious pecuniary damage to themselves or others

- If the endangerment referred to in the previous indent arises from a mental disorder which causes the person to have a disturbed perception of reality and their own ability to control their actions
- And if the above reasons and endangerment referred to in the first and second indents of this paragraph cannot be contained by other forms of help (treatment in a psychiatric hospital outside the department with special surveillance, outpatient treatment, or under controlled management)

192. A person is admitted to a closed section of a social security facility if all of the following reasons have been fulfilled:

- If acute hospital treatment has been concluded or is not necessary
- If they need constant care which cannot be provided in the home setting or by any other means
- If they endanger their own life or lives of others, or if they severely endanger their health or health of others, or if they cause serious material damage to themselves or others
- If the endangerment referred to in the previous indent arises from a mental disorder causing the person to have a disturbed perception of reality and their own ability to control their actions
- If the above reasons and endangerment referred to in the third and fourth indents cannot be contained by other forms of help (outside the social security facility, under controlled management)
- If they fulfil other conditions for the admission to a social security facility set out by social security regulation

193. According to the Mental Health Act, the proceedings must be instituted ex officio by the court even when it has not been officially informed of the admission without consent, but becomes aware thereof by any means.

194. The Mental Health Act lays down the right to representative from the field of mental health in relation to the enforcement of rights in all treatment procedures in the departments under special surveillance of a psychiatric hospital, in closed sections of a social security facility, and under controlled management. A person with mental disorder is frequently in situations where they cannot protect their rights by themselves, therefore the proposed act introduces a system of representation which completes and builds upon the right to a representative granted to people as health service users according to the Patients' Rights Act. Provision is made for an individual to be able to exercise both functions if conditions according to both the Mental Health Act and the Patients' Rights Act are fulfilled.

195. The Act sets out the use of specific protective measures enabling treatment or management of a person's dangerous behaviour.

196. The Act specifies special methods of treatment, such as:

- Treatment with electroconvulsive therapy
- Hormonal treatment
- The use of psychotropic drugs in quantities exceeding the maximum prescribed dose

197. Special methods of treatment can only be used if approved by a medical council composed of at least three psychiatrists, of whom at least one is not employed at the psychiatric hospital where the person is being treated and has not treated the person.

198. The remaining conditions to be fulfilled in order to allow for the use of special methods of treatment are the following:

- The written consent of the person has been presented
- No other efficient method of treatment for adequate health care is available
- The method is essential for the person's treatment
- The expected benefit outweighs the foreseeable risk and burden caused by the proposed treatment

199. In addition to the aforementioned conditions, a positive opinion by a psychiatrist who does not treat the person and is not a member of the medical council is required for treatment with electroconvulsive therapy or hormonal treatment.

200. By the end of 2010, The Republic of Slovenia also employed 19 coordinators of community management responsible for the mental health sections at Social Work Centres. By the end of 2010, 30 additional coordinators are to be employed. The coordinators are qualified professional workers, having at least a higher education (in health, psychology, social pedagogy or other adequate programmes) and at least three years of working experience in the field of mental health protection, social security, health, or in non-governmental organizations implementing mental health programmes. Their task is the execution of assistance to persons who no longer need treatment in a psychiatric hospital or controlled management, but needing help in psychosocial rehabilitation, everyday activities, managing living conditions and inclusion in everyday life on the basis of a management plan. All tasks are focused on finding adequate solutions aimed at returning the service users back to their home setting as soon as possible. On the basis of article 26 of the Mental Health Act and article 11 of the Rules on Providing Representative Service in the Field of Mental Health and of the public appeal of 20 August, 2010, and upon prior agreement with the Minister of Health and the Minister of Labour, Family and Social Affairs' appointed representatives of persons in the field of mental health. Each representative has been appointed for the supervision of two psychiatric hospitals.

Question 29. The State party's Report mentions new rules on Police Powers to better protect human rights and freedoms, a catalogue of standards for police procedures as well as several manuals relating to the use of instruments of restraint to improve the professional work of police officers. Please provide detailed information on the content of such standards.

201. The Catalogue of Standard Police Procedures includes all basic police procedures in respect of statutory powers and different work scopes. They are classified according to the type of procedure which police rules classify as normal, sensitive or dangerous. Procedures in the Catalogue are shown according to a system of supporting points, in the order they are applied in practice. The Catalogue assists police officers when executing a procedure, as well as afterwards, when the report has to be prepared, and individual tasks have to be documented and the use of powers has to be recorded. It is also intended for the heads of police units who have to monitor the legality and the professionalism of police officers in conducting procedures. The Catalogue is a collection of basic police procedures with legal and professional rules, with an emphasis on the security of police officers.

202. As stated in the answer to question 20 above, the conditions for the use of coercive measures are set out by the Police Act, and the Rules on Police Powers regulate the method of using coercive measures and reporting on the use and assessment of using coercive means. Manuals for the use of specific coercive measures include legal and professional rules, instructions and explanations for the use of coercive measures.

Articles 12 and 13

Question 30. According to the State party's report, mechanisms have been set up to prevent and establish potential maltreatment of detainees. Please provide detailed information on such mechanisms and on any other measures taken to improve the generally insufficient and untimely disciplinary procedures against police officers.

203. The answer is partially included in the answer to question 7 above. We additionally explain that one of the most important mechanisms for preventing a potential mishandling or initiation of such a mishandling of detained persons is the establishment of a specialized department functioning within the Group of State Prosecutors for the Prosecution of Organized Crime at the Supreme State Prosecutor's Office of the Republic of Slovenia, which has had subject-matter and territorial jurisdiction since 1 November 2007, for the prosecution of all criminal offences committed by officials employed within the police, and was established for the purpose of independent and unbiased processing of such criminal offences. The abovementioned mechanisms also include previously presented activities and measures (provision of rights, preparation of internal acts, the training of police officers, police hearing, appeal procedure, etc.).

204. On 15 February, 2010, the Secretary-General of the Ministry of the Interior submitted a letter to all of the internal organizational units of the Ministry of the Interior, the Inspectorate for Interior Affairs, the General Police Directorate and the Police Directorates to point out the problems of a statute of limitation for disciplinary proceedings. The organizational units were specifically warned of the timely submission of proposals to initiate disciplinary proceedings, and their legality, consistency and care in conducting disciplinary proceeding, and when deciding on disciplinary responsibility and the timely serving of all documents pertaining to the disciplinary proceedings.

205. On 18 March, 2010, a lecture was held for the representatives of the internal organizational units of the Ministry of the Interior, the Inspectorate for Internal Affairs, the General Police Directorate and Police Directorates at the premises of the Police Academy in Tacen to present the provisions of the Civil Servants Act regulating disciplinary proceedings, and to draw the attention of the participants to the aforementioned findings.

Question 31. Please provide detailed information on cases where disciplinary procedures were initiated against police officers and the kind of disciplinary sanctions applied.

206. In 2010, 34 disciplinary proceedings were initiated against police officers, of which, taking into account the available data, 24 final decisions were taken on disciplinary responsibility/non-responsibility.

207. Seventeen Disciplinary proceedings were initiated in accordance with the second paragraph of article 123 of the Civil Servants Act (serious disciplinary infringement), of which seven were suspended (either because disciplinary responsibility was not established or elements of severe disciplinary violation were not established), and in two cases a monetary fine was imposed. In accordance with the first paragraph of article 123 of the Civil Servants Act (minor disciplinary infringement), 17 disciplinary proceedings were initiated in 2010, of which four were suspended (due to the statute of limitation on the initiation, or due to the conduct of disciplinary proceedings, or due to a lack of evidence of the police officer having committed a minor disciplinary infringement), in eight cases a reprimand was imposed on the police officer and a monetary fine was imposed on two police officers. The unlawful, unprofessional or excessive use of coercive measures was a reason for the initiation of disciplinary proceedings in five cases, namely:

- Unlawful deprivation of liberty and detention – disciplinary proceedings against the police officer were suspended due to the statute of limitation on the conduct of proceedings
- Indecent behaviour and use of physical force – disciplinary proceedings against the police officer were suspended due to a lack of evidence
- Unprofessional use of coercive means, non-reporting of the use of coercive means – a disciplinary commission appointed by the Director-General of the Police imposed a reprimand on the police officer; however, the Commissions for Appeals concerning Labour Relations as the body of second instance complied with the police officer’s complaint and decided to suspend the disciplinary proceedings due to the statute of limitation on the conduct
- Non-use of handcuffs and other restraining means, although police officers should have used them in compliance with directions, which resulted in the escape of a prisoner – disciplinary proceedings were initiated against a male and a female police officer

208. In 2009, 20 police disciplinary proceedings were initiated; of which 15 became final (information on finality also includes disciplinary proceedings from 2008 which became final in 2009). By the final decision of the disciplinary bodies, eight disciplinary measures were imposed on police employees, of which reprimand was imposed on four police officers and a monetary fine was imposed on four police officers due to minor disciplinary infringements. Of the disciplinary proceedings initiated in 2009, 7 were definitely suspended (two of them because of the statute of limitation on the conduct of disciplinary proceedings, and five because of the lack of evidence).

209. In 2008, 46 disciplinary proceedings were initiated, of which 54 became final (information on finality also includes disciplinary proceedings from 2007 which became final in 2008). By the final decision of the disciplinary bodies, 20 disciplinary measures were imposed on police employees, of which reprimand was imposed on 10 police officers, a monetary fine due to minor disciplinary infringements on four police officers, and a monetary fine due to serious disciplinary infringement on six police officers. In 2008, 34 disciplinary proceedings were definitely suspended, 11 of them due to the statute of limitation on the conduct of the disciplinary proceedings, nine due to the lack of evidence, and 14 due to non-responsibility of the police officer for the disciplinary infringement.

210. According to statistical data, three written warnings before the regular termination of employment contract were issued in 2010 due to the excessive use of coercive measures, and two written warnings before the regular termination of employment contracts were issued in 2009. According to the available data, the procedure of regular or extraordinary termination of employment contracts due to the excessive use of coercive measures was not initiated against any police officer.

Question 32. Please provide detailed information on the measures taken to deal with court backlogs and, more specifically, on the content of the projects ‘Hercules’ and ‘Lukenda’ recently adopted. Please provide information on the concrete positive outcome of such projects.

211. The answer is already partially included in the answer to question 8 above.

212. In more details, the Republic of Slovenia explains that in 2006 in accordance with a proposal by the Government, a special Act was adopted in Slovenia (Act on the Protection of Right to Trial without Undue Delay) to aid parties in judicial proceedings that introduces acceleratory legal remedies in cases of excessively long judicial proceedings as well as means of just satisfaction (compensation – especially financial indemnity).

213. Furthermore, a special programme for eliminating court backlogs that contains a mosaic of measures (relating to staff, premises, finances etc.) was adopted at the end of 2005. This programme called “The Lukenda Project” has proven to be successful.

214. Following the judgment of the European Court of Human Rights in the case *Lukenda v. Slovenia* of 6 October 2005 (No. 23032/02, ECHR 2005-X) and the Decision No. U-I-65/05 of the Constitutional Court of the Republic of Slovenia 22 September 2005), both obliging the Slovenian State to establish conditions in which the right to a trial without undue delay must be enforced, the Slovenian Government adopted on 12 December 2005 a Joint State Project on the Elimination of Court Backlogs, the so-called Lukenda Project. Its goal is the elimination of backlogs in Slovenian courts and prosecutor’s offices by the end of 2010, by providing for structural and managerial reform of the justice system. The preparation of the Act on the Protection of the Right to a Trial without undue Delay was part of the Lukenda Project.

215. The effectiveness of implementation of the abovementioned Act and programme is constantly being monitored by the European Court of Human Rights and, so far, the reviews have been positive.

216. In 2009, the Government prepared Amendments to the Act that was adopted by the legislative branch. They are aimed at strengthening the effectiveness of the implementation of the Act, thus providing additional protection to the right of parties in legal proceedings to a trial without undue delay and trial within a reasonable time.

217. Also in 2009, the top of the judicial branch, which, in terms of the division of powers and independence of the courts is, of course, independent both from the executive as well as the legislative branches, assessed that the project for eliminating backlogs was being implemented fairly successfully.

218. The Lukenda Project has been proven as a successful means in eliminating most of court backlogs by 31 of December 2010, however, assessments by the independent judiciary have shown that elimination of court backlogs shall continue after 2010 due in a significant part to external factors such as for example the current economic and financial crisis and therewith related elevated influx of cases to the Slovenian courts.

219. Therefore the Government has on 26 of August 2010 decided to extend certain activities pertaining with the Project Lukenda for a further two years (until 31 December 2012) to counterpoint the current elevated influx of cases (in the year 2009 alone Slovenian courts have received over 925,000 new cases — with the total number of pending cases of 1,45 million — which is considered the largest influx of new cases in the last 20 years; in the same year the courts have solved 939,000 cases, showing an increase of 12.7 per cent compared to the year 2008).

220. Statistical data shows a significant decrease of almost 14 per cent (13.92 per cent to be exact) in the number of court backlogs in Slovenia if we compare the Court statistics data pertaining to 31 of December 2008 and 31 of December 2009.

221. The predecessor of The Lukenda Project was the so-called “Hercules” Programme that started in 2001 and had basically the same objective – a substantive reduction of court backlogs among other measures through the use of mobile judges and transfers of cases. This Programme has not been entirely successful in achieving these goals in general (however it did lay down some groundwork for the subsequent Lukenda Project) on the other hand its merits were proven in the area of court backlogs in land registry cases and cases pertaining to execution of judgments in civil matters as it did serve to noticeably reduce the latter and practically eliminate the former.

222. The implementation of the Lukenda Project and activities connected therewith has resulted in substantive overall reduction of cases and not only of the cases, considered in

the national legislation as court backlogs. We would like to stress the fact that the term “court backlogs” as defined by the Slovenian national legislation cannot be freely equated with the term the “reasonable time”-limit in which a trial has to be concluded that is used by the European Court of Human Rights in Strasbourg. If the national time-limit that defines when a case becomes a “backlog” is not upheld that does not automatically mean that the trial is not held “within a reasonable time” as defined by the case law of the European Court of Human Rights.

223. Therefore in the Republic of Slovenia the Supreme Court, the Judicial Council and the Ministry of Justice have reached an agreement whereby the term “court backlogs” as currently defined by the national legislation shall in foreseeable time be replaced with the term (and definition) “*foreseeable timeframe for case-resolution*”. Fact is that in Slovenia in the past few years the definitions that regulate when specific types of court cases become “backlogs” have been frequently changed (and thus became increasingly more and more stringent) which inevitably caused that the comparison of yearly statistical data pertaining to “court backlogs” has become less and less transparent and therefore more and more incomparable.

224. According to the Framework Programme CEPEJ (2004) 19 REV 2 of the European Commission for the Efficiency of Justice (CEPEJ)⁶ a new objective for judicial systems has to be set: *the processing of each case within an optimum and foreseeable timeframe*. The objective of reducing the length of proceedings must as such result in each case being completed in an optimum timeframe which satisfies at the same time the society, the parties, the victims and the accused persons, etc (*the users*). It is therefore no longer acceptable, in judicial proceedings, for users to be left in a state of absolute uncertainty as to the time it will take to examine their cases and for them to have no possibility of influencing the length of the proceedings. Fact is that the current Slovenian national definition of “court backlogs” does not satisfy this criterion as from the mere fact that a case can be considered “a backlog” the users have no way of knowing when in the foreseeable future their case will be processed. However with the establishment and implementation of the “*foreseeable timeframe for case-resolution*” mechanism this objective, set out by CEPEJ Committee of the Council of Europe, will be met.

225. As shown in previous paragraphs the total elimination of backlogs in the Republic of Slovenia is not yet completely feasible. However the positive effect of the implementation of the Lukenda Project combined with the recent reorganization of the system of court management brought on by the recent Act Amending the Courts Act of 2009 are clearly more and more evident.

226. Noticeable effects are felt not only in the area of noticeable decreases in number of so called “court backlogs” as defined in national legislation but also in the overall reduction of all cases pending before the Slovenian Courts. The total reduction of all cases pending according to the Court statistics was 9.2 per cent in the year 2009 (comparison of statistic data on the 31st of December 2009 with the data on 1st of January 2009). If we compare the Court statistics for the year 2009 with the situation in 2005 the total reduction of all pending cases before the Slovenian Courts in an impressive 21.7 per cent.

227. The overall result is that in the year 2009 due to the activity of the Slovenian Courts combined with the results of the implementation of the Lukenda Project the total number of pending cases in Slovenia has fallen to the lowest level since the year 1996. This is also evident in the average time-period in which a case before the Slovenian Court is decided

⁶ The European Commission for the Efficiency of Justice (CEPEJ) was established on 18 September 2002 with Resolution Res (2002)12 of the Committee of Ministers of the Council of Europe.

which in 2009 was 6, 1 months compared with 14, 1 months in the year 1998. The same can be said for the average time-period for deciding in the so-called “important cases” where the average time-period fell from 21, eight months in 1998 to 9 months in 2009, which is the lowest level since the year 1990. Therefore we expect that court backlogs shall be “extinguished” in the Republic of Slovenia by the end of 2012.

Question 33. According to the concern expressed by the CPT in the Report on its 2006 visit to Slovenia about the independency and impartiality of the new police complaints procedure, please provide information on the measures that have been taken to ensure that the persons responsible for investigating complaints against the police are not from the same service as those who are the subject of the investigation.

228. In compliance with the Police Act and the Rules on Resolution of Complaints, the complaints that were unsuccessfully conciliated in compliance with the reconciliation process, and complaints that give rise to suspicion that a criminal offence has been committed, shall be treated by a Panel consisting of a representative of the Ministry of the Interior (MI) and two representatives of the public. In cases giving rise to the suspicion of the committing of a criminal offence, MI shall appoint a rapporteur to conduct a comprehensive review of the complaint and inform the Panel of its findings. In line with the amendment of article 25 of the Rules (Official Gazette of the Republic of Slovenia, No. 117/05), in force as from 24 December, 2005, the Panel Rapporteur is, as a rule, a staff member of MI. Additionally, all matters in which a police officer is suspected of having committed a criminal offence shall be investigated by the Specialized Department at Supreme State Prosecutor’s Office of the Republic of Slovenia in accordance with sectoral laws.

229. Within the amendments of the (new) police legislation, complaint proceeding is also amended. The purpose is to provide an independent, objective, professional and high-quality resolution of complaints against police officers. For this purpose, the “dominus litus” of the entire appeal proceeding shall be the Ministry of the Interior which has (or shall have) the appropriate powers and capacity to investigate the alleged violations of human rights and freedoms in implementing police tasks. In preparation for the amended complaint proceeding, the solutions in comparable European countries were considered, as well as EPAC (European Partners Against Corruption) recommendations that prepared and adopted European Police Oversight Principles at the European Union level in November 2010. It has been set out that, as a rule, a complaint is to be resolved within the organizational police unit where the alleged violation took place, excluding exceptional cases determined by law (serious bodily injury, grievous bodily injury, or death; the use of particular instruments of restraint against more than three persons; the use of firearms; the wider media response; the involvement of children or minors, members of ethnic minorities, or other discriminated groups; if the complaint contains probable statements about torture or cruel, inhuman or degrading treatment; if the complaint has been filed against senior police officers, and if the complaint body assesses that due to the serious interference with the individual’s rights or freedom, an independent investigation is necessary), and in cases of unsuccessfully conciliated complaints, when the complaint is treated by the MI Panel.

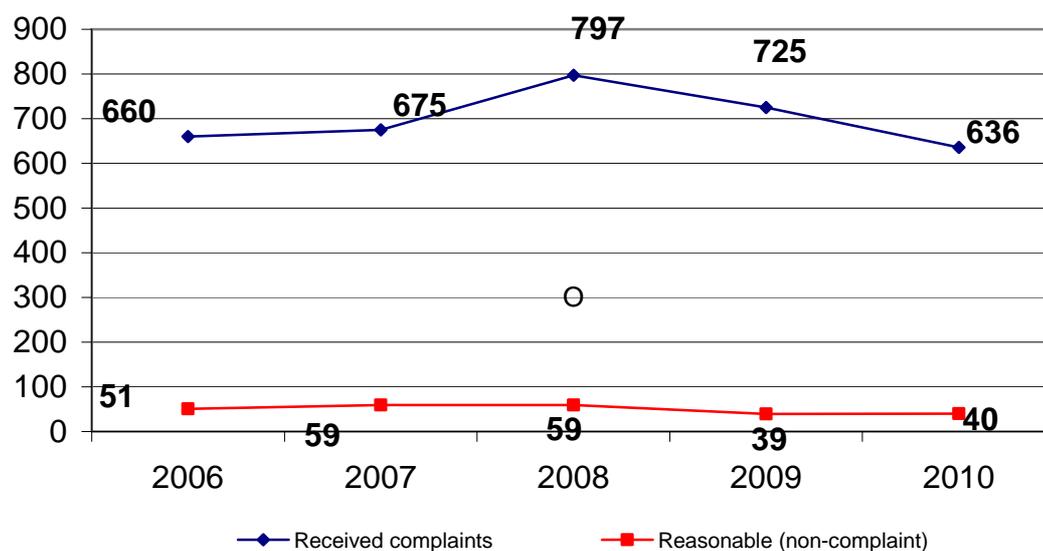
230. The powers have been defined for the rapporteurs who verify the circumstances of the complaints, for the rapporteurs entrusted with guidance and counselling in the complaint resolution process who review the complaint as rapporteurs or chair the Panel, and the powers of the appeal body or the organizational unit of MI competent for the resolution of complaints against the police officers.

Question 34. Please provide up-dated statistical data, for the period 2006–2010, on the number and grounds of complaints as a result of the use of instruments of restraint by the police as well as the subsequent investigations, prosecutions and convictions of perpetrators of their unlawful use.

Overview of all received complaints 2006–2010

	2006	2007	2008	2009	2010	<i>Increase/ decrease (in %)</i>
Received complaints	660	675	797	725	636	-12.3
Unresolved complaints	81	88	96	96	64	-33.3
Resolved complaints	579	587	701	629	572	-9.1
Complaints treated by the head of the organizational unit	351	306	373	303	247	-18.5
Successfully concluded procedures	215	199	226	182	138	-24.2
Unsuccessfully concluded procedures	136	107	147	121	109	-9.9
Percentage of unsuccessfully concluded procedures (in %)	38.7	35.0	39.4	39.9	44.1	10.5
Treatment in compliance with the rules	309	274	322	268	226	-15.7
Treatment non-compliant with the rules	30	26	31	22	17	-22.7
Percentage of treatments non-compliant with the rules (in %)	8.8	8.7	8.8	7.6	7.0	-7.8
No evaluation	12	6	20	13	4	-69.2
Dismissed complaints	44	31	52	60	55	-8.3
Early conclusion of procedure	122	179	194	197	196	-0.5
Complaints treated at the Panel session	198	178	229	190	183	-3.7
Unsuccessfully concluded procedure by the head of the organizational unit	136	107	147	121	109	-9.9
Suspicion of a criminal offence	62	71	82	69	74	7.2
Reasonable	21	33	28	17	23	35.3
Unreasonable	174	135	194	162	155	-4.3
Percentage of reasonable (in %)	10.8	19.6	12.6	9.5	12.9	36.1
No evaluation	3	10	7	11	5	-54.5

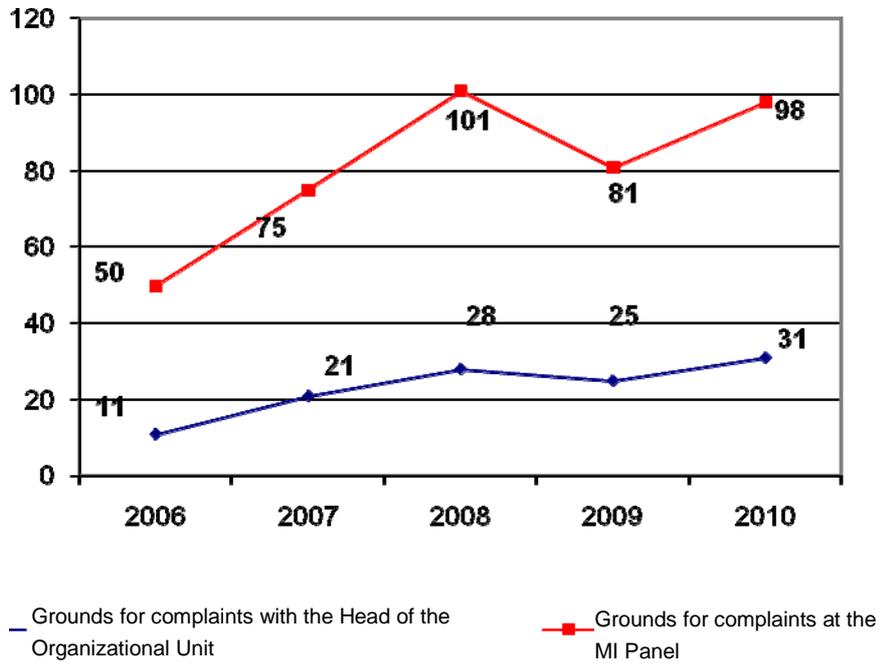
Received complaints – Reasonable (non-compliant treatment) 2006–2010



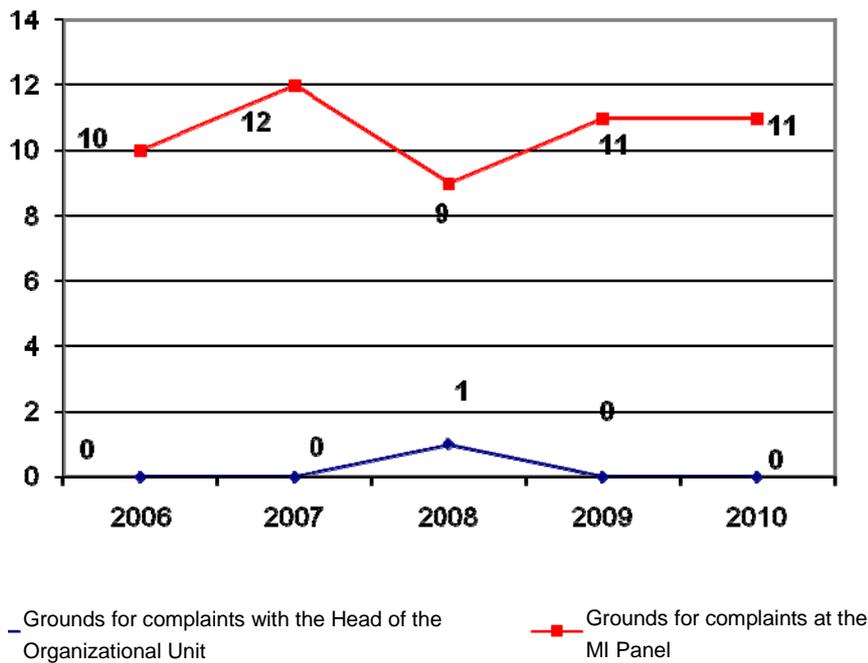
Overview of the received grounds of complaints due to the use of the restraint instruments

	2006	2007	2008	2009	2010	Total
Complaints treated by the head of the organizational unit	11	21	28	25	31	116
Treatment in compliance with the rules	11	21	26	24	31	113
Treatment non-compliant with the rules	-	-	1	-	-	1
Percentage of treatments non-compliant with the rules (in %)	0	0	3.7	0	0	0.8
No evaluation	-	-	1	1	-	2
Complaints treated at the panel session	50	75	101	81	98	405
Reasonable	10	12	9	11	11	53
Unreasonable	39	61	90	63	83	336
Percentage of reasonable (in %)	20.4	16.4	9.1	14.9	11.7	13.1
No evaluation	1	2	2	7	4	16

Overview of the received grounds for complaints due to the use of restraint instruments 2006 - 2010



Non-compliant treatment – Reasonable grounds for complaints due to the use of restraint instruments 2006–2010



231. In terms of the use of instruments of restraints (police officers annually use 9,500 various instruments of restraint in some 4,500 cases against 5,000 persons) by the police,

the most common occurrence is the suspicion of a criminal offence concerning the violation of human dignity through the abuse of authority or misuse of official rights under article 266 of the Criminal Code. As from 1 November 2007, all criminal offences committed by police officials are prosecuted by the Specialized Department operating within the Group of State Prosecutors for the Prosecution of Organized Crime at the Supreme State Prosecutor's Office of the Republic of Slovenia, which has been established with the purpose of an independent and impartial processing of such criminal offences. In all cases in which grounds of suspicion that such criminal offence were committed and determined by the police, all notifications or personal perceptions of such criminal offences were referred to the Specialized Department. Before the Specialized Department began its operation, 117 criminal offences were treated by the police in 2006, and 142 in the first ten months of 2007. In all cases, the police notified the competent State Prosecutor's Office in the manner prescribed. After the Specialized Department began operation, the police referred 60 of these criminal offences in 2008, 18 in 2009, and 12 in 2010 to the aforementioned Specialized Department.

232. The courts shall not inform the Ministry of the Interior or the police about convictions of police officers, unless a police officer is convicted by the final judgement of an intentionally committed offence that is prosecuted *ex officio*, to an unconditional prison sentence for the period of more than three months. By virtue of the final judgement, under the provisions of the law regulating the police, the employment of the staff member of the police department shall be terminated on the date when the decision on termination of employment is issued.

Question 35. Please provide detailed information on the measures that have been taken to systematically regulate the procedure for complaints by psychiatric services users. Please provide also statistical data for the period 2006–2010 on the number of complaints received in the main Psychiatric hospitals as well as the grounds on which these complaints were filed.

233. In 2008, the Patients Rights Act was adopted, regulating patients' complaint procedures and establishing the patients' rights representative institution which helps patients, free of charge, in the protection of their rights. The Patients Rights Act provides for detailed methods and procedures for the treatment of patients' complaints. In accordance with the Act, hospital department bulletin boards shall display information on how to file an application, and information on the competent person and patients' rights representative. Each department under the special supervision of the Psychiatric Hospital and the protected department of The Institute of Social Welfare shall display the rights of persons according to the Mental Health Act.

Data on complaints at the largest Slovenian psychiatric hospital where approximately 30 per cent of all psychiatric patients are treated

Ljubljana psychiatric hospital

<i>Unit</i>	<i>Number of patients' complaints 2006–2010</i>	<i>Grounds of complaints</i>
Mental Health Centre	6	Organizational and technical procedures during hospital treatment (2x). When a psychotherapist retired, psychotherapy with another therapist failed to be organized. Complaints related to a violation of personal data protection, on the grounds that the therapist communicated some information related to his

<i>Unit</i>	<i>Number of patients' complaints 2006–2010</i>	<i>Grounds of complaints</i>
Treatment Centre for Narcotic Drug Addiction	6	<p>treatment to the patient's wife, with whom he was in the process of divorce. The information related to in the complaint was from the time when the complainant was still attending marriage counselling together with his wife.</p> <p>Complaints related to the inappropriate behaviour of the information worker over the telephone.</p> <p>Complaint over the court expert's assessment by a person who had an expert's opinion made for the court.</p> <p>Complaint by "The Sacrament of Passage" Community.</p> <p>Patient's complaint related to release from treatment.</p> <p>Complaint related to the inappropriate behaviour of a member of the nursing care team towards a patient.</p> <p>Complaint related to the change of admission date.</p> <p>Patient's complaint related to the use of patient information at a group therapy session.</p> <p>Patient's complaint related to the long waiting time for an examination at the outpatient clinic (he was waiting for 45 minutes).</p>
Ambulatory Psychiatric Centre*	153	<p>Waiting periods for the first examination are too long.</p> <p>Waiting for the examination for more than one hour.</p> <p>No apology for the long wait.</p> <p>The manner of addressing the patients and calling them in for the examination.</p> <p>The patients are not informed of the reason for the long wait.</p>
Clinical Psychiatry Centre	19	<p>Complaints related to the alleged violation of access to information.</p> <p>Complaints due to the institution being indicated on the envelope.</p> <p>Complaints regarding the treatment by the staff and the doctor at the department.</p> <p>Complaints due to the relocation of a patient to the local regional hospital.</p>

* At the Ambulatory Psychiatric Centre the patients fill out surveys for the regular outpatient clinic and for the emergency outpatient clinic. Waiting times at the emergency outpatient clinic depend on the number of emergency patients who come for examination (without a referral or previous notice).

Measures for the systematic regulation of procedures for patients' rights protection

- The availability of informative material on patients' rights, related to the Mental Health Act, in waiting rooms and in all hospital departments
- The availability of the brochure issued by the Ljubljana Psychiatric Hospital – Information for Patients, Their Relatives and Visitors
- Informative posters on the personal rights representatives in the field of mental health
- Informative posters on the representatives according to the Patients' Rights Act
- Informative posters according to the Mental Health Act
- Informing the staff about patients' rights and of the obligations on staff to inform patients of their rights
- Regular daily team meetings of the entire staff, and separately by departments
- Safety rounds, discussion about safety and conferences
- Letter boxes for anonymous complaints
- An internal survey on patients' experiences at Ljubljana Psychiatric Hospital was conducted
- A national survey on patients' experiences at the hospital was conducted
- The appointing and education of the patient safety representative and his deputy
- Giving the patients and their relatives the possibility to talk and file a complaint in writing with the heads of the units
- Therefore: Full compliance with the requirements of the Patients' Rights Act and the Mental Health Act

Article 14

Question 36. Please provide information on redress and compensation measures, including the means of rehabilitation, ordered by courts and actually provided to victims of torture, or their families.

234. The data cannot be provided, as no such case has occurred in Slovenia. However, there is one indirect exception: a systemic decision of the Constitutional Court of the Republic of Slovenia, adopted in 2006 (the Decision of the Constitutional Court of the Republic of Slovenia, Ref. Nos. Up-555/03 and Up-827/04, 6 July 2006; Published in: Official Gazette of the RS, No. 78/06 and OdlUS XV, 92), whereby in cases of the death of a person during an action carried out by the repressive organs of the state, the state must, under the provisions of paragraph 4 of article 15 of the Constitution of the Republic of Slovenia, in relation with article 13 of the European Convention on Human Rights, provide an independent investigation of the circumstances of the event and must provide effective access to such investigations to the relatives of the deceased (complainants). In this case the Constitutional Court referred in its Decision also to the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The same referral to the Convention was performed in two concurring opinions of the two Judges of the Constitutional Court.

235. In addition, another systemic decision of the Constitutional Court was adopted in 2006 (the Decision of the Constitutional Court of the Republic of Slovenia, Ref. No. U-I-238/06, 7 December 2006; Published in: Official Gazette of the RS, No. 134/06 and OdlUS

XV, 83) which, within the context of asylum proceedings, stated in a systemic manner, that the prohibition of torture is absolute. The referral to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was also performed in this Decision of the Constitutional Court.

Article 15

Question 37. Please inform the Committee on the concrete measures taken to ensure that, both in law and in practice, evidence obtained through torture are inadmissible in any proceedings. Please provide examples of any cases that have been dismissed by courts to due to evidence or testimony obtained through torture.

236. Such cases have not been heard by the courts of the Republic of Slovenia.

237. The general provisions of the Criminal Procedure Act which strictly define the rules on exclusion of unlawfully obtained evidence provide for, in point 8 of the first paragraph of article 371 of the Criminal Procedure Act, that a substantial violation of the criminal procedure provisions is committed if “the judgement is based on evidence obtained in violation of constitutionally granted human rights and basic freedoms, or on evidence which, under the provisions of this Act, a judgement may not be based, or on evidence obtained on the basis of such inadmissible evidence.”

238. In addition, the provision of article 15 of the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, is, under paragraph 2 of article 8 and under paragraph 1 of article 15 of the Constitution of the Republic of Slovenia, directly applicable in judicial and other proceedings in Slovenia. At an additional implementing (statutory) level, this is also confirmed by the provisions of article 87 of the Foreign Affairs Act according to which, in cases where international treaties contradict the statute or other regulations, the Government of the Republic of Slovenia shall initiate an amendment or modification of an Act or other regulation, or amendment or termination of an international treaty, whereby an international treaty shall be used until the decision by the relevant authority is issued, instead of the Act or other regulation of the Republic of Slovenia which is inconsistent with the provisions of such international treaty.

Article 16

Question 38. In light of the Committee’s previous concluding observations, please provide detailed information on the measures taken to eliminate the occurrence of ill-treatment by police officers and other public officials, especially when ethnically motivated. Please also provide detailed information on whether modalities for collecting data and monitoring the occurrence of such acts have been devised.

239. Pursuant to article 28 of the Police Act, each individual who opines that the actions of a police officer, or a police officer’s failure to act, have violated his/her rights or freedoms, may file a complaint with the Ministry or the police within 30 days of the moment he/she became aware of the violation. In addition to the complaint, an individual can use all regular and extraordinary legal means to exercise his/her rights.

240. The police shall strive to eliminate all ill-treatment of citizens in the widest meaning of the word. In cases where the grounds for suspicion are detected that any kind of criminal offence has been committed by a police officer, a system has been established by the police, according to which all grounds for suspicion that a criminal act has been committed are communicated to the Specialized Department, operating within the Group of State Prosecutors for the Prosecution of Organized Crime at Supreme State Prosecutor’s Office

of the Republic of Slovenia which has, as from 1 November 2007, subject-matter and territorial jurisdiction over all criminal offences committed by police officials, and was established with the purpose of providing an independent and impartial treatment of such criminal offences.

241. In cases the grounds for suspicion are confirmed, all procedures in compliance with the work code shall also be implemented.

242. The management of the Slovenian Police Force strives for the consistent respect of human rights at all stages of police procedures and to achieve reporting by all police officers regarding the potential brutal conduct of their colleagues in their treatment of citizens. They are also thus obliged, by the new Code of Police Ethics adopted in 2008, of the basic purpose of raising police officer awareness of the importance of respecting ethical principles and to enhance ethical and moral behaviour in practice. In its provisions, The Code of Police Ethics establishes conditions for bona fide criticism, as well as for the elimination of false solidarity. In 2009 and 2010, an integrity enhancement project was carried out in Slovenia's police departments, whereby all police officers were informed of the principles of ethical behaviour and of the protection and respect of human rights and fundamental freedoms, the prevention of violence, inhuman or other degrading treatments. Police officers are also bound to such behaviour by the European Code of Police Ethics and by the Public Officials Code of Conduct which are also applicable to police officers, and impose an obligation on public officials to report illegal or criminal acts to the competent authorities.

243. Of course, the data related to such conduct is collected by the police and recorded in general police statistics. However, this data does not include information on the ethnicity of the victims of the potential misuse of police powers, torture and other forms of cruel behaviour, as indicated in the answer to question 5 above.

244. To illustrate the operations of the Slovenian Police Force, we will mention a case in which the opposite happened; the police were protecting the members of a certain community in Slovenia from the violence of their numerous neighbours, this also being important to the system in terms of the police mission which includes legality, as well as equal treatment. In the autumn of 2006, an intense situation occurred in the Ambrus settlement between the locals and a Roma family that had lived there for several years. The reasons for this situation included the physical assault on a local resident which resulted in severe injuries, and other illegal actions committed by several members of the Roma family. The locals, together with the people from the nearby villages, often protested and wanted to drive the Roma family away by force. In the event of public gatherings of locals, the police prevented the crowd from driving the Roma family away. During the resulting disorder caused by certain individuals, the police had to, through direct use of procedures for public order maintenance; provide protection for the members of the Roma family. At that time the work of the police received strong media criticism, stating that the police did not act in accordance with their duties and powers – that it over-reached its powers. Some protesters even filed criminal complaints against the police. As it was later proven that these complaints were false, criminal proceedings against these people are still in progress. Criminal proceedings against several individuals are also in progress on the grounds of aggression against the police officers.

245. For comparison, we would like to mention another example of police intervention which is not related to ethnicity but is presented only to illustrate their lawful and professional conduct during the mass riots in which violation of laws was involved. On 19 May 2010, a large group of young people protested in front of the National Assembly Building of the Republic of Slovenia (the Parliament). The initially quiet protest turned into a violent demonstration. Individuals from the crowd threw dangerous objects at the National Assembly Building and at the police. This resulted in great pecuniary damage and

several police officers being physically injured. Considering the circumstances, the police could have broken up the protesters by force, and could have massively used the instruments of restraint against them. However, after assessing the situation on the spot, the police decided to eliminate the most violent individuals, against whom criminal complaints for damaging foreign property were later filed, and criminal complaints for violence against police officers, or minor offence proceedings were conducted for non-compliance with the provisions of the Public Gatherings Act and of the Protection of Public Order and Peace Act. Moreover, some media criticized this police intervention, stating that the police should have used more severe instruments of restraint, which, given the circumstances, they could have. During the intervention, the police used the mildest instruments of restraint and none of the protesters were injured.
