



REPUBLIC OF  
SLOVENIA



HUMAN  
RIGHTS  
OMBUDSMAN

# Women in Prison: Slovenia

Analysis from the National Preventive Mechanism

| March 2024



association pour la prévention de la torture  
asociación para la prevención de la tortura  
association for the prevention of torture



In partnership with

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VILLE DE GENÈVE



# Slovenia



## UNCAT Ratification

16 July 1993

## OPCAT Ratification

23 January 2007

### National Preventive Mechanism (NPM)

#### Human Rights Ombudsman

In addition, NGOs registered in Slovenia that have acquired the status of humanitarian organisations and are engaged in the protection of human rights, in particular in the field of the prevention of torture and other cruel, inhuman or degrading treatment or punishment, may cooperate with the Ombudsman in carrying out visits to places of deprivation of liberty and in monitoring the treatment of persons deprived of their liberty.

#### NPM legal framework

Act on the Ratification of the OPCAT, Article 5 (2006)  
Act Amending the Human Rights Ombudsman Act (ZvarCP-B), Article 50c (2017)

#### NPM operationalisation

Since 2008

#### NPM structure

Specific unit within the Human Rights Ombudsman

#### NPM composition

1 head (Deputy Ombudsman) and 4 staff (2 women) + NGO experts

## I. Facts and Figures

<p><b>Prison population</b></p> <p>Total prison population</p> <p><b>1,402</b></p> <p>Women in prison (total)</p> <p><b>76   5.4%</b></p> <p><small>Source: Prison Administration of the Republic of Slovenia, 2022<sup>2</sup></small></p>	<p><b>Women in prison - Characteristics</b></p> <p>Pregnant women</p> <p><b>4</b></p> <p>Foreign women</p> <p><b>17</b></p> <p><small>Source: National Preventive Mechanism, September 2023<sup>3</sup></small></p>	<p><b>Prisons for women</b></p> <p>Total number of women's prisons<sup>1</sup></p> <p><b>1</b></p> <p><small>Source: Prison Administration of the Republic of Slovenia</small></p>	<p><b>Prison staff in women's prison</b></p> <p>Prison staff in women's prison (total)</p> <p><b>50</b></p> <p>Correctional officers</p> <p><b>32</b></p> <p>Women prison staff</p> <p><b>33 (66%)</b></p> <p>Women correctional officers</p> <p><b>22</b></p> <p><small>Source: National Preventive Mechanism, September 2023<sup>4</sup></small></p>
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<sup>1</sup> The only women's prison in Slovenia is Zavod za prestajanje kazni zapora (ZPKZ) Ig, where women are held on remand, serve prison sentences, and also serve custodial sentences for failure to pay a fine imposed in minor offence proceedings.

<sup>2</sup> Average number in 2022, annual report of the Prison Administration of the Republic of Slovenia (URSIKS) for 2022: <https://www.gov.si/assets/organi-v-sestavi/URSIKS/Dokumenti/Letna-porocila-Letno-porocilo-2022.pdf>.

<sup>3</sup> Data from NPM visit to ZPKZ Ig women's prison conducted in September 2023

<sup>4</sup> Ibid 2023.

## II. Recommendations

### Body searches

- + The Prison Administration (URSIKS) should consider the possibility to also record the reason for the rejection of a replacement clothing by the person detained during the personal search, by extending or supplementing the computer record in the part pertaining to recording such refusal.
- + For such cases of rejection of replacement clothing by the detainee, the Prison Administration should consider preparing an official note or a statement in which the reason for the rejection of the replacement clothing and the prisoner's signature will be evident. Such a form should be filed in the detainee's personal file.

### Solitary confinement, isolation

- + The Prison Administration should consider installing a toilet in the special room, since the present arrangement does not provide the respect of a person's personality and dignity.

### Mental health

- + The Prison Administration should, in cooperation with the Ministry of Justice and other competent authorities, adopt the necessary measures to ensure that people with mental health conditions at the time of deprivation of liberty in the women's prison (ZPKZ) are granted with appropriate living conditions and specialised treatment which will consider their specific needs with suitably trained staff.

## III. Detention Issues

### Body searches

#### a. Legal and regulatory framework

Prisons in Slovenia can perform security searches of persons deprived of liberty and visitors and personal searches only on persons deprived of liberty, under the following:

- Enforcement of Criminal Sanctions Act<sup>5</sup>, Article 236;
- Rules on the exercise of the duties and powers of prison officers<sup>6</sup>; and
- Rules on the implementation of remand<sup>7</sup>

The legal and regulatory framework specifically provides that personal searches and the second part of security searches - which entail pat-down search - can only be performed by an officer of the same sex as the detainee.

Security searches are performed in accordance with Article 236d of the Enforcement of Criminal Sanctions Act. The first part of the security search should be carried out using a device that detects metal parts to check the presence of metal objects on the person. The second part of the security

<sup>5</sup> Official Gazette of the Republic of Slovenia, No. 110/06 – official consolidated version, 76/08, 40/09, 9/11 – ZP-1G, 96/12 – ZPIZ-2, 109/12, 54/15, 11/18, 200/20 – ZOOMTVI, and 141/22 – ZIKS-1.

<sup>6</sup> Official Gazette of the Republic of Slovenia, No. 81/18.

<sup>7</sup> Official Gazette of the Republic of Slovenia, No. 36/99, 39/02, 114/04, 127/06, 7/07, 112/07, 62/08, 16/09, and 41/17.

check is carried out searching the visible surface of the clothes the person is wearing, shoes, soles, outerwear, headgear, belt, and cuffs, and it entails pat-down search.

Personal searches are performed on the basis of Article 236f of the Enforcement of Criminal Sanctions Act. Before carrying out personal searches, officers should inform the person of the reasons for the search and the course of the search. The correctional officer conducts a personal search of the detainee by ordering the convict to submit for examination all the things and clothes he or she is wearing, then examines the surface of the detainee's body and scalp. The detainee shall be provided with alternative clothing for the duration of the personal search. Under the Act, the personal search should be carried out by two correctional officers who are of the same sex as the detainee, without the presence of other persons. If the performance of a personal search is necessary because delaying until the arrival of another correctional officer would be dangerous, a personal search is exceptionally performed by one correctional officer.

Personal searches conducted in case of suspicion of prohibited items should be authorised by written order issued by the head of the security department or verbal order of the operational manager, if the head of the security department is absent and it would be dangerous to delay the personal search. A report on the search carried out should be submitted to the operational manager, the director of the institution and the head of the security department.

#### b. Circumstances and modalities for body searches

A personal search is mandatory under the Enforcement of Criminal Sanctions Act (Article 236f), in the following circumstances:

*[...] - upon admission for the person's prison sentence, unless the convicted person is admitted to a separately located semi-open or open unit;*

- *unless the convicted person serves their sentence at a separately located semi-open or open unit;*
- *prior to being tested for illicit psychoactive substances;*
- *prior to being placed in a special room; and*
- *whenever there is a suspicion that the convicted person is concealing prohibited items, and these items cannot be detected by means of a security search.*

When detainees come from out-of-facility benefits and special exits without being accompanied by correctional officers, correctional officers are allowed discretion as to which person will be personally searched and which one will not<sup>8</sup>. Also, the institution's security plans (which are internal in nature) may stipulate that, under certain circumstances, only the first or only the second part of the security search is carried out.

The personal search is carried out in a separate room, by a person of the same sex as the detainee. The person undergoing a personal search is offered a change of clothing (separate top and bottom) before the personal search begins. Replacement clothes are made of washable material and are washed after each use. The personal search is carried out gradually in two parts. First, the upper part of the clothing is removed and a search of the upper part of the body is carried out. Then, the person puts the upper part back on, followed by the removal of the lower part of the clothing, and then an examination of the lower part of the body is carried out.

The room used for personal searches on the ground floor of the women's prison is also used for the needs of the prison shop and for the second part of the security search of prisoners. It was found that spare clothes are kept in the room. The NPM was informed that some women detainees prefer not to use the replacement clothing during the personal search, which is recorded in the E-prison computer records. As recommended by the European Committee for the Prevention of Torture (CPT) and other bodies, the person examined should never be completely naked and the personal search should be

<sup>8</sup> This practice was established due to the recommendations of the Ombudsman regarding the above-mentioned issue dealt with by the Ombudsman in 2018.

carried out gradually, in two steps.

### c. Records of body searches

Security and body searches are recorded in the computer records, which are called E-Prisons. The record includes, among other things, the following information: name and surname of the person who was searched, date and time of the search, details of the search, and who performed the search. In case of identified peculiarities during the search, an official note is made.

The computer records of E-prisons also record if the detainee did not accept the offered replacement clothing, but the reason for the refusal is not recorded. It is extremely important that everything necessary is done so that the dignity of women deprived of liberty is respected during personal searches. In this regard, in case the person refuses to wear the alternative clothing, this has to be recorded with the person's signature, specifying that the prisoner was informed of the possibility of using alternative clothing for the time of the personal search and whether they used the possibility or waived it.

### d. Invasive body searches

According to the information available to the NPM, invasive body searches are not conducted in the case of incarcerated persons, and the legislation does not provide for such searches. In cases where there is a possibility that the prisoner is hiding or carrying illegal psychoactive substances or other illegal items inside their body, the Enforcement of Criminal Sanctions Act provides for the possibility that the director of the institution decides to place the prisoner in a single room with special equipment.

Such placement can last for the maximum of seven days. A detainee staying in a single room must be visited daily by a doctor or a medical staff of the institution. The director of the institution decides that the execution of the decision on this placement is stopped when, according to the opinion given by a doctor or other healthcare professional, they assess that the detainee is medically unable to serve the sentence in such placement. During the visit to the women's prison, the NPM was informed by the management that such placement is not practiced as the prison does not have such rooms.

## Solitary confinement, isolation

Findings from the NPM's visit to the women's prison ZPKZ Ig revealed that the institution has a special room which can be used to place women detainees in case there is a suspicion of the existence of at least one of the following reasons, according to Article 236 of the Enforcement of Criminal Sanctions Act:

- that they have committed a criminal offence that is prosecuted *ex officio*, or if they seriously threaten to commit such a criminal offence,
- that they are preparing to flee or rebel,
- that they endanger themselves or others in any way,
- that they seriously hinder others in work, rest, or recreation,
- that they intentionally destroy the institution's inventory.

Under the Enforcement of Criminal Sanctions Act, it is also provided that:

*(2) [...] a detainee may stay in a special room for a maximum of 12 hours. If, before the expiration of this time, it is determined that one of the reasons from the previous paragraph is still given, the correctional officer in charge of the shift can, in agreement with the director of the institution, decide that the convict will continue to be placed in a special room, as long as there are reasons for this, but based on an individual decision no more than 12 hours. Placement of a convict in a special room may not last more than 72 continuous hours in total.*

*(3) The convict must be under special supervision in a special room. If, during the supervision, the correctional officer finds that there are no longer reasons for placement in a special room, they inform the correctional officer in charge of the shift, who decides on the convict's continued stay in the special room. The medical staff must be immediately informed about the placement of the convict in a special room, who will order the necessary measures to ensure their life and health.*

Findings from the NPM's visit to the women's prison revealed that the special room is video-monitored, and video surveillance is carried out in the room of the operational control centre, where the work is

usually performed by a male correctional officer. At the time of the NPM's visit, no detainee was present in the room. According to the information provided by the management of the institution, in the event that a woman detainee is placed in a special room, for the duration of her placement there, a woman correctional officer would work in the operational control centre, while the male correctional officer would work in another part of the institution.

From the visit conducted by the NPM, the special room was found to be clean and orderly, but without a toilet. According to the information provided by the prison staff, during their stay in the special room, women are not allowed to go to the toilet outside this room. Therefore, they have to use a small drainage channel in the middle of the room, without any privacy, and the room is cleaned after the end of the placement of a person in this special room.

## Access to mental healthcare

### a. Initial and regular mental health assessment

The Rules on the implementation of prison sentences (Article 8) provide the initial medical examination by a doctor immediately after admission, or no later than the next working day after admission. For persons on remand, the Rules on the implementation of remand (Article 31) provide that a doctor conducts an initial medical examination no later than 48 hours after being admitted to the institution and also examines the remand prisoner before they are released from the institution. Medical examination of both sentenced and remand detainee include the determination of mental health needs. The first examination is performed by a doctor specialised in general medicine, who, in case of perceived problems, directs the person to further professional treatment. A special form is filled out during the examination. In the form, potential problems in the field of mental health, consumption of psychoactive substances, and possible involvement in a substitution programme can be recorded. If the person has health insurance through the Health Insurance Institute of Slovenia, the doctor can check the prescribed medications for the person, including those for mental health. For those who do not have such insurance, what the person says during the examination is recorded.

As regulated by the Rules on the implementation of prison sentences (Article 9), the risk of suicide is assessed by the institution staff upon admission with the help of a special form. In case of danger, the health service is notified, which takes immediate action – either by referral to a doctor (if the doctor is at the institution), or by referral to an emergency psychiatric clinic.

Furthermore, during the reception period, which lasts one month, the professional and educational staff of the institution (psychologists, social workers, instructors), as well as correctional officers, have several conversations with the person deprived of liberty. If they detect mental health conditions, they offer the person the option of further treatment.

The NPM was informed by the health service at the women's prison ZPKZ Ig that women's mental health needs are also assessed regularly throughout the duration of their sentence or pre-trial detention. In case of problems, women can see a psychiatrist. Women can also register themselves for such an examination, which they may or may not attend, as it is not mandatory. If the staff notice that something is happening with a woman detainee, and she does not want to see a psychiatrist, the psychiatrist can visit her directly in the prisoner's quarters.

### b. Treatment and awareness-raising

The NPM was informed by the health service at the women's prison ZPKZ Ig that mental health support and treatment are available to women deprived of liberty, and provided by professional prison staff. In cases where women detainees meet the conditions for release, they can continue with psychotherapeutic treatment outside the institution, if they were already undergoing such treatment before arriving in prison. Awareness-raising on mental health is carried out by doctors, on a personal level with women prisoners, and institutionally with both prison staff and women deprived of liberty. If family members are interested, they can also get involved.

### Good practice: Joining forces with the community to raise awareness on mental health

The women's prison ZPKZ Ig cooperates with Inštitut Stopinje.<sup>9</sup> In 2021, for example, a lecture on strengthening mental health was held through the Stopinje Institute, conducted by a representative of the Sevnica Health Centre. In 2023, Inštitut Stopinje, in cooperation with the Sevnica Health Centre, held a lecture entitled Mental Health and Us (In Harmony with Life). The lecture was attended by 21 women detainees, including on remand, and four employees from Zavod za prestajanje kazni zapora Ig. A Mental Health Festival took place in Ljubljana on 18 May 2023. The women's prison ZPKZ Ig motivated women deprived of liberty to participate in the festival, and five of them who expressed a desire to participate were granted special exits for this purpose.

#### c. Addressing the needs of people with severe mental health conditions

Under the current legislation, for persons with the most severe forms of mental health conditions and dangerous behaviour, when they find themselves on remand or in prison by a court decision, deprivation of liberty is carried out only within the structure of existing institutions for serving prison sentences and not possibly in a specialised department with appropriately trained staff for their treatment. The serving of the prison sentence also runs during hospital treatment, if an interruption of the serving of the prison sentence is not necessary. In addition to some alternative executions of prison sentences, the legislation does not provide for other forms of serving prison sentences.

This is also the case for women who are sent to prison because they have committed a crime in social welfare institutions, where they were admitted because of their mental health conditions or disruptive behaviour. They are in a situation of heightened vulnerability and their rights and need are often neglected. Prison environment causes them even more distress, and other women deprived of liberty also fear for their own safety.

Findings from the NPM's visit to the women's prison and interviews with authorities revealed several problems and challenges faced by the institution in ensuring the safety and appropriate treatment of women with several mental disorders and dangerous behaviour: lack of qualified personnel, such as occupational therapists and special educators, lack of specialised medical staff and adequate facilities space for the comprehensive therapeutic treatment of persons with mental health conditions. Women with severe mental health conditions face several challenges while in prison, ranging from difficulties in adapting to life in prison and respecting prison's rules, to the risk of being exploited by fellow detainees, to the risk of self-harm and disruptive behaviour which can cause harm to others. This situation represents a heavy burden for correctional officers who are not trained in this field and do not have adequate knowledge to deal with persons with mental health conditions. professionals. In addition, the institution lacks suitable safe spaces and the possibility of limiting access to dangerous objects for persons with uncontrollable self-destructive behaviour.

In this situation, the Ombudsman emphasises that women with mental health conditions in prison are not only deprived of their right to freedom of movement while serving a prison sentence. Their right to a safe environment and appropriate treatment and care is also at risk. Regardless of whether they are suspected or convicted of committing a crime, they must be provided with suitable accommodation and living conditions that will adequately address their specific needs and enable them to live in dignity.

<sup>9</sup> More at: <https://stopinje.si/dejavnosti-instituta-stopinje/zapor-na-igu-2/>.

The Ombudsman, also in its capacity as NPM, continues to pay particular attention to this issue, closely monitoring the situation and engaging with the competent authorities.

### Contact with the outside world

During its monitoring visits, the NPM has repeatedly pointed out the lack of facilities for overnight visits and the unequal position of women detainees as compared to men who have the possibility of such visits in prison. On several occasions, authorities justified the lack of such visits with the lack of resources to provide for adequate space within the women's prison.

Thanks to the NPM's continuous engagement and recommendations on this issue, the women's prison finally managed to provide rooms for overnight visits and such visits started to be allowed from July 2021.

### Accommodation and food

During the visit to ZPKZ Ig in 2017, the NPM noted that correctional officers never knocked before entering the cell of a woman prisoner. The NPM therefore recommended to the prison administration that correctional officers should be warned that before every entry into the cell of prisoners, it is absolutely necessary to knock and wait a little before entering. In its response, the authorities explained that correctional officers were warned about the method of entering the living quarters of prisoners, except when there are legitimate security reasons for not doing so, for instance in case of detection of the use of prohibited objects or substances.

## IV. Women in special situations of vulnerability

### Women with disabilities

Despite the Ombudsman's recurring recommendation to ensure that all persons deprived of liberty who have impairments, due to illness, age or disability, are granted suitable accommodation in adapted premises and daily care and assistance, detainees with impairments still face barriers in prison.

Findings from NPM's visits to the women's prison revealed the situation of a woman who, due to medical problems, was unable to walk up the stairs and could not join the outdoor activities every day, as she fully relied on the help of trained prison staff who helped her up the stairs with so-called portable stair climbers intended for the transport of people together with wheelchairs.

With the aim of preventing similar situations from occurring again, the women's prison decided to arrange a room on the ground floor that will be used to accommodate women who, due to disabilities or mobility impairments, are unable to climb stairs. A room with capacity for two people will also have a toilet and a shower, and the equipment will be adapted for the stay of people with reduced mobility, even if they use a wheelchair.

## V. Other relevant NPM information on women in prison

- + [Annual Report of the Human Rights Ombudsman](#)
- + [Annual Reports of the National Preventive Mechanisms](#)