



# Mapping Solitary Confinement: Croatia country report

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## 1. Country general Criminal Justice System facts & numbers

According to the [World Prison Brief](#), as at July 8<sup>th</sup>, 2022 the total prison population in Croatia stood at 3,955 people (a rate of 102 per 100,000 of national population). Pre-trial/ remand prisoners make 32.3% of the total population, female prisoners make 5.9% and foreign prisoners make 12%.

There are 23 institutions (2021 - 6 penitentiaries (including the prison hospital), 2 penitentiary/prisons, 12 prisons, 2 correctional institutes, 1 Centre for Psychosocial Diagnostics).

In 2022, prisons operated at 106% of occupancy levels.

## 2. Legislative and administrative bases for use of solitary confinement

In 2021 the Act on the Execution of the Prison Sentence was adopted, whose provisions regulating the measure of solitary confinement are in line with the international standards.

The Act on the Execution of Sanctions Imposed on Minors for Criminal Offences and Misdemeanors does not allow the use of the special measure for the maintenance of order and security – “isolation”- but does allow for the use of the special measure for the maintenance of order and security – “segregation from other inmates” for a maximum duration of seven days.

## 3. Reasons for use, process, and administrative regulations

### a. Solitary confinement as punishment

Solitary confinement as a disciplinary measure can be imposed only in cases of the more serious disciplinary violations. The decision on the sanction is issued by the warden. The inmate can submit an appeal against such decision to the competent execution judge (a county court judge). Prior to the measure's execution, the inmate undergoes a mandatory health check performed by a physician. During the execution of the measure, medical supervision must be performed at least twice a week.

The longest allowed duration of the measure is up to 14 days. Solitary confinement cannot be imposed on minors. The measure of segregation of the inmate into a separate room in the duration



of up to seven days can be applied to underage inmates. The decision on the latter is issued by the warden on the suggestion of the treatment staff/educator.

- **Daily Regime**

An inmate in solitary confinement is allowed one hour a day in the facility's outside yard. The Act on the Execution of the Prison Sentences does not prohibit visits nor telephone use for prisoners in solitary confinement.

- **In cell provisions**

The solitary confinement cell must be in line with the health, hygiene and spatial regulations, have sufficient ventilation, natural light and artificial lighting, must be equipped with a bed and bedding, a desk and a chair and the temperature of the space has to be adequate and adapted to the outside temperature. Inmates must have unlimited access to drinking water and sanitation. The Act on the Execution of the Prison Sentences does not prohibit the provision of products from the canteen during the execution of the measure.

## b. Solitary confinement for the management of those labelled 'difficult' or 'dangerous'

The Act on the Execution of the Prison Sentences foresees several special security measures that, essentially, segregate an inmate from the rest of the inmate community.

The measure of segregation from other inmates in the duration of up to 30 days can be imposed on an inmate breaching order and security. The decision on the measure is issued by the warden. The inmate can submit an appeal to the execution judge. No medical supervision is prescribed during the execution of the measure.

Isolation of up to 3 months can be imposed on an inmate who seriously breaches order and security. The decision on the measure is issued by the execution judge (a county court judge) on the warden's suggestion and with a prior physician's opinion. The inmate can submit an appeal to the judicial council. During the execution of the measure, medical supervision must be performed twice a week. The measure cannot be imposed on the same inmate more than twice per calendar year.

When it comes to minors, the measure of segregation from other inmates can be imposed. Juveniles placed in segregation must be examined by a physician, who enters the note on the condition of the inmate's health into his/her personal health record as well as into the Records of the Execution of the Disciplinary Sanction – Segregation. During the stay of the minor in a separate room, the doctor or the competent medical staff performs daily monitoring of the health condition of the minor and enter the notes on his/her health as well as their observations into the Records of the Execution of the Disciplinary Sanction – Segregation.



- Which prisoner groups are placed in solitary confinement?

Inmates breaching order and security and the inmates posing a potential threat to order and security.

Minors who represent a threat to their own or other persons' safety can be placed into a separate room in order to be given help.

- Are there dedicated special high security units?

Under the Act on the Execution of Prison Sentences, inmates can be placed in an intensive supervision ward. However, this does not imply their segregation/isolation from other inmates on the ward. The inmates can submit an appeal against the measure to the execution judge and the measure itself must be reconsidered ex officio every three months.

- Regime, time out of cell and contact with the outside world

The segregated inmates, as well as those in isolation and those placed in an intensive supervision ward, are allowed to make phone calls, receive visits, and spend 2 hours a day in the facility's outdoor areas.

Minors segregated from other inmates are allowed to spend 3 hours a day in the facility's outdoor areas under staff supervision.

- In cell provision

The solitary confinement cell must be in line with the health, hygiene and spatial regulations, have sufficient ventilation, natural light and artificial lighting, must be equipped with a bed and bedding, a desk and a chair and the temperature of the space has to be adequate and adapted to the outside temperature. Inmates must have unlimited access to drinking water and sanitation.

When it comes to minors subjected to the measure of segregation from other inmates, the facility's educators engage in intensified individual work with them and include them in the activities envisaged by each inmate's individualized program.

## c. Solitary confinement for the prisoner's own protection

Not explicitly prescribed by law

## d. Solitary confinement pre-trial?

The measure of solitary confinement cannot be imposed on pre-trial detainees.

## 4. Restraints and chemical irritants

None of the additional restraint measures (such as physical restraint) are routinely applied to prisoners segregated/isolated from others.

During the NPM visit to the Turopolje Juvenile Correctional Facility, we observed that the means of physical restraint were occasionally applied to the minors segregated from other inmates if they were likely to harm themselves. This is not envisaged in the applicable legislation.



## 5. Protected populations

The Act on the Execution of Sanctions Imposed on Minors for Criminal Offences and Misdemeanours does not allow the use of the special measure for the maintenance of order and security – “isolation” but does allow for the use of the special measure for the maintenance of order and security – „segregation from other inmates“ in the maximum duration of seven days.

## 6. Statistical data on use of solitary confinement/segregation

Not available

## 7. Reports on the use of solitary confinement

We wrote about some of the issues we noted in our work in the Annual Report on the Performance of the Activities of the National Preventive Mechanism (NPM) for 2015.

<https://www.ombudsman.hr/en/download/report-on-the-performance-of-activities-of-the-national-preventive-mechanism-for-2015/?wpdmdl=5099&refresh=61c43f862c4cb1640251270>

We pointed to the issue of the application of the means of physical restraint to the minors segregated from other inmates in the Turopolje Juvenile Correctional Facility in our Annual Report to the Croatian Parliament for the year 2020 (Croatian text only).

<https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=61dc2914936fc1641818388>