



Drug Policy Dialogue in South East Europe

Drug Policy and Drug Legislation in South East Europe

Slovenia



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Country Report Slovenia

Preface

The concept of security has changed, but the problem of drugs remains the same while society itself changes. We should, nevertheless, be able to predict the emergence of new threats in order to reduce the harm they eventually cause. As NGOs have gained a deeper insight into drug related problems in our societies, their impact and contribution in designing solutions to future problems should by no means be ignored. That is why this volume of the country reports of the Drug Law Reform Project initiated by Diogenis Association, one of the leading nonprofit organizations that promote drug policy dialogue in South East Europe is the first step towards reducing the harm to society caused by drugs. The aims and the objectives of the project are to exchange views, concepts, and findings among scientists, researchers and practitioners from various countries on a rather broad field of drug legislation in the South East European countries, in particular with a view to bringing to the fore the role of NGOs in policy making related to drug issues. This cooperation will highlight the differences in legislation, new ideas, theories, methods, and findings in a wide range of research and applied areas in connection with the drug situation in the South East European countries.

The empirical part of the study compares the relevant national strategies on drugs, national substantive criminal legislations, national drug laws and institutions, as well as drug law enforcement in practice, sentencing levels, and the prison situations in Albania, Bulgaria, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Greece, Romania, Serbia, Slovenia, and Montenegro. As regards the general picture of the report as a whole, several common traits are obvious. There is a severe gap between acts of legislation and their practical implementation. This task includes examination and development of laws, theories, structure, processes and procedures, causes and consequences of societal responses to drug criminality, delinquency, and other security issues. The next paper focuses on supra-regional comparisons and aims to explain why NGOs play an important role in identifying the factors necessary for effective reforms. Adequate financing of NGOs is especially problematic, for it is a crucial factor in establishing their independence. The most profound example of how financing influences this independence-gaining process is the fact that there is currently no workable system for financing NGOs, as these mainly rely on international funding schemes overly susceptible to political influences.

The new security concept of the European Union is built on the Lisbon Treaty and the Stockholm Programme in which drugs turn out to be integral to all contemporary threats. Prevention and repression of drugs and crime is an aim no one would

dare to question. Drugs have always been present, and it seems they always will be; therefore, we must control and manage them to minimize their risk for society, though we might never succeed in totally eliminating them. The countries along the Balkan route of drugs need to take a more balanced approach to gathering and collating intelligence on drugs, and exchange their experiences gained in law reforms and put these into practice. Implementation of new ideas should be based on accurate threat assessments, not on political or media priorities. NGOs can assist in developing the necessary expertise required for these tasks, for they have a broader insight into drug related problems.

Due to various pressures and interests, there is often a lack of cooperation between governmental and non-governmental institutions. It is often the case that the objectives of various interest groups are more strongly defended than those of democratic society, evermore deepening the gap between the law and its practical implementations. A weak civil sector lacks the eagerness to tackle these problems, as there are no powerful NGOs or other pressure groups that would criticize state politicians for their deficient work. Political apathy and the overall mistrust of the populations are reflected in weak support to new ideas and lawful solutions. The media usually play a limited role in presenting these solutions and usually lack the necessary expertise in drug related topics. It seems that the legislation governing civil sectors does not encourage the development of such NGOs that would criticize the state.

The problem with funding and a lack of interest in communication between politics and NGOs prevails and the non-governmental sector still has great difficulties claiming for itself the status of an equal partner in drug reforms. To remedy this, we should encourage any cooperation between the public sector and NGOs. Greater opportunities for funding these organizations may stem from international cooperation and from EU institutions, such as the one established within the Diogenis project which, through its web page, publications, etc., is becoming an increasingly powerful voice informing and educating the public about adverse drug effects and other drug related issues. It participates in international researches and projects. It provides a good example of how to carry out researches, conferences, and round tables while focusing group discussions on drug related problems existing in the South East European countries. Nevertheless, and in spite of the problems, the future researches and legislation should also focus on controlling the flow of the money. Since the money earned from drugs is invested in legal business, through corruption and money laundering, we should expose legal solutions in order to curb those problems in the future.

Bojan Dobovsek Ph. D.

Introduction

In all the countries of South East Europe¹ there are initiatives to change the drug laws. Several countries are changing their legislation in order to adjust it to the new socio-political conditions and some are changing their legislation in order to meet the requirements of the European Union in view of becoming members of the EU.

The Diogenis Association took the initiative to set up a project on *Drug Law reform in South East Europe*, because this is a crucial period for the development of drug policy in the SEE countries within which civil society involvement can play a positive and decisive role. It is our conviction that non-governmental actors in the field of drugs have to have a say in shaping drug policy and influence drug Legislation. This volume is the result of cooperation between the Diogenis Association, NGOs participating in the Drug Policy Network in South East Europe² and the researchers affiliated with research institutes and universities in the countries in South East Europe³.

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1. The countries of South East Europe participating in this project are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Former Yugoslav Republic of Macedonia, Greece, Montenegro, Romania, Serbia, Slovenia.
 2. The following organisations participate in the Drug Policy Network in SEE: Aksion Plus, Albania; NGO Victorija, Banja Luka, Bosnia Herzegovina; Association Margina, Bosnia and Herzegovina; Initiative for Health Foundation (IHF), Bulgaria; Udruga Terra Association, Croatia; Healthy Options Project Skopje (HOPS), Former Yugoslav Republic of Macedonia; Association DIOGENIS, Drug Policy Dialogue in SEE, Greece; Kentro Zois, Greece; Positive Voice, Greece Juventas, Montenegro; Romanian Harm Reduction Network (RHRN), Romania; NGO Veza, Serbia; Association Prevent, Novi Sad, Serbia; The “South Eastern European and Adriatic Addiction Network” (SEEAN), Slovenia; Harm Reduction Association, Slovenia.
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The volume contains separate reports per country which describe the current National Strategy on Drugs, the national substantive criminal law, the national drug laws and institutions, Drug law enforcement in practice, sentencing levels and the prison situation, initiatives for drug law reform undertaken by the government and/or parliament in recent years and proposals and recommendations for further research and advocacy work.

Some findings which are characteristic for the situation of drug policy and drug legislation as presented in the country reports are summed up here.

Discrepancy between strategies and practice

All SEE countries have adopted a *National Strategy* during the last decade. The majority of them have also adopted Action Plans for the implementation of the Strategy. With the exception of some countries *the majority have not evaluated their strategy and action plan*. Most of the countries do not have formal evaluation mechanisms. It has been suggested that the establishment of external evaluation has to be carried out by independent institutions. According to the national strategy of all SEE countries, *NGOs and civil society should play an important and active role in policy making*, mainly in the field of treatment and rehabilitation, but also on harm reduction. In practice there is a gap between strategy and practice. Harm reduction is not enshrined in national legislation and many projects will be in danger when external funding is terminated.

Different legal traditions; common practice of high penalties; no distinction between “soft” and “hard” drugs; penalisation of possession for personal use.

The criminal justice systems in the countries of SEE have different legal traditions. There is great diversity in all the participant countries in the typology of the penalties imposed according to the legislation. The main custodial sanction in all SEE countries is imprisonment. Fines are also included in all the sanction systems that were examined. The duration of imprisonment ranges from a few days to 15, 20, 25 or 30 years. Life imprisonment is imposed in five countries (Greece, Bulgaria, Slovenia, Romania, Former Yugoslav Republic of Macedonia), while in Bosnia-Herzegovina long-term imprisonment ranges between 21-45 years. There is also a vast

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diversity in the ways that custodial sanctions are served and the alternative forms provided during sentencing. Probation/conditional sentencing or a suspended sentence are provided in all sanction systems of the SEE countries.

In the criminal legislation of all countries, there are provisions concerning cultivation, production and trade of drugs (trafficking); With the exception of Greece where use is penalised, in the vast majority of the countries, only the possession of drugs is penalized. In general, in the national legislation, there is no distinction between “soft” and “hard” drugs. For the majority of the countries, there is no legally established difference between small and big dealers. For several of the countries, there is a differentiation for organized criminal groups of dealers.

Cannabis production and use is dominant in all countries of the region

Cannabis cultivation is dominant in all the SEE countries. Large quantities of cannabis plants are detected, uprooted and confiscated by the law-enforcement authorities in Greece, Bulgaria, Slovenia, Romania, Bosnia-Herzegovina, Croatia, Former Yugoslav Republic of Macedonia and Albania.

Increase of the prison population over the last years; poor living conditions and increasing drug use in prisons; inadequate medical care inside prisons.

For the majority of the countries, the living conditions in detention facilities are very difficult because prisons are overcrowded. This fact is a common problem and a general endemic characteristic of the correctional systems of the majority of the countries.

The problem of drug-use in prisons emerges clearly through the national reports. There is diversity in the provision of treatment programmes for drug dependent prisoners. Medical care inside prison is provided for all prisoners by medical staff while only outside the prison can help from other medical institutions and NGOs programs be provided to prisoners. It is possible to divert drug users from prison into community-based treatment for drug addicted perpetrators of drug-related offences, though diversion mechanisms combined with treatment programmes (suspension of penal prosecution, execution of the sentence/probation/ conditional release from prison) are currently implemented in a very limited way.

Social re-integration programmes almost absent

For the majority of the SEE countries, the strategy for social reintegration can be characterized as either incoherent or only nominal and there seems to be a long way to go for the implementation of such policy. There is no specific strategy for social reintegration in Bulgaria, while two NGOs have been implementing projects for social reintegration and re-socialization of offenders following the execution of their sentence.

With the exception of Croatia, in the vast majority of the participant countries, there is no statistical data available for recidivism of the offenders sentenced for drug-related crimes. According to the data provided by Croatia, the rates of previous convictions are exceptionally high among drug offenders.

Support for alternative measures to incarceration, reservations to decriminalization

The relevant national authorities and the state recognized agencies and service providers are cautious in their reactions concerning proposals for change which are considered to be contrary to the international conventions. Governments and parliaments are making use of the room that exists in the international conventions to introduce new ways of facing the problem, but they are hesitant to speak about reform of the conventions.

NGOs express clearly the wish for reform in several areas, especially the decriminalization of possession for personal use and the wish to enshrine harm reduction services in the national legislation. But also NGOs are on the one hand concerned about the general feeling of the public that is reserved towards decriminalization of drugs and on the other hand they are in favor of restricting access to illicit drugs, to which young people have easy access via internet.

All relevant stakeholders support alternative measures to incarceration of drug offenders. They are convinced that alternative measures will result in a reduction of incarceration and minimization of the negative consequences of criminal prosecution and short-term prison sentences to drug addicted persons.

Unbalanced Spending of Financial resources

Broadly speaking, the available resources for drug supply reduction and drug demand reduction is not balanced. The national strategies present a comprehensive view in which the elements to reduce drug demand and supply of drugs are balanced. However, in practice there are difficulties in implementing this balanced approach. Some say that this is due to lack of budgetary resources. Others point out that it is a question of priorities and policy orientation. Lack of human resources and financial support for treatment programs is a significant issue; it is necessary to allocate increasing amounts of money from the state budget for treatment services provided to drug users.

The *Drug Law reform Project* will undertake further initiatives concerning legislative reforms in South East Europe. The next steps will be an in-depth analysis and research of specific issues relevant for countries in the region. The regional character of our activities is of great importance since we aim to support reforms that also promote coordination and close cooperation between the South East European countries. This approach is particularly important due to the cross-border charac-

ter of criminal offences associated with drug trafficking, as well as common socio-political characteristics of the majority of states in the region. The project aims to promote policies based on respect for human rights, scientific evidence and best practices which would provide a framework for a more balanced approach and will result in a more effective policy and practice. A major concern of our activities is to encourage open debate on drug policy reform and raise public awareness regarding drug policies, their effect and their consequences for individuals and society.

This project and the other activities of the Diogenis Association are an effort to connect developments and initiatives in the SEE region with the European Union's Drug Strategy and Action Plan as well as with global developments on Drug Policy. After several decades of implementation of the current international drug control system, there is worldwide a sense of urgency to adjust the system, correct the aspects that cause adverse consequences and make it more effective. Open dialogue with the relevant authorities responsible for Drug Policy is essential in the search for more humane and effective Drug Policies and practice. The critical voices of civil society organisations such as the NGOs must be seen as a complementary contribution to the Drug Policy debate. Our cooperation with research institutes and universities is growing and there is mutual appreciation of our activities. The combination of the NGOs practical experience in the field and the scientific insights of researchers is a valuable contribution to the drug policy debate. It is up to the policy makers and governments to make use of proposals and recommendations and incorporate suggestions in Strategic choices and Legislation.

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Country Report Slovenia

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I. The current national drug strategy and drug legislation in Slovenia

1. National strategy on Drugs

The Resolution on National Program on Drugs is a strategic document, which plans to involve governmental and non-governmental (NGO) institutions in the field of illicit drugs. By 2009 the Resolution on National Program on Drugs 2004-2009 was in use; the new resolution for the next period (probably 2013-2020) was prepared and put in process for implementation. The new resolution on national program on drugs provides - as did the previous resolution - an important role for NGOs in tackling illicit drugs. The draft of the new resolution dedicates a whole section to NGOs. Resolution on National Program on Drugs 2004-2009 was well prepared and accepted, but it was difficult to put into operation. A Proposal for a new resolution was adjusted and improved in cooperation with the ministries, their bodies, NGOs and other public institutions and experts, so that any important issues wouldn't be missing.

Drug policy in Republic of Slovenia is coordinated and implemented by government, ministries and their organizational units, public and other institutions. The **Commission of the Government of the Republic of Slovenia for illicit drugs** is in charge of promotion, monitoring and coordination of government policies, measures and the national program. The Commission is one of the two bodies at the strategic level (the second one is the Ministry of Health), which create, modify and coordinate the drug policy. It is composed of representatives of ministries (Ministry of Health, Ministry of the Interior, Ministry of Education, Science, Culture and Sport, Ministry of Labour, Family and Social Affairs, Ministry of Justice and Public Administration, Ministry of Finance, Ministry of Defence, Ministry of Agriculture and the Environment, Ministry of Foreign Affairs) and chaired by a representative of the Ministry of Health.

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With the abolition of the Office on Drugs in 2004 the **Ministry of Health** took over a leading role in the coordination of drug policy. The Ministry of Health coordinates the work of all professional bodies, NGOs, governmental organizations and all other persons or entities involved in creating or changing the drug policy. It is responsible for the preparation, financing and implementation of the national program on drugs, coordination of other programs with the national program, leading an inter-ministerial coordination of policy making and providing estimates and proposals for specific programs. It also encourages research work, monitors international issues on drugs and cooperates with international organizations. In addition to leadership on drug policy the main task of the Ministry of Health is providing health care by conducting a wide range of programs, treatments and other forms of assistance. Health care is implemented in public institutions and other organizations under the Ministry of Health. There are two organizational units within the Ministry which play a special role in the field of illicit drugs. The first organizational unit is the **Directorate for Public Health**, which prevents diseases in the population by working on a strategic level and thus reducing the burden of diseases, both for individuals and for society as a whole. Such protection and enhancement of mental and physical health is carried out through organized social activities. Those tasks include the design and implementation of health policies at the population level, including drug policy. The second important organizational unit is the **Health Promotion and Healthy Lifestyle Division**, organizational unit of the Directorate for Public Health. Monitoring living habits of the population is the basis for the preparation of strategic documents on health promotion and promoting a healthy lifestyle - without drugs. The division cooperates with other governmental and non-governmental organizations in the coordination and implementation of policies and measures that affect the improvement and promotion of health.

National Chemicals Bureau is an agency within the Ministry of Health and it performs technical and administrative functions and tasks of inspection on the basis of the Chemicals Act and other acts. Its work also relates to the production, distribution and use of substances that may be precursors for illicit drugs, in order to prevent their misuse or use for unauthorized purposes.

The **Institute of Public Health (IPH)** plays a central role in public health activities as it carries out such activities at a national level. As a central national institution it studies, protects and increases the level of health of Slovenia's population by raising the awareness of the population and taking other preventive measures. In addition to the central role in public health activities in Slovenia, IPH actively participates in international projects, which cover different areas of health and public health problems in the general population. IPH represents an expert level in supporting decisions, taken by the state at a national and local level and which have direct or indirect

impact on health. It is also responsible for the preparation of national reports on the drug situation, which are then forwarded to the European Monitoring Center for Drugs and Drug Addiction (EMCDDA). It performs the duties under the programs Reitox and EWS and also participates in the preparation of action plans in the area of illicit drugs, risk assessments and professional development, training and field coordination. In 2010, the IPH formed a strategic development plan of IPH for the period 2010 - 2015. The document sets out the strategic development areas in 2010 - 2015 and forms strategic objectives and actions to achieve the goals: to provide quality data and information, evidence-based policy planning and programs, participation in creating health policies, program development, cooperation in implementing policies and programs into practice, and monitoring the effectiveness of measures taken. IPH has a well developed area of prevention, addiction treatment and harm reduction. **Information Unit for illicit drugs** is a part of the IPH, which has the task of providing a national information network, interagency-coordinated data collection and information sharing at national and international levels (one of the conditions for cooperation with EMCDDA). The Information Unit collects and analyses information on illicit drugs, illicit drug users and the consequences of their use for national and international needs and sends data to the EMCDDA. In carrying out its tasks the information unit includes all the relevant ministries, government departments, public institutions and NGOs.

Ministry of the Interior deals with the tasks of reducing drug supply and also prevention. Plans and objectives are implemented through the Police, while the Ministry of Interior has the task of setting up international cooperation (EUROPOL, EMCDDA, INTERPOL), the coordination of bodies within the country, training and education of law enforcement agencies, working in the field of illicit drugs, leadership of law enforcement, as well as analytical and intelligence activities for detection of offences, related to illicit drugs.

The Police carry out different duties: protection of lives, personal safety and property, prevention, detection and investigation of crimes and offences, arresting the perpetrators, maintaining law and order, protection of national borders, supervision and regulation of the traffic etc. Tasks performed by uniformed police, criminal police and other specialized police units also include work in the field of illicit drugs. The Criminal Police Directorate plays an important role in the field of illicit drugs. Within the **Criminal Police Directorate** - specifically, **Organized Crime Division** - operates the **Illicit Drugs Section**, specialized in operational and tactical tasks involving the detection and prosecution of crime related to illicit drugs. Its other tasks are planning, directing, implementation and supervision of investigative activities and other tasks. In addition to the Criminal Police Directorate (Illicit Drug Section) operates the **National Bureau of Investigation**, specialized

criminal investigation unit of the Criminal Police, which investigates particularly difficult crimes, especially white collar crime, economic crime, corruption and organized crime - crimes which require special skills, organization and equipment for investigation or specifically directed operation of state bodies and institutions in the areas of taxes, customs, financial management, security, money laundering, corruption, other crimes, and also illicit drugs.

Within the Ministry of Finance are two bodies which perform some tasks in the field of illicit drugs: Customs Administration and the Office for Money Laundering Prevention.

In the field of illicit drugs the **Customs Administration** takes some measures, in order to prevent the trade in illicit drugs and precursors, which represent a significant risk to public health. Customs established a system of e-learning for control of precursors for illicit drugs, which in 2011 included 336 employees of mobile divisions, departments for investigation, inspectors and customs officers at border crossings. Customs can only detect and search for illicit drugs (illicit drugs can be seized only by the police).

Office for Money Laundering Prevention detects money laundering and terrorist financing. The office plays an important role in the detection of suspicious and illegal transactions or exchange or transfer of any money or other property, which derives from criminal activity (also in cases of trade in illicit drugs).

The Prison Administration of the Republic of Slovenia is a part of the Ministry of Justice and Public Administration which performs administrative and professional assignments concerning the enforcement of prison sanctions, organisation and management of prisons and the correctional facility, ensuring provision of financial, material, personnel and other conditions for the functioning of the prisons and the correctional facility, and the enforcement of rights and obligations of the persons who have been deprived of liberty. In performing tasks in the field of illicit drugs the Prison Administration cooperates with external health organizations and NGOs.

Ministry of Labour, Family and Social Affairs organizes programs for the social rehabilitation of addicts, including prevention of risks and problems associated with drug use and other addictions, reduction of social harm caused by illicit drugs and reduction of the number of addicts. Activities are conducted in day care centers, therapeutic communities, communes, or offices for advice and information. Personal assistance, social assistance and family support are provided especially to people with problems related to illicit drugs. It cooperates with NGOs in the field of prevention, harm reduction, risk reduction and reintegration.

Ministry of Education, Science, Culture and Sport works in the field of drug prevention, especially in the field of education.

In Slovenia there are 21 **Centers for the prevention and treatment of drug addiction**; 20 centers are organizational units of the health centers, and 1 center is a part of the University Psychiatric Hospital in Ljubljana (Center for the treatment of drug addiction). Centers provide technical assistance to individuals in drug treatment and help them achieve abstinence.

Basic preventive care is (in addition to IPH) also conducted by 9 **Institutes of Public Health**. They carry out the national program's strategic directions in the field of preventive medicine and public health.

Local action groups (LAGs) prepare and coordinate the different actions, related to illicit drugs, at the local level. They are set up by the mayors of local communities. Their work serves as an addition to public service activities, since LAGs operations often also include NGOs.

In the field of international law, Slovenia signed the following international treaties (only some of them are listed): International Opium Convention (1925), Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs (1931), Convention for the Suppression of the Illicit Traffic in Dangerous Drugs (1936), Declaration on the Control of Drug Trafficking and Drug Abuse (1984), Declaration on the Guiding Principles of Drug Demand Reduction (1998), Single Convention on Narcotic Drugs (1961), The Convention on Psychotropic Substances (1971), Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990), Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of terrorism (2005), Protocol (1946) - (1948) - (1953), Protocol amending the Single Convention on Narcotic Drugs (1972), Resolution 59/160: Control of cultivation of and trafficking in cannabis (UN, General Assembly, 2005), EU Drugs Strategy 2005 - 2012 (2004), EU Drugs Action Plan Declaration of European Cities on Drug Policy (1998), Regulation (EC) No. 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors (2004), Council Regulation (EC) No. 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors (2005).

2. National Substantive Criminal Law

Slovenian criminal law makes a distinction between misdemeanors and felonies. **Misdemeanor** is any act that violates the law, government regulation or local community regulation defined as a misdemeanor and for which the penalty is prescribed. **Felony** is any unlawful act carried out by a person, which is by the Criminal Code recognized as a crime, in order to protect the legal values set by the law.

Felonies are divided into minor and major felonies: minor felonies are those for which the Criminal Code prescribes a fine or a prison sentence of up to 3 years, while major felonies are those for which the Criminal Code prescribes a prison sentence of 5 years or more.

Sanctions for misdemeanors are: fine, warning, termination of the driver's license, ban from driving a motor vehicle, expulsion from the country, confiscation, exclusion from public procurement procedures and disciplinary actions. If the fine has not been fully paid, compliance detention can be used against the offender in order to force him to pay the fine. Compliance detention may not exceed 30 days and the enforcement of compliance detention does not stop the obligation to pay the fine.

Article 3 of the Criminal Code specifies types of sanctions for felonies or attempted felonies: warnings, penalties and security measures:

- a) Warnings includes conditional sentence, supervision (assistance, supervision or protection), and judicial warning.
- b) Penalties are divided into main and side penalties. The main penalty is imprisonment³ (fine can also be the main penalty), and the fine and ban from driving a motor vehicle represent side penalties.
- c) Security measures imposed by the court set guidance, which the offender must abide. When determining appropriate security measures the court takes into account the age of the offender, his psychological characteristics, motives from which he has committed an act, personal situation, his previous life, the circumstances in which the crime has been committed, and his behavior after committing the crime. Guidance of the court may also include the task of rehabilitation in an appropriate medical facility, but for the treatment of the alcohol and/or drug addiction the consent of the offender is required.

Conditional sentence may be imposed if the offender is sentenced to a fine or a prison term of up to two years but it cannot be imposed for offenders, who are sentenced to prison for at least three years. The court can impose a conditional sentence if the personality of the perpetrator, his earlier life, his behavior after committing the crime, the degree of culpability and other circumstances in which the offence is committed show that it can be expected that the offender will not commit other crimes. The offender is sentenced to prison, but the sentence will not be im-

3. Imprisonment may not last less than fifteen days and not more than thirty years. Perpetrator of genocide, crimes against humanity, war crimes and aggression, two or more crimes of terrorism/murder/assassination of the President of the Republic, and taking lives of persons under international protection or hostages can be punished by a **sentence of life imprisonment**.

posed if the convicted person, during a period of time (determined by the court), which shall not be less than one year nor more than five years ('conditional sentence period'), does not commit other crimes. The court may determine that sentence will be imposed if the prisoner fails to return money or other assets gained by the offence, does not pay the damage caused by the offence or fails to comply with other provisions foreseen in the penal obligations.

Instead of imprisonment the convict may also be granted other forms of sentence imposed by the Criminal Code. The imprisonment of up to 9 months may be replaced with serving the sentence at home (house arrest), and a prison sentence of up to 2 years can be replaced by work in the general interest of the public of at least 80 or a maximum of 480 hours over a maximum period of 2 years. The Enforcement of Criminal Sanctions Act provides that the penalty of imprisonment up to three months may be replaced with work for humanitarian organizations and local communities; such work is directed and supervised by the administration of prison in collaboration with the Center for Social Work.

Slovenian criminal legislation recognizes 'conditional release'. A convict may be released conditionally if it can be reasonably expected that he will not repeat the crime. In assessing whether to conditionally release the convict, recidivism is a primary consideration, followed by any criminal proceedings pending against the offender for crimes committed before the onset of imprisonment, the relation of the offender to the committed crime and the victim, the perpetrator's behavior while serving the sentence, success in drug treatment and conditions for inclusion in life outside prison. Conditional release is possible if the person has served 1) half the sentence, 2) three quarters of the served sentence if the person is convicted to more than 15 years imprisonment, and 3) 25 years of imprisonment when sentenced to life imprisonment. Exceptionally, the convict may be conditionally released if he has served only a third of the sentenced penalty and it can be reasonably expected that he will not repeat the crime, and if special circumstances relating to the personality of the convicted person show that he will not repeat the offence. The court may (along with conditional release) also impose the task of treatment in an appropriate medical facility but only with convict's agreement if the treatment of addiction to alcohol or drugs is set.

The Criminal Code contains two articles (Article 186 and 187) concerning offences in the area of illicit drugs. Both articles belong to the category of 'Criminal offences against public health'. Article 186 refers to the illegal production and trade in illicit drugs, illicit substances in sport and precursors for illicit drugs, while Article 187 refers to the inducing of others to use illicit drugs or illicit substances in sport. Penalties imposed by both articles are listed in the following section.

3. National Drug Laws and Institutions

Drug use is not penalized in the Republic of Slovenia but the possession of illicit drugs, production of and trade in illicit drugs and inducing other persons to use illicit drugs are illegal. Classification of drugs and the conditions for the production and trade in illicit drugs are set by the Production of and Trade in Illicit Drugs Act. Illicit drugs are divided into three groups:

- Group I: plants and substances, which are very dangerous to human health due to the severe consequences that can be caused by their abuse, and are not used in medicine
- Group II: plants and substances, which are very dangerous because of the severe consequences that can result in their abuse, and can be used in medicine
- Group III: plants and substances, which are hazardous because of secondary effects which can be caused by their abuse, and can be used in medicine

Division of illicit drugs into "soft" and "hard" drugs is practically no longer in use in Slovenia (only occasionally in the media and the public). Instead, the classification of United Nations and World Health Organization is used: stimulants, depressants of central nervous system, hallucinogens and cannabis. However, the classification by the law is different: plants and substances are divided into groups I, II and III. In criminal law all the drugs are listed in a single group, regardless of their impact on health - illicit drugs.

Production of, trade in and possession of illicit drugs from Group I may be done only for scientific research and teaching purposes. Production of, trade in and possession of illicit drugs from Group II and III may be done only for medical, veterinary, educational and scientific research purposes. Licence for these activities can be given only by the Minister of Health.

By the term 'production of illicit drugs' all the processes are considered, in which illicit drugs can be obtained (including cultivation, processing and final preparation). Production of illicit drugs can be performed only by individuals and legal entities, who qualify for production, but only with a license obtained from the Minister of Health. Requirements and conditions for production are provided by a special law. Persons convicted for illegal production and trade in illicit drugs (Articles 186 and 187 of Criminal Code) cannot obtain a license for the production of drugs for five years, starting from the date of final judgment of the court.

Illicit drugs may be traded in only under license from the Minister of Health. In order to legally trade in illicit drugs individuals and legal entities must fulfill the following conditions: 1) they must have adequate facilities and equipment for the

storage and dispensing of drugs that meet technical and sanitary conditions, and 2) drugs must be kept in special rooms in which there may not be other products; such premises must be secured against unauthorized access. Imports and exports are permitted only if the drugs are intended for medical, veterinary, educational or scientific research purposes, if the quantity of drugs is in accordance with the estimated annual needs (imports) or if the application is accompanied by an import permit from the competent authority of the importing country (exports).

Any production or trading, which is in contrast with the provisions for legal production and trade in illicit drugs and does not have a required license from the Minister of Health, is punishable under the Article 186 of the Criminal Code.

Penalties for committed misdemeanors and felonies related to illicit drugs are prescribed by the Production of and Trade in Illicit Drugs Act and the Criminal Code. The Production of and Trade in Illicit Drugs Act provides penalties for the following misdemeanors:

- possession of a small quantity of illicit drugs for personal use: 41.73 - 208.65 EUR⁴ (offender may be punished less severely if he voluntarily enters a treatment program of drug users or other social security programs)
- possession of illicit drugs contrary to Production of and Trade in Illicit Drugs Act: 208.65 - 625.94 EUR
- if an individual produces or trades in illicit drugs without obtaining a license from the Minister of Health: 417.29 - 20,864.63 EUR (legal entity: 4,172.93 - 41,729.26 EUR; responsible person of a legal entity: 417,29 - 2,086,46 EUR)
- if an individual, who produces and trades in drugs:
 - o does not keep the drugs in specific areas and does not protect those areas from unauthorized persons: 417.29 - 12,518.78 EUR (legal entity: 1,251.88 - 20,864.63 EUR, responsible person of a legal entity: 208.65 - 2,086.46 EUR)
 - o has not sent the copies of licenses for the import and export of drugs to the Ministry of Health within 15 days: 417.29 - 12,518.78 EUR (legal entity: 1,251.88 - 20,864.63 EUR, responsible person of a legal entity: 208.65 - 2,086.46 EUR)
 - o does not keep the required records or fails to keep them properly: 417.29 - 12,518.78 EUR (legal entity: 1,251.88 - 20,864.63 EUR, responsible person of a legal entity: 208.65 - 2,086.46 EUR)

4. For comparison: the minimum monthly salary, set by law, is 584,29 EUR; the average monthly salary in May 2012 was 996,62 EUR (Source: Statistical Office of the Republic of Slovenia).

- o does not send the reports or other prescribed information to the Ministry of Health within the prescribed period, or if the information was incorrect: 417.29 - 12,518.78 EUR (legal entity: 1,251.88 - 20,864.63 EUR, responsible person of a legal entity: 208.65 - 2,086.46 EUR)
- o does not allow supervision of the authorities or access to records and documents, or if he fails to submit all the information and materials which are necessary to perform inspection: 417.29 - 12,518.78 EUR (legal entity: 1,251.88 - 20,864.63 EUR, responsible person of a legal entity: 208.65 - 2,086.46 EUR)

Article 56.a of Misdemeanors Act provides that the offender, who does not file a request for a judicial review against the decision of the misdemeanor, shall pay only **half of the fine** if the fine is **paid within eight days** after the finality of the decision. Sanctions for felonies related to illicit drugs are set in Articles 186 and 187 of the Criminal Code:

Article 186 (Unlawful Manufacture and Trade in Illicit Drugs, Illicit Substances in Sport and Precursors to Manufacture Illicit Drugs):

- 1) 1-10 years of imprisonment for unlawfully manufacturing, processing, selling or offering for sale; or for purchasing, keeping or transferring with a view to resell; or negotiating for buying or selling; or otherwise unduly putting in trade plants or substances, that are classified as drugs, illicit substances in sport, or precursors used to manufacture illicit drugs
- 2) 3-15 years of imprisonment:
 - selling, offering for sale or handing out free of charge illicit drugs or precursors to manufacture illicit drugs to a minor, mentally disabled person, person with a temporary mental disturbance, person with severe mental retardation or a person who is in the rehabilitation, **or**
 - if the offence is committed in educational institutions or in their immediate vicinity, in prisons, military units, public places or public events, **or**
 - if the felony under point 1) is committed by a civil servant, priest, doctor, social worker, teacher or educator by exploiting his position, **or**
 - if for the felony under the point 1) minors are used
- 3) 5-15 years of imprisonment if any of above mentioned felonies is committed within a criminal organization, or if the offender organized a network of drug resellers or drug agents
- 4) 6 months to 5 years of imprisonment for manufacturing, buying, possession of or furnishing other persons with the equipment, substances or precursors for

production of illicit drugs or illicit substances in sport without the license of the Ministry of Health

Article 187 (Rendering Opportunity for Use of Illicit Drugs or Illicit Substances in Sport):

- 1) 6 months to 8 years of imprisonment for inducing a person to use illicit drugs/illicit substances in sport; providing illicit drugs/illicit substances in sport to others, giving a place or other facility for the use of illicit drugs/illicit substances in sport
- 2) 1-12 years of imprisonment if felony under point 1) is committed:
 - against a minor, mentally disabled person, person with a temporary mental disturbance, person with severe mental retardation or a person who is in rehabilitation, **or**
 - in educational institutions or in their immediate vicinity, in prisons, military units, public places or public events, **or**
 - by a civil servant, priest, doctor, social worker, teacher or educator by exploiting his position
- 3) the committed act is not against the law if the offender commits it within the treatment program or program for controlled drug use, which is in accordance with the law, approved and implemented within the framework or under the supervision of public health institutions

The penalty for a felony under the Article 186 of the Criminal Code is about the same or slightly less strict than the penalty for manslaughter (5-15 years of imprisonment). The difference between manslaughter and trade in illicit drugs (not committed within a criminal organization) is small, so opinions among the public and experts are divided. Some question the effectiveness of strict sentences while others argue that the sentences are appropriate or too low. A similar division of views concerns the comparison of felonies from Articles 186 and 187 of the Criminal Code with the felony of 'Dangerous driving on the road' (Article 324 of the Criminal Code), which contains the following provision: «The driver of a motor vehicle, who causes immediate danger to life or body of any person /or driving under the influence of narcotic drugs, psychoactive medications or other psychoactive substances / ... / and in doing so:

- disregards the rules of driving or safety distance, or
- on the road, that has two or more marked lanes for driving in one direction, drives in the opposite direction, turns or drives in reverse or attempts to drive so, or
- does not adjust the speed on less visible parts of roads, at intersections, pedestrian crossings, bicycle lanes or crossings, railway crossings, shall be punished by fine or up to three years of imprisonment.«

Slovenian legislation has no provisions regarding the impact of dependence on the sanctions. The court has the right to conduct independent decision-making, taking into account all the evidence, personal characteristics of the offender, the aggravating and mitigating circumstances and any other factors that may affect the judicial decision. The offender's drug dependence may or may not be considered as a mitigating factor, but it may especially have the impact on the court's decision to send the offender for alcohol or drugs treatment in an appropriate medical facility. The legislation also does not make provisions for special treatment for offences of 'secondary crime' ('cravings to use') - the offenders of 'secondary crime' offences are treated the same as offenders of all other crimes, which are not committed by addicts.

There is no difference in the law between small and big drug dealers. The only division which refers to the 'type' of dealer is between those involved in organized criminal groups and those, who are not. For those, involved in an organized criminal group, the higher penalty is prescribed. The law does not specify which quantity of illicit drug is considered as a small quantity of illicit drugs. The Production of and Trade in Illicit Drugs Act does not lay down limits of minimum allowed possessed quantity of illicit drugs nor how much the quantity of illicit drugs for personal use is. It is at the discretion of the police and court to decide in a particular situation how much the 'small quantity' of illicit drugs is. There are differences in practice: some police officers and judges punish offenders for a possession very small quantity of illicit drugs very strictly, while others do not see a possession of a certain quantity of illicit drugs as a misdemeanor or as an offence.

Misdemeanors and felonies are processed by different courts. District courts deal with the misdemeanors; therefore, violations of the Production of and Trade in Illicit Drugs Act are processed by district courts. District courts also deal with crimes for which the maximum sentence would not exceed three years of imprisonment, while the offences for imprisonment of over three years fall under the jurisdiction of county courts. All offences under the Articles 186 and 187 are punishable by imprisonment of more than three years; therefore the county courts deal with crimes related to illicit drugs. There are no specialized courts in Slovenia which would deal with felonies related to illicit drugs.

The principle of universality in the Slovenian judicial system does not apply to crimes related to illicit drugs; it applies only to certain serious crimes against humanity known to the international community which are prosecuted in all countries, regardless of where they were committed. The Criminal Code of the Republic of Slovenia also applies to aliens who committed a crime against a foreign country or its citizen if they are caught in the territory of the Republic of Slovenia and are not extradited to a foreign country. In that case, the court is not allowed to im-

pose more severe penalties than those prescribed by the law of the country where the offence was committed. If the offender has already served the sentence for a crime, which was executed abroad, or it has been decided with an international treaty to execute the sentence in the Republic of Slovenia **or** if the offender abroad was found not guilty or the execution of the sentence was barred **or** if the offence was prosecuted under foreign law at the request of the victim, and such a requirement has not been filed or was withdrawn, the offender cannot be prosecuted for the same crime (principle *ne bis in diem*).

4. Drug Law Enforcement in Practice

In the field of combating crime associated with illicit drugs the Police and its organizational units (uniformed and criminal police, National Bureau of Investigation) play a major role. The police act in accordance with the law, strategies, plans and guidelines. Control over the production, possession of and trade in illicit drugs is carried out on a regular basis; especially in areas where presence of illicit drugs is expected. It also sends patrols to areas, where drug dealers and drug users frequent.. Harassment of drug users is not the practice of police because drug use is not illegal.

The police can, in cases and under conditions laid down by law against a person who exercises certain crimes (among them are also felonies from Articles 186 and 187 of the Criminal Code), use covert investigative measures (secret surveillance, monitoring of electronic communications, control of letters and other parcels, wire-tapping and recording of conversations, secret pursuit etc.). Such measures also include measures of feigned purchase, feigned acceptance of or giving gifts, or feigned acceptance of or giving bribes, but the police and its co-workers must not provoke criminal activity with implementation of before-mentioned measures ('police entrapment'). If the criminal activity is provoked, such a circumstance excludes the initiation of criminal proceedings for committed felonies. Other than that, there are no specific provisions for crimes which would relate (also) to illicit drugs.

One of the police tasks is also detection of cannabis farms and laboratories for the production of other illicit drugs. Recently, there has been a rapid increase in the discovery of a number cannabis farms and drug laboratories.. The most frequent are cannabis farms. The equipment of such farms depends on the purpose of growing cannabis - in cases, where the cultivation of cannabis is meant for personal use or small sale, farms are poorly equipped. In cases of greater sales or involvement of organized crime, farms are professionally equipped with expensive equipment. The Police also use covert investigation measures and information of police informers to find farms and laboratories. Another source of information are citizens who help to notify the police about suspicious activities in their area/neighborhood (common and unusual power cuts,

the smell of cannabis, discovered illegal connections to the public electricity supply, suspicious activity in and around abandoned buildings, etc.).

Police detention and pre-trial detention are not dependent on drug use/addiction. Article 43 of the Police Act provides that a police officer may detain a person who disrupts or threatens public order, if public order cannot be established otherwise or if the threat cannot be averted in any other way. In that case, police detention can last up to 48 hours. Pre-trial detention can be ordered only by the court if: 1) the person is hiding, if it is not possible to determine the person's identity, or if other circumstances indicate a risk of absconding, or if 2) there is a legitimate fear that the person will destroy traces or evidence, related to the crime, or if special circumstances indicate that the person will interfere with the conduct of criminal proceedings and so affect the witnesses, or if 3) the weight, method or the circumstances, in which the felony was committed, and the offender's personal characteristics, previous life, environment and the living conditions of the offender or any other special circumstances show the danger that the offender will repeat the offence, complete the offence or attempt to commit the offence which the offender threatens. Pre-trial detention may last up to 48 hours (the law allows for the possibility of prolongation if the conditions are met and there are reasons for it). A detained person has the right to appeal against the detention. Alternative forms of detention are the promise of the person not to leave the home, restraining order, reporting to the police station, bail and house detention. Slovenian law contains no compulsory or voluntary treatment at this stage to compensate pre-trial detention or any mild form of ensuring the presence of the accused.

The legislation does not regulate the status of drug addicts during the hearing. The perpetrator's dependency does not affect the imposition of pre-trial detention or other actions of the court and law enforcement in the criminal proceedings. If the offender is under the influence of alcohol or illicit drugs, the hearing must not be conducted. If the hearing is conducted while the offender is under the influence of alcohol or illicit drugs, the court may not base its decision on testimony from the accused. Each confession of the offender, given under the influence of alcohol, illicit drugs or other psychotropic substances, is regarded as a violation of the privilege against self-incrimination. Police officers and an investigating judge are not allowed to enable the offender/addict use of illicit drugs at the hearing, as this would be contrary to the Article 187 of the Criminal Code. In addition, the Criminal Procedure Act forbids any force, threat or other similar funds (medical procedures or substances) to be used toward a defendant, in order to achieve his statement or confession. If these provisions are violated, the court may not base its decision on testimony from the accused and the testimony must be eliminated from the court file.

5. Sentencing Levels and the Prison Situation

Slovenia has 6 institutions of incarceration (with 7 additional sections in other locations) and a correctional institution for juveniles. 4 institutions are prisons for men, 1 prison is for women, and 1 prison is for adults and juveniles (together in the same prison, but physically separated). There were 1404 persons in prisons on the 26th July 2012. Compared with international standards, Slovenian prisons are overcrowded. On the 19th November 2012 1412 person were imprisoned (the official capacity of all prisons is 1,309). The prison population rate is 69 prisoners per 100.000 citizens (based on an estimated national population of 2.06 million citizens). The table below (Table 1) shows the prison population and occupancy of prisons in 2011.

Table 2

Prison population in prisons and capacity and occupancy of prisons in 2011 (The Prison Administration of the Republic of Slovenia, 2012)

Prison	1.1.2011	ac- cepted	total	in- flow	re- leased	out- flow	31.12.2011	average number	ca- pacity	occupan- cy(%)
Dob	400	198	598	37	98	92	445	442	420	100,48
Slo. Vas	57	0	57	59	36	26	54	58,9	63	93,49
Pučava	15	0	15	14	11	2	16	15,3	17	90
Ig	62	206	268	17	203	18	64	64,2	83	77,35
Celje	85	397	482	44	418	23	85	77,5	96	80,73
Koper	124	214	338	58	214	61	121	128,6	110	116,91
N. Gorica	36	340	376	14	353	0	37	32,7	32	102,19
Ljublja- na	233	924	1157	32	810	142	237	233,3	128	182,27
N. mesto	46	471	517	16	474	22	37	40,7	35	116,29
OO Ig	13	0	13	72	61	3	21	16,9	27	62,59
Maribor	142	832	974	90	762	163	175	152,8	146	104,66
M. Sobota	32	187	219	31	199	16	35	33	41	80,49
OO Rogoza	35	39	74	55	96	5	28	34	36	94,44
PD Radeče	25	17	42	5	18	2	27	27,5	68	40,44
TOTAL	1305	3825	5130	544	3717	575	1382	1337,4	1302	102,72

Unfortunately, there is no available statistical data of the number of convictions for illicit drugs related crime. There is only available data for categories of offences (e.g. offences, related to illicit drugs fall into the category of ‘Criminal offences against public health’). On January 1st 2011 there were 116 persons incarcerated for ‘Criminal offences against public health’. 159 new persons were imprisoned that same year (same category of criminal offences) - this number represents 16% of all incarcerated persons (compared to other crimes).

Tables 3 and 4 represent the number of prisoners with problems of illicit drug use (during the period 2003-2011) and the number of prisoners with the measure of compulsory treatment or with drug problems by categories of prisoners (in year 2011). Both tables **do not** represent the number of people imprisoned for crimes related to illicit drugs.

Table 3

Number of prisoners with problems of illicit drugs (2003-2011)
(The Prison Administration of the Republic of Slovenia, 2012)

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011
number of all prisoners	4.725	4.344	3.097	3.572	4.311	4.383	4.730	4.592	4.975
prisoners with problems	727	944	868	948	1.090	1.210	1.209	1.215	1.073
share (%)	15,38	21,73	28,03	26,5	25,3	27,6	25,6	26,5	21,6

Table 4

Number and proportion of prisoners with the measure of compulsory treatment or with drug problems by categories of prisoners
(The Prison Administration of the Republic of Slovenia, 2012)

Types of prisoners	total number in 2011	prisoners with dependency problems	share (%)
convicts	1.919	623	32,5
compliance detainees	1.816	135	7,4
pre-trial detainees	1.193	292	24,5
minors	47	23	49
TOTAL	4.975	1.073	21,6

EMCDDA Statistical Bulletin for the period 2001-2009 shows that on average 16% of all criminal offences in Slovenia are related to the production and trade in illicit drugs, and 81% of the criminal offences are related to possession of illicit drugs.

There is no available data on recidivism of offenders, who have already served prison sentence for crimes related to illicit drugs.

There was an increase in number of interceptions of drugs, psychotropic substances and other prohibited items in prisons in 2011; there was also a similar increase in the ratio of found items on persons, entering the prisons, and found items inside the prisons. There has been a slight decline in 2006 and 2008, but the number of found substances and items increased in 2009. In 2010, prisons again reported a small number of found drugs; the decline continued in 2011. In addition to drugs, prison guards also discovered tablets, accessories for drug and alcohol use which are mostly used for the production of alcohol in prison. Cases of violence related to extortion were recorded in 2011, mostly due to drug trading or the debtor-creditor relationships. One of the most appropriate means of resolving conflicts between prisoners would be housing in predominantly single cells, according to the expected standards in the EU, which is - given the current situation/overcrowded prisons - virtually impossible. Medical care inside prison is provided for all prisoners by medical staff; outside the prison the help of other medical institutions and NGOs programs can be offered to prisoners. Medical personnel in the field of addiction treatment provides assistance to prisoners in the abstinence crisis, substitution therapy, and urine tests to detect the presence of drugs in the body, advice and education on the risk of infection with HIV and hepatitis. At the same time inmates are encouraged to do testing, vaccination against hepatitis B and treatment with the implementation of psychosocial support programs in order to achieve higher goals in the treatment of addiction. Enforcement of Criminal Sanctions Act provides that inmates can be tested for the presence of psychotropic substances in the body or in body fluids if personnel reasonably suspects that the inmate is under the influence of drugs; inmates, who are involved in a treatment program or drug treatment, can also be tested at any time. In 2011, no person was infected with HIV. The available data shows the results of confidential tests in 2011 for HIV, hepatitis A, hepatitis B and hepatitis C (see Table 6). Prisons implemented preventive measures in order to prevent the incidence of these diseases.

Table 5

Results of voluntary and confidential tests for hepatitis and HIV in period 2003-2011 (The Prison Administration of the Republic of Slovenia, 2012)

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011
number of tests for HIV	134	179	605	242	297	235	202	197	134
number of tests for hepatitis	183	269	303	322	378	326	271	284	192
HIV	0	0	0	2	1	1	2	1	0
hepatitis A	3	3	2	1	2	0	0	0	0
hepatitis B	14	10	7	12	15	7	13	11	15
hepatitis C	63	90	85	87	97	75	47	60	55
TOTAL	80	103	94	102	115	83	62	72	70

Slovenian courts may impose a penalty of community work instead of prison. Overcrowding is resolved in accordance with the recommendation of the Council of Europe in 1999, thus the setting of other alternative forms of custody is becoming the priority of the Prison Administration - such a solution is also cheaper than building new prisons.

In the field of social reintegration the draft of the new Resolution on National Program on Drugs includes the following objectives: *Accelerate the development of psychosocial treatment programs for drug users, therapeutic communities and communes as well as programs of social reintegration and employment of former substance abusers, and thus contribute to reducing the social exclusion of drug users. It is necessary to promote the continuity of treatment and participation by prisons, other correctional institutions and youth detention home programs with social care and various therapies.* In addition, The Enforcement of Criminal Sanctions Act provides that the competent centers and other entities must prepare the program of necessary measures to help the convict and assist him in (re)integration into society after serving the sentence at least three months prior to release from prison. Such help involves the cooperation of competent centers, employment services, management bodies for housing, and public institutions in the field of health and education, except in cases when a prisoner refuses the help of institutions. NGOs, charitable organizations, self help and other civil society organizations can also help in implementing the individual treatment/reintegration program. Government and non-government organizations try to provide jobs and housing to convicts after serving the sentence, while offering them material assistance (if such as-

sistance is needed). During imprisonment psychologists, educators, sociologists, social workers, teachers, instructors and teachers of practical lessons help with organizing convicts' lives and work in prison, which promotes the proper inclusion of convicts into normal life after serving their sentence.

II. Initiatives for drug law reform undertaken by the government and/or the parliament in the last 10 years

By 2000, Production of and Trade in Illicit Drugs Act, Illicit Drug Precursors Act, and Act Regulating the Prevention of the Use of Illicit Drugs and the Treatment of Drug Users had been adopted in the field of illicit drugs. In this context it is also worth mentioning the Criminal Code, which (since 1994) contains two articles related to illicit drugs. The Illicit Drug Precursors Act expired on 2007, as some of its provisions were transferred to the Criminal Code.

The Resolution on the National Program for the period of 2004-2009 was prepared and implemented in the last 10-year period. Its preparation had been coordinated by the Office on Drugs, which also coordinated the operation of the Commission of the Government of the Republic of Slovenia for illicit drugs and NGOs. The resolution provided examining of the introduction of stricter penal policy, according to which the previous Criminal Code (CC) was replaced by a new version of the Criminal Code (CC-1) in 2008. Two articles related to felonies in the field of illicit drugs (Article 186 and 187) remained and were also substantially expanded. Penalties for the felonies related to illicit drugs remained more or less the same: the penalty for unauthorized production and trade in illicit drugs, illicit substances in sport and precursors changed from 'for at least three years' to 'five to fifteen years of imprisonment' if the offence is committed in a criminal organization. A new paragraph was added in the Article 186, which incriminated selling, offering and sharing illicit drugs free of charge in educational institutions or in their immediate vicinity, in prisons, military units, public places or public events or if the offence is committed by a civil servant, priest, doctor, social worker, teacher or educator by exploiting his position, or if for any previously listed felony minors are used. The penalty for rendering opportunity for use of illicit drugs (Article 187) increased from 'three months to five years of imprisonment' to 'six months to eight years of imprisonment'. The second paragraph of Article 187 was expanded and now criminalizes the involvement of a civil servant, priest, doctor, social worker, teacher or educator, who induces others to use illicit drugs.

The resolution tried to speed up procedures before the competent authorities, who decide on offences and felonies; especially procedures, where drug addiction is the cause of crime. The same is provided in the draft of a new resolution. Previ-

ous resolutions called for the examination of options to determine the quantity of illicit drugs for personal use and the quantity of illicit drugs, which can no longer be considered as the quantity for personal use. So far, the legislation in this area has not changed. Planned changes also include offering professional help to individual violators, as soon as the criminal offence is discovered, and the introduction of alternative sanctions. Even in these two areas, the legislation has still not changed.

Representatives of ministries, NGOs and the Faculty of Social Work cooperated in developing a new Resolution on the National Program on Drugs for the period 2011 - 2020 (or 2013 -2020, depending on the year of adoption of the new resolution). Due to the large interest of NGOs and the public, the Ministry of Health organized consultations in which the participants expressed their opinions and made suggestions for the new resolution. The new strategy should clearly define some pressing problems, such as 'safe rooms' for drug injection and homeless drug users. According to the reports of implementation of the old strategy and evaluations of methadone programs, the Slovenian programs are of high quality, staff is well-trained, but all centers should be more associated with NGOs and Centers for social work.

At the moment, the new version of Production of and Trade in Illicit Drugs Act is being prepared by ministries, government and non-government organizations, scientists and other interested parties. Among others, the new version of Act includes higher penalties for misdemeanors, related to possession of illicit drugs.

In 2011, the then largest opposition party of the National Assembly submitted a draft of the 'Law on mandatory testing of officials for illicit drugs' in the parliamentary procedure. The proposal had been made because of the information on the presence of cocaine between Slovenian politicians, which had been in circulation in the public. It all began in 2010 when the media and public got information that the (now former) Minister of the Interior (from the coalition party at that time) had supposedly been using an illicit drug (cocaine). The minister considered the information as a lie and gave urine for a test, which showed no traces of drugs. After the test the minister said: »Now, let's set new standards in politics.« Members of the opposition then made a draft of the new law, which aimed to ensure the public interest in transparency of officials, preventive actions on illicit drugs, and, consequently, their interaction with drug trading and corrupt practices. Officials, who by law should have been tested for illicit drugs, were members of Parliament, the President of the Republic, the Prime Minister, Ministers and State Secretaries. The Proposal provided a mandatory test of each official once in the calendar year of its mandate for the presence of illicit drugs in the body. The proposal was rejected and the majority of parliament members were outraged - the most common argument for rejection was: the law would 'excessively interfere in the privacy of officials.'

III. Standpoints of relevant stakeholders on drug law reform and proposals and recommendations for further research and advocacy work

The standpoints, proposals and recommendations were divided into four parts, regardless of their authors: “Health, social work and other related fields”, “Repression and criminal justice”, “NGOs and their activities” and “Policy making” (some standpoints may be contrary to other standpoints as they represent the opinions of different stakeholders).

Health, social work and other related fields:

- Promotion of food products from hemp is controversial, since it promotes illicit drugs, while giving the appearance that cannabis is harmless. Limiting the advertising of food products from hemp was proposed. Promotion of food products from hemp is directed toward youth with the aim of promoting the general usefulness of hemp. Cosmetic products from hemp do not represent such a problem because they are not used in the same way as food, do not contain as much THC as food products from hemp, and are used by other types of consumers.
- Slovenia wishes to introduce so-called 'safe rooms' for drug injection. The basis for the safe room lies within the Article 187 of the Criminal Code, which states that giving a place or other facility for the use of illicit drugs is not punishable if it is done within the treatment program or program for controlled drug use, which is in accordance with the law, approved and implemented within the framework or under the supervision of public health institutions.
- A considerable number of people, who have problems with drugs, go abroad for treatment, although Slovenia has many programs in which they can be treated. This presents a unique problem: when people return to Slovenia, they have problems with social reintegration; hence some of them again start using illicit drugs because of the lack of social networks. Effective psycho-social treatment should be held in the native language if the addicts want to gradually be socially reintegrated into the society in which they want to live.

Repression and criminal justice:

- Criminal law and criminal justice are adjusted to current trends in the world, where the penalties for crimes related to illicit drug trafficking are stricter. Penalties should be reduced or replaced by alternative forms of imprisonment and the perpetrators should be quickly processed. The problem of crime associated with illicit drugs should be tackled globally; therefore common rules of conduct and ac-

tions in cases of breaches of legislation should be introduced. Alternative forms of sanctions should also include harm reduction programs.

- Legislation represents a problem in the functioning of the police. The most common barriers are limits to covert investigation measures. Their suggestions have already been forwarded to the legal department, but now the process is 'on hold' at the higher levels.
- Standards for execution of house searches, obtainment of lists of telephone traffic, and some other investigative actions should be reduced.
- Changes in legislation, which now enables an agreement with prosecutors on a lower sentence if the offender confesses to the criminal offence, is causing frustration and dissatisfaction. A large amount of evidence obtained by police would be sufficient to convict the offender to a high penalty, but now enables the perpetrator - for the sake of faster and shorter procedures - to avoid stricter penalties.
- It would be necessary to expand and regularly update the national list of banned drugs with the list of EU. Difficulties arose in practice, when the drug was illegally transported from Austria to Italy and could be seized, but the Slovenian criminal investigators were not able to do so because, according to Slovenian legislation, that substance was not classified as an illicit drug, but at the same time was, according to the EU legislation.
- The sentences for offences under Articles 186 and 187 of the Criminal Code are sufficiently high, in some cases too low. The damage caused by illicit drugs is in most cases enormous (especially for a person's health) so the severe penalties are appropriate for such offences.
- Penalties for misdemeanors related to illicit drugs should be more severe - a proposal has already been made and will soon be accepted.
- A distinction between misdemeanor and the felony should be made in practice: in some cases it was difficult to determine (given the following circumstances) if an individual had an illicit drug for his own use or for trade in illicit drugs. There was a proposal to legalize the levels for all illicit drugs under which the possession of illicit drugs would be treated as a misdemeanor, and above which the possession would be treated as a felony.
- Serving alternative sentences instead of prison should not be allowed to all prisoners. Selection of the sentence should be based on the offender's character and past.
- Proposal of the police to legally set a maximum of allowed quantity for possession of illicit drugs was rejected. Ministry of Justice explained that during the police or judicial procedure it should be defined whether the quantity of any drug, possessed

by an individual, was for personal use or for further trafficking. This would allow people to carry a quantity of illicit drugs to a threshold, but would not eliminate the problem of trade in illicit drugs. Another problem is the content of psychoactive substances in relation to the quantity of illicit drugs.

- It would be necessary to introduce different levels of alternative penalties and to enable the police and judges to impose a penalty, appropriate to the perpetrator, circumstances of and the committed offense.
- Proposed changes in the draft of the new Production of and Trade in Illicit Drugs Act are not satisfactory: increasing fines would have a greater impact on already financially and socially weak addicts. Increased fines would only exacerbate the problem because addicts couldn't pay off the fine.
- The quantity of drugs for personal use should be decriminalized; determining the quantity of illicit drugs for personal use would not eliminate any problems, therefore NGOs preclude on determining the thresholds.
- High penalties for the offenses are meaningless. All the circumstances and perpetrator's characteristics should be taken into account, when determining the type of penalty. Perpetrators should also be individually considered.

NGOs and their activities:

- NGOs also work as an intermediary between individuals and the state, since users of programs/illicit drug users find it difficult to express their desires and problems, and do not know how to improve or help to improve the situation.
- The work of NGOs is too little appreciated and not valued equally with the work of government organizations and other public institutions, although NGOs do most of the work, which is usually done better than the work of government organizations.
- NGOs propose integration and cooperation between NGOs and government organizations.
- Drug users and addicts should not be treated as patients. Instead of punishment, they need help from professionals. All drug users should not be immediately sent for detoxification but also to NGOs' programs, which offer different types of help.
- The public is not aware enough of the excellent cooperation between NGOs, the police and the Ministry of Health, which have yielded very good results in the past.
- The participation of NGOs in creating a new proposal for the Production of and Trade in Illicit Drugs Act was the first time that NGOs had participated in creating legislation. The Ministry of Health now favors the participation of NGOs in the process of creating and changing legislation. NGOs believe that great progress has been made.

- NGOs should be involved in creating legislation, as they - opposed to other government organizations and public institutions - know what is really happening 'on the street'.

Policy making:

- It is not widely understood in Slovenia that cannabis is regulated by international legislation. Some activists say that the Slovenian legislation is not flexible enough and that by legalizing drugs the state could also collect taxes from trade in illicit drugs. On the contrary, some NGOs oppose legalization because it would only worsen the health situation in Slovenia.
- The issue of cannabis control would have to be tackled at the international level and not just on a national one. Because by changing/liberalizing legislation in only one country the global drug problem is not changed.
- Politicians are insufficiently aware of the problem of illicit drugs. A lot of them talk about property crime or organized crime, while the topic of illicit drugs is almost never mentioned - only the presence of illicit drugs in road traffic. Due to other policy priorities, the problem of illicit drugs is still in the background.
- The matters always go well at the practical level but they always stop at the higher level, when the decisions of politicians or management is required for further procedure.
- Some governmental bodies and institutions miss the Office on Drugs, which operated until 2004, because it effectively carried out tasks in one place. Such tasks are now distributed among different ministries, departments or their organizational units, which makes their operation less effective and more time-consuming.
- Compared with other countries, Slovenia has relatively mild penalties for possession of drugs; therefore it was proposed in the new Production of and Trade in Illicit Drugs Act to impose higher penalties. The proposal has not yet been the subject of parliamentary procedure.
- Different policy priorities were the main problem in adopting new legislation on illicit drugs because it delays the process of adoption.
- Another problem in implementation of the programs and assistance for addicts represents the lack of financial resources. Although the treatment system for addicts is already developed (there are no waiting lists, and the system is free of charge for users), it is also expensive. The budget for drug treatment is 5 (total 10 - all drug demand reduction programs) million EUR, but very much was/is being done for relatively little money. By simple comparison: Ireland, which has more

than 4.5 million inhabitants (Slovenia has about 2 million inhabitants), spends 250 million EUR on drugs.

- Implementation of alternative forms of punishment depends on the courts, so it is up to them, how often, or if any alternative forms of sanctions are imposed.
- Communication between the Ministry of Health and the police is intensive and productive; also communication with other bodies, including NGOs and individuals, is very good. Such communication gives better results, and the proposals for new policies are more quickly coordinated and prepared.
- Solutions to addressing the problem of illicit drugs should be sought together through dialogue; hence the tolerance and maintenance of communication are important.
- The strategy is well written, but it serves only as a guideline. A good action program is required for the implementation of measures from the strategy, not the strategy itself; it is also necessary to provide good control over the implementation of the program.
- Rooms for safe injection of illicit drugs should be introduced as soon as possible, in order to prevent further infections, 'overdoses' and the improper use of illicit drugs. It is necessary to create places, where illicit drug use can be done away from the public eye, and - more importantly - under the supervision of medical personnel.
- Society is not mature enough for the legalization/decriminalization of illicit drugs, though it would be good if illicit drugs were legalized/decriminalized. At the same time, it would also be necessary to restrict access to illicit drugs, to which even young people would have access (e.g. ordering drugs over the Internet).

The Drug Law reform Project in South East Europe aims to promote policies based on respect for human rights, scientific evidence and best practices which would provide a framework for a more balanced approach and will result in a more effective policy and practice. A major aim of our activities is to encourage open debate on drug policy reform and raise public awareness regarding the current drug policies, their ineffectiveness and their adverse consequences for individuals and society.

Το Πρόγραμμα Μεταρρύθμιση της Νομοθεσίας για τα Ναρκωτικά στη Νοτιοανατολική Ευρώπη στοχεύει στην προώθηση πολιτικών που βασίζονται στο σεβασμό των ανθρωπίνων δικαιωμάτων, την επιστημονική τεκμηρίωση και τις βέλτιστες πρακτικές που θα προσφέρουν ένα πλαίσιο για μια περισσότερο ισορροπημένη προσέγγιση και θα οδηγήσουν σε αποτελεσματικότερες πολιτικές και πρακτικές. Ιδιαίτερα σημαντική επιδίωξή μας είναι να ενθαρρύνουμε την ανοιχτή συζήτηση για μεταρρύθμιση της πολιτικής των ναρκωτικών και να ευαισθητοποιήσουμε την κοινή γνώμη για τις δυσμενείς επιπτώσεις και την αναποτελεσματικότητα της ισχύουσας πολιτικής των ναρκωτικών για τα άτομα και την κοινωνία.

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