



Mapping solitary confinement: Slovenia country report

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Cite as: Svetina, P. (2022). Solitary Confinement in Slovenia. In S. Shalev, *Mapping Solitary Confinement* (online). <https://www.solitaryconfinement.org/mapping-solitary-confinement>

1. Country general Criminal Justice System facts & numbers

Slovenia is a unitary state with a unitary criminal justice system.

There are six prisons in operation in Slovenia. Some of them have units detached from the main prison facilities; deprivation of liberty is carried out in 13 different locations altogether.

One juvenile correctional facility operates in Slovenia. Placement in the juvenile correctional facility is a “corrective measure”, not a criminal sanction, and the juvenile correctional facility is not a prison. However, isolation measures similar to solitary confinement can be used against minors in the juvenile correctional facility and will therefore be described in the report.

In 2020, a total of 2,078 persons served a prison sentence in Slovenia (1,963 men and 115 women). In the same year, a total of 1,177 persons were in pre-trial detention (1,119 men and 58 women)¹.

In 2020, a total of 27 minors resided in the juvenile correctional facility (24 boys and 3 girls)².

In 2020, a total of 1,319 foreigners of 58 different nationalities were held in Slovenian prisons (serving a sentence or undergoing pre-trial detention) or in the juvenile correctional facility³.

¹ Prison Administration of the Republic of Slovenia, Annual Report 2020, page 17, available in Slovenian at: www.gov.si/assets/organi-v-sestavi/URSIKS/Dokumenti/Letna-porocila-/Letno-porocilo-2020.pdf.

² Ibid.

³ Ibid., page 32.



2. Legislative and administrative bases for use of solitary confinement

The main pieces of legislation governing the Slovenian criminal justice system are the Criminal Procedure Act (hereafter: CPA),⁴ the Criminal Code⁵ and the Enforcement of Criminal Sanctions Act (hereafter: ECSA).⁶ Deprivation of liberty is also regulated through by-laws, namely the Rules on the implementation of remand,⁷ the Rules on the implementation of prison sentences⁸ and the Rules on implementation of educational measure of committing a juvenile to a juvenile correction facility.⁹

The use of solitary confinement (called “samica” in Slovenian, meaning “solitary room”) is set out in the ECSA, articles 88, 91, 94 and 118, and in the Rules on the implementation of prison sentences, articles 84 and 85 (the measure is described in section 3.a).

Additionally, ECSA article 236 sets out rules on “removal from common living and other spaces and placement in a separate/special¹⁰ area” (“odstranitev in namestitev v poseben prostor” in Slovenian) of dangerous prisoners (described in section 3.b). This measure can be used for both prisoners and persons in pre-trial detention (the latter on the grounds of CPA article 213č).

Isolation for persons in pre-trial detention, who violently resist on being caught during preparations or an attempt to escape or after being recaptured, is set out in article 62 of the Rules on the implementation of remand (described in section 3.d). This measure is called “placement in a separate/special area” (“namestitev v poseben prostor” in Slovenian).

Placement in a single cell with special equipment (“namestitev v samsko sobo s posebno opremo” in Slovenian) due to possible concealment of items in the prisoner’s body may be ordered pursuant to ECSA article 98 (described in a new section 3.e, added by the Ombudsman).

Placement under a special high security regime (“namestitev v poseben strožji režim” in Slovenian), which can include isolation, may be ordered pursuant to ECSA article 98a (described in a new section 3.f, added by the Ombudsman).

Lastly, isolation of minors in the juvenile correctional facility (as a disciplinary measure or a protective measure) is set out in articles 191, 192, 193 and 194 of the ECSA and section XII. of the

⁴ Official Gazette of the Republic of Slovenia, no. 63/94 with further amendments.

⁵ Official Gazette of the Republic of Slovenia, no. 55/08 with further amendments.

⁶ Official Gazette of the Republic of Slovenia, no. 22/00 with further amendments.

⁷ Official Gazette of the Republic of Slovenia, no. 36/99 with further amendments.

⁸ Official Gazette of the Republic of Slovenia, no. 46/19.

⁹ Official Gazette of the Republic of Slovenia, no. 73/00 with further amendments.

¹⁰ The word »poseben« in Slovenian can mean both separate or special.



Rules on implementation of educational measure of committing a juvenile to a juvenile correction facility (described in a new section 3.g, added by the Ombudsman). The disciplinary measure is called “placement in a separate/special area (“namestitev v poseben prostor” in Slovenian) and the protective measure “removal from the group and placement in a separate/special area” (“izločitev iz skupine in namestitev v poseben prostor” in Slovenian).

Please note: Throughout the report, we are using the male grammatical gender when referring to prisoners, detainees or residents of the juvenile correctional facility, however all of the described measures can be used for both men and women.

3. Reasons for use, process, and administrative regulations

a. Solitary confinement as punishment

Solitary confinement is one type of disciplinary penalty under the ECSA article 88 (alongside a written warning, work relocation and restrictions on receiving mail).

The placement is ordered by the prison governor¹¹ or a person authorized by the prison governor (or in the case of detached units, the head of the detached unit or a person authorized by the head of the detached unit).

Maximum duration is 21 days with the right to work or 14 days without the right to work.

An imprisoned minor¹² may only exceptionally be ordered into solitary confinement for a maximum of three days. The prison governor must immediately inform the director general of the Prison Administration of the Republic of Slovenia that the measure has been used against a minor.

Daily Regime

During solitary confinement the prisoner resides alone in a designated cell, except during visits and during the two-hour stay outdoors.

The prisoner must be visited daily by a doctor or another medical worker of the institution. If the doctor determines that further serving of the disciplinary sentence of solitary confinement would endanger the prisoner’s health, he/she informs the prison governor, who terminates the disciplinary sentence.

In addition to the doctor or medical worker, an employee of the institution appointed by the prison governor also visits the prisoner during solitary confinement daily.

¹¹ The official in charge of a prison.

¹² Prison sentences are only rarely handed down to minors; according to the Prison Administration of the Republic of Slovenia, Annual Report 2020 (see footnote 1), page 17, only 3 minors were serving a prison sentence during 2020.



A prisoner undergoing solitary confinement has the right to a two-hour walk in the open air per day.

In cell provisions

Pursuant to law, the cell must be equipped with a bed, table, chair and a toilet. Special cells are sometimes designated for this measure, while regular cells may also be used. The cells sometimes include additional equipment, such as TV or radio.

b. Solitary confinement as management of those labelled ‘difficult’ or ‘dangerous’¹³

A prison officer¹⁴ may remove a prisoner from the common living and other spaces and take him to a separate cell if there is suspicion of the existence of at least one of the following reasons:

- that he has committed an offense which is prosecuted ex officio, or if he seriously threatens to commit such an offense,
- that he is preparing for flight or riot,
- that he is endangering himself or others in any way,
- that he is seriously interfering with others during work, rest or entertainment,
- that he is intentionally destroying prison property.

The placement must be immediately notified to the medical staff, who order the necessary measures for protection of the prisoners’ life and health.

The placement may last for a maximum of 12 hours. If before the expiration of this time it is established that one of the reasons for placement still exists, the prison officer in charge of the shift may, in agreement with the prison governor, decide to continue the placement for as long as there are reasons, but no longer than 12 hours. The measure may not last a total of more than 72 hours continuously.

The prisoner is held in a separate cell within a prison facility.

The prisoner in placement is under special supervision. Padded cells are used for this measure to prevent self-injury.

¹³ Apart from the measure described under 3.b, the measure under 3.f is also used for management of “difficult” and “dangerous” prisoners.

¹⁴ A uniformed law enforcement official responsible for the custody, supervision, safety, and regulation of prisoners.



c. Solitary confinement for the prisoner's own protection

The measure described under 3.b can also be used for prisoners who are endangering themselves.

d. Solitary confinement pre-trial?

Solitary confinement as a disciplinary measure cannot be imposed during pre-trial.

Pursuant to article 213č of the CPA, temporary removal of dangerous prisoners, described in section 3.b, can also be used against detainees and all the described provisions apply (time limits, supervision, time out of cell, notification of medical staff etc.).

Additionally, pursuant to Rules on the implementation of remand, article 62, a detainee may be placed in a separate cell if two conditions are met: (i) he has been recaptured after an escape or caught during preparations or an attempt to escape and (ii) he is violently resisting or otherwise endangering himself or others in his vicinity. The detainee may be handcuffed, if necessary to prevent him endangering or causing substantial material damage. The measure is ordered by the prison governor or, in urgent cases, by a prison officer. The prison governor immediately informs the competent court of the imposed measures, upon which the court orders further measures.

See also: FRA, June 2018, Criminal Detention in the EU – Conditions and Monitoring, Country Report Slovenia, pages 13-14, available at: https://fra.europa.eu/sites/default/files/fra_uploads/slovenia-criminal-detention-country-study_en.pdf.

e. Isolation due to concealed items in the body

If there is a probability that a prisoner is hiding or carrying illicit psychoactive substances or other illicit items in his body, the prison governor orders that the prisoner be placed in a single cell with special equipment. Such a stay may last a maximum of seven days.

The prisoner must be visited daily by a doctor or a medical worker of the institution.

The prison governor terminates the measure if, after obtaining the opinion of a doctor or other health care professional, he assesses that the prisoner is medically incapable of staying in such accommodation.

f. Placement under a special high security regime

The prison governor can place a prisoner under a special high security regime, if:

- he poses an extreme risk of flight,
- his behavior seriously disturbs other prisoners or employees,
- he is endangering the life or health of others, or



-he is in endangered or threatened by other prisoners.

Pursuant to ECSA article 98a, paragraph 9, placement under a special high security regime is carried out through separate accommodation and restriction of contacts with other convicts, if this is absolutely necessary in view of the reasons for imposing the stricter regime. In such cases the measure may approximate to solitary confinement, as discussed in this report.

The measure is carried out in a special high security unit of the prison. A prisoner placed under the measure is more closely supervised during his stay and movement within the prison. The prison must strive to provide prisoners in a special stricter regime with activities in the living area (work, education, spiritual care, leisure activities, etc.).

The prisoner must be visited by the professional staff of the prison and medical staff upon his request, but at least once a week. If a doctor or other health care professional determines that he is unable to serve his sentence in such accommodation, he/she immediately informs the prison governor.

The measure can be imposed for a period of one month (in case of reasons under indent one, two or four above) or three months (in case of reasons under indent three) and can be extended upon expiry for further one or three months respectively. No upper limit is set on the total duration of the measure.

The measure has been clearly defined in law (including provisions on written decisions, legal remedies and supervision) with a legislative amendment in 2012 following advocacy by the Ombudsman. Previously the provisions governing placement under a high security regime were lacking or unclear.

g. Solitary confinement in the juvenile correctional facility

Disciplinary placement in a separate/special area (similar to the measure described under 3.a) and “removal from the group” for safety reasons (similar to the measure described under 3.b) can be imposed on minors in the juvenile correctional facility.

Disciplinary Placement in a Separate/Special Area

The measure is ordered by the head of the juvenile correction facility, or a person authorized by him/her. Maximum duration is 7 days with the right to work or 3 days without the right to work.

The minor must reside in a separate room alone for the duration of the measure, except during visits, during a three-hour outdoor stay and (if he retained the right to work) during work.¹⁵ The room must be equipped as a living space. It must include a bed, desk, and chair.

¹⁵ As understood from National Preventive Mechanism visits, minors who are placed into a separate room are in practice allowed to socialize with other minors under such measure in the hallway connecting their rooms.



If a minor states during the disciplinary procedure that he cannot be isolated due to health reasons, the opinion of a doctor must be obtained. If for health reasons isolation cannot be enforced within a period of two months, the measure is converted to a different type of disciplinary sanction.

While serving the disciplinary placement in a separate room, the minor must be visited by the in-house doctor daily. If the doctor determines that further serving of the disciplinary sanction would endanger the minor's health, he/she informs the head of the institution, who terminates the sanction.

The minor must also be visited by an employee, appointed by the head of the institution.¹⁶

Removal from the Group

Removal of a minor who poses a danger to himself or others to a separate room is ordered by the head of juvenile correction facility or a responsible person in his/her absence. The in-house doctor and director general of the Prison Administration of the Republic of Slovenia must immediately be informed of the measure. Maximum duration of the measure is 12 hours.

The room for removal must be equipped in a way as to prevent self-harm and destruction of equipment.

4. Restraints and chemical irritants

Pursuant to article 239b of the ECSA restraints (handcuffs) can be used if ordered in writing by the head of the prison's department of security in case the prisoner's security assessment shows that in certain circumstances, such as accompanying the prisoner outside the prison, a milder measure cannot prevent escape, attack, self-harm or causing of serious material damage. A prison officer may also use handcuffs without a written order if, given the prisoner's current behaviour, escape, attack, self-harm or causing of serious material damage cannot be prevented with a milder measure.

Pursuant to article 239č in connection with article 239c of the ECSA the prison officer can only use chemical spray if he/she cannot otherwise control the resistance of a prisoner who has previously been ordered to stop with actions endangering life, health, property or order and security.

Pursuant to article 213č of the CPA, the same rules for the use of handcuffs and chemical spray apply to persons in pre-trial detention.

The Ombudsman through its role as the National Preventive Mechanism as well as through its work on individual complaints has not detected excessive use of restraints or chemical irritants on prisoners and detainees.

¹⁶ This is set out in Rules on implementation of educational measure of committing a juvenile to a juvenile correction facility, article 55, however it is not clear from the provision how often these visits should be carried out.



5. Protected populations

As described in section 3.a, isolation of minors who are serving a prison sentence can only be imposed exceptionally and for a maximum of three days. Special rules for isolation of minors residing in the juvenile correctional facility are described in section 3.g.

Apart from these provisions on minors, the legislation does not contain any special provisions regarding protected populations.

6. Statistical data on use of solitary confinement/segregation

According to official data, in 2020 solitary confinement (section 3.a) was employed in Slovenia 10 times (once with the right to work and 9 times without), out of which the execution of the measure was conditionally suspended 6 times (once with the right to work and 5 times without).¹⁷ There were no cases of disciplinary placement of minors in the juvenile correctional facility into a separate room.¹⁸ Removal of a prisoner to a separate cell (described in section 3.b) was used 96 times; average time of placement was 7 hours.¹⁹ Placements of prisoners in a special high security unit of the prison (described in section 3.f) was used 123 times.²⁰

In 2019 solitary confinement was employed 31 times (12 times with the right to work and 19 times without), out of which the execution was conditionally suspended 10 times (3 times with the right to work and 7 times without).²¹ Disciplinary placement of a minor in the juvenile correctional facility into a separate room was used once (without the right to work).²² Removal of a prisoner to a separate cell was used 74 times; average time of placement was 11 hours.²³ Placements of prisoners in a special high security unit of the prison was used 160 times.²⁴

¹⁷ Prison Administration of the Republic of Slovenia, Yearly Report 2020, page 76 (in Slovenian): www.gov.si/assets/organi-v-sestavi/URSIKS/Dokumenti/Letna-porocila-/Letno-porocilo-2020.pdf.

¹⁸ Ibid.

¹⁹ Ibid., page 91.

²⁰ Ibid., page 37.

²¹ Prison Administration of the Republic of Slovenia, Yearly Report 2019, page 73 (in Slovenian): <https://www.gov.si/assets/organi-v-sestavi/URSIKS/Dokumenti/Letna-porocila-/Letno-porocilo-2019.pdf>.

²² Ibid., page 74.

²³ Ibid., page 88.

²⁴ Ibid., page 34.



In 2018, solitary confinement was employed 31 times (15 times with the right to work and 16 times without), out of which the execution was conditionally suspended 11 times (6 times with the right to work and 5 times without).²⁵ Disciplinary placement of a minor in the juvenile correctional facility into a separate room was used three times (without the right to work).²⁶ Removal of a prisoner to a separate cell was used 79 times; average time of placement was 6 hours.²⁷ Placements of prisoners in a special high security unit of the prison was used 178 times.²⁸

7. Jurisprudence on solitary confinement

The Ombudsman is not aware of any important jurisprudence on solitary confinement in Slovenia.

8. Reports on the use of solitary confinement

See European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) report from their 2017 visit: <https://rm.coe.int/pdf/168074adf9>, pages 23-25.

Please note that ECSA articles 89 and 206, mentioned in the report, were amended in 2018 and no longer include provisions on isolation of prisoners. Article 98a was also amended in 2018, integrating provisions previously under article 206 and adding several others, including an obligation for authorities to provide activities for the prisoners (addressed in the CPT report).

9. Good practice

In Slovenia, prisoners under solitary confinement and similar measures can often retain the right to work.

²⁵ Prison Administration of the Republic of Slovenia, Yearly Report 2018, page 71 (in Slovenian): www.gov.si/assets/organi-v-sestavu/URSIKS/Dokumenti/Letna-porocila-/Letno-porocilo-2018.pdf.

²⁶ Ibid., page 72.

²⁷ Ibid., page 85.

²⁸ Ibid., page 34.