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A Comparative Perspective of Imprisonment Trends in Slovenia and Europe from 2005 to 2014

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This paper analyses trends in imprisonment in Slovenia from 2005 to 2014, and compares them with the ones observed in the rest of Europe. Data were taken from the *Council of Europe Annual Penal Statistics – SPACE I*. The primary results show that Slovenia increased its prison population by 30% during the period under study and, after 2011, the prison population of Slovenia was increasing, while in the rest of Europe, it was decreasing. Nevertheless, Slovenia still has one of the lowest prison population rates in Europe, which can be explained mainly by the fact that the average length of imprisonment is lower in Slovenia than in the rest of Europe. The paper also analyses the evolution of the structure of the Slovenian prison population in terms of gender, nationality, and type of offence for which prisoners are convicted. Furthermore, it discusses the influence of legislative changes, the creation of new places for prisoners, and crime trends on the prison population rate.

Keywords: comparative criminology, comparative penology, imprisonment trends, prisons, Slovenia

UDC: 343.8

1 Introduction

This paper analyses trends in imprisonment in Slovenia over a 10-year period (2005–2014) and compares them with the trends observed in the rest of Europe during the same period. The aim is to identify similarities and differences in such trends. The comparison is relevant because the legislation and the prison system of Slovenia have been influenced by conventions, laws, protocols and policy guidelines of the Council of Europe, the European Union, and the United Nations since the country gained its independence in 1991 (Baker, 2013).

In that perspective, the first two sections of this paper present the evolution of the Slovenian criminal and penal policy and the characteristics of its prison system, while the next focuses on the data and methods used for the analyses. This is followed by the presentation of the main findings, which cover not only trends in the prison population rate, but also several variables that could explain them, including the flow of entries into prison, the average length of imprisonment as well as the prison density. The paper also analyses the composition and evolution of the prison population in terms of its distribution by gender, nationality, and type of offence for which prisoners were convicted. The discussion section tries to explain the trends observed, and the conclusion places them in the European perspective.

2 The Evolution of Slovenian Criminal and Penal Policy

Since the 1960s, when Slovenia was still part of the State of Yugoslavia, Slovenian penal policy was guided by the ideas of Pinatel (1960) on clinical criminology, in such a way that the main purpose of imprisonment was the rehabilitation of prisoners.[5] At the same time, it followed an evidence-based approach supported by the research findings of criminologists and penologists (Hacin, 2015). The situation changed after 1991, and the purpose of imprisonment was left out of the new Slovenian Criminal Code (Kazenski zakonik [KZ], 1994) enacted in 1994. Furthermore, the Enforcement of Criminal Sanctions Act (Zakon o izvrševanju kazenskih sankcij [ZIKS-1], 2000) adopted in 2000, gave priority to security

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[5] Pinatel's (1960) theory of social observation of prisoners focused on: 1) dangerous state of a prisoner, 2) prisoner's personality, and 3) prisoner's social situation.

and surveillance, rather than the rehabilitation of prisoners. Following Petrovec and Meško (2006), it can be said that the reasons for this change of orientation are related to an excess of self-confidence of the new legislators, who seem to have trusted more in their own comprehension of punishment than that of the experts in the field. Petrovec (2015) stated that it is hard to evaluate what kind of negative effects are caused by the omission of the rehabilitation of prisoners in the legislation, but it can be assumed that the orientation of prisons towards security and control has a negative influence on the social climate in prisons, which, according to Brinc (2011) has been deteriorating since 1991.

Regarding criminal policy in general, Petrovec and Muršič (2011) argued that the democratisation of Slovenia brought a greater punitive orientation, which led to an increase in the prison population. The escalation of punitivity has been identified as a global trend that, according to Flander and Meško (2011), Slovenia could not avoid. The same authors consider however that, with the exception of some politicians and legal experts belonging to the right side of the political spectrum – the ones affiliated to the left side remained passive – the country did not experience a large-scale increase of aggressive punitive populism. The rise of punitivity inspired the new criminal code and the modifications introduced to it as well as to the code of criminal proceedings but, according to Flander and Meško (2011), they seem to have served more symbolic than instrumental purposes, in the sense that they did not have a major impact on punishment trends. We will examine whether these changes had an influence on the prison population of Slovenia in the discussion section of this paper, while in next section, we will present the structure of the prison administration of the country, which is also important in order to understand the evolution of its prison population.

3 The Slovenian Prison System

The Prison administration of the Republic of Slovenia [Uprava Republike Slovenije za izvrševanje kazenskih sankcij] in its present form was established in 1995 as an independent administrative authority within the Ministry of Justice. Its creation was the result of merging eight institutions into one single central body (Meško, Fields, & Smole, 2011) that is responsible for: 1) the enforcement of prison sanctions, 2) the organization and management of prisons and correctional homes, 3) ensuring the financial, material, personnel, technical and other requirements necessary for the functioning of prison and correctional homes, 4) the training of prison staff for the needs of the enforcement of penal sanctions, and 5) the enforcement of prisoners' rights and obligation. The Prison Administration is headed by a General Director, who is appointed by the Minister of Justice (Uprava Republike Slovenije za izvrševanje kazenskih sankcij [URSIKS], 2016).

The Slovenian prison system consists of six prisons – divided into several units and operating in 14 different locations – and a correctional home. They are organized into 1) central prisons (Celje, Dob and Ig); 2) regional prisons (Ljubljana, Koper and Maribor); 3) dislocated units (Ig, Murska Sobota, Nova Gorica, Novo mesto, Puščava, Rogoza and Slovenska vas); 4) detention departments (Celje, Ig, Koper, Ljubljana, Maribor, Murska Sobota, Nova Gorica and Novo mesto) and 5) correctional home (Radeče) (URSIKS, 2016).

Prisoners are assigned to one of these institutions according to the following criteria: 1) gender, 2) nature of the sentence, 3) duration of the sentence, 4) age of the prisoner, and 5) degree of security of the prison (Meško et al., 2011; URSIKS, 2016). Until now, Slovenia has not established separate institutions for recidivist and first-time offenders; neither has created a special facility for drug-addicted offenders (Meško et al., 2011).

After having introduced the reader to the criminal and penal policy of Slovenia as well as to the structure of its prison system, the following sections focus on the empirical aspects of this research, starting with the presentation of the data and methods used in it.

4 Data and Methods

This paper is based on data taken from 10 reports of the *Council of Europe Annual Penal Statistics – SPACE I: Prison populations,* covering the years 2005 to 2014 (Aebi & Delgrande, 2007, 2009, 2010, 2011, 2012, 2013, 2014a, 2014b; Aebi & Stadnic, 2007; Aebi, Tiago, & Burkhardt, 2015b; quoted hereafter as *Council of Europe Annual Penal Statistics – SPACE I – Reports 1995 to 2014, 1995-2014*). These statistics are better known by their acronym SPACE, based on their French title (*Statistiques Pénales Annuelles du Conseil de l'Europe*). The primary indicators retained for the analyses are the prison population rate (*stock*), the rate of entries into penal institutions (*flow of entries*), the average length of imprisonment, and the prison density.

The *prison population rate* corresponds to the number of inmates per 100,000 inhabitants. The *inmates* include *detainees* (which correspond to persons in pre-trial detention, also referred to as persons in remand) and *prisoners* (which correspond to persons deprived of freedom after having been convicted of a crime, also referred to as prisoners with a final sentence). The *prison population rate* is commonly referred

to as the *stock* of inmates and is also known as the *detention rate* or the *imprisonment rate*. The *rate of entries into penal institutions* is also calculated per 100,000 inhabitants, includes entries in pre-trial detention, and is commonly referred to as the *flow of entries*. The counting unit for the entries is not the person but the event, and refers to entries into prison, excluding internal transfers (e.g. from one prison to another) and occasional displacements (e.g. reentry following an audition at a court or a prison leave). The *average length of detention* is expressed in months and can be estimated on the basis of the flow and the stock. *Prison density* corresponds to the number of inmates per 100 available places in penal institutions (including pre-trial facilities). A ratio of more than 100 implies that there is a situation of *overcrowding*, which means that there are more inmates than available places for them (Aebi et al., 2015b; Aebi, Linde, & Delgrande, 2015a).

The SPACE reports cover the 47 member states of the Council of Europe but, as some countries have more than one Prison Administration, the most recent reports should include data on 52 prison administrations.[6] In practice, as a few administrations were unable to answer the questionnaires, or could provide data only for some of the items, the total number of countries included throughout the reports is usually slightly lower (Aebi et al., 2015b). Thus, this paper includes information on 47 countries (49 prison administrations) that provided data for the prison population rate from 2005 to 2014[7] as well as on a subgroup of 37 countries (38 prison administrations) that provided data for all the items included in the analyses.[8].

The rates of Slovenia are compared to the European average rates without Slovenia in several of the Figures that follow. This is because it would have been methodologically inappropriate to compare the Slovenian rate to a European rate that also includes Slovenia. In order to simplify the reading the European rates without Slovenia are usually referred to as the *European average*.

The indicators based on the *stock* of inmates, such as the prison density and the percentages of females, foreigners and sentenced offenders by offence, are available for a period of 10 years, from 2005 to 2014. On the other hand, the average length of imprisonment, which is based on the *flow* of inmates, covers a period of nine years, from 2005 to 2013. The reason is that in the SPACE reports, data on stock relate to September 1st of each year, while data on flow relate to the whole previous year. Finally, prison trends are compared with crime trends in Slovenia according to conviction statistics – which are considered as more reliable than police statistics (Aebi & Linde, 2012) – taken from the latest four editions of the *European Sourcebook of Crime and Criminal Justice Statistics* (Aebi et al., 2006, 2010, 2014; Killias et al., 2003).

5 Findings

In this section, the primary results of our analyses are presented. The aim is mainly descriptive, in the sense that we present the findings but we do not yet suggest their possible causes. A holistic explanation of the trends observed is provided in the discussion section.

Figure 1 presents the evolution of the rate of prisoners per 100,000 inhabitants in Slovenia from 1995 – the year in which the current Slovenian Prison Administration was formally established – to 2014.

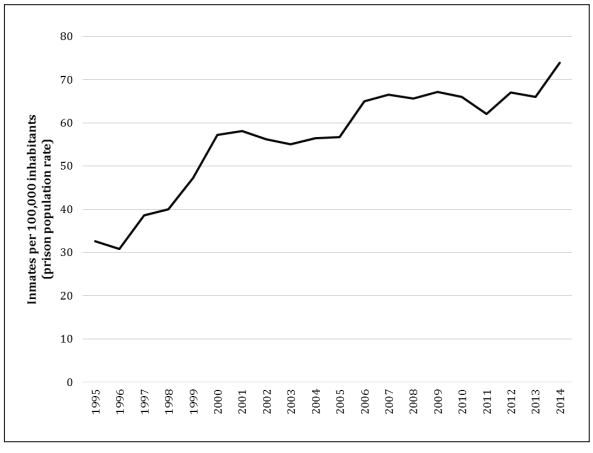

Figure 1: Trends in the prison population rate of Slovenia from 1995 to 2014 (source: Council of Europe Annual Penal Statistics – SPACE I – Reports 1995 to 2014, 1995–2014)

[6] In Bosnia and Herzegovina there are three prison administrations (one for the State level, one for the Federation of Bosnia and Herzegovina, and one for the Republika Srpska), in Spain there are two (the National prison administration and the Prison administration of Catalonia), and in the United Kingdom there are three (in England and Wales, in Northern Ireland, and in Scotland) (Aebi et al., 2015b).

[7] All countries provided data for the 10 years under study, but in the case of Bosnia and Herzegovina they refer only to the prison administration of the Republika Srpska. In the case of Spain, we have added the data of both prison administrations in order to have indicators for the whole country.

[8] The countries excluded because they did not provide data for all the items are Armenia, Bulgaria, Estonia, Greece, Latvia, Montenegro, Romania, Russia, Scotland, and Ukraine. The total number of countries is 37 instead of 38 because Slovenia is not included in the group but presented separately.

Figure 1 shows an increase by steps during the entire period under study, with the major increase taking place in the second half of the 1990s, when Slovenia doubled its prison population rate. This was followed by periods of relative stability in the 2000s, interrupted only by an increase from 2005 to 2006, followed by an upward trend toward the end of the decade. Overall, the prison population rate increased by 127% from 1995 to 2014. However, even after such an increase, the Slovenian prison population rate for 2014 corresponded to 74 inmates per 100,000 inhabitants, which places the country among the ones with the lowest prison population in Europe, alongside with the Nordic countries and the Netherlands (Aebi et al., 2015b).

On the basis of prison population rates, it is possible to calculate the *average* European prison population rate (excluding Slovenia), which in 2014 corresponded to 137.5 inmates per 100,000 inhabitants. This average prison population rate is calculated by adding the *rates* of each country and dividing the total by the number of countries studied. It is different than the one that would be obtained by considering Europe as a single entity, that is to say by adding all the *inmates* held in the 47 countries and putting that total in relation to the *total population of Europe*. This second form of calculation would give a disproportionate weight to the countries with large populations, in such a way that the total prison population rate for the whole Europe in 2014 would rise to 199 inmates per 100,000 inhabitants (Aebi et al., 2015b). For that reason, we have used the first form of calculation throughout this paper.

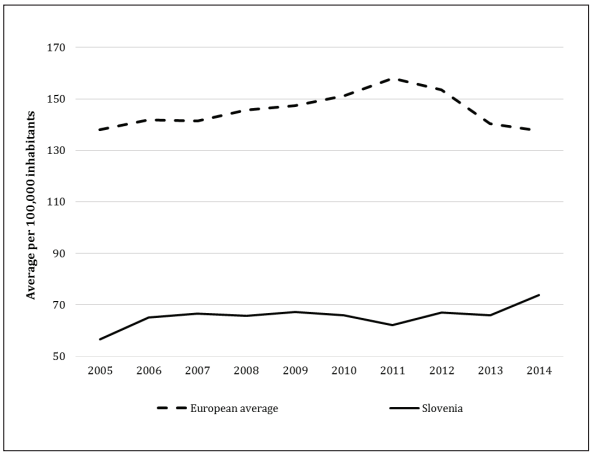

Figure 2: Trends in the prison population rate per 100,000 inhabitants in Slovenia and in 48 European prison administrations, 2005–2014 (source: Council of Europe Annual Penal Statistics – SPACE I – Reports 2005 to 2014, 1995–2014)

Figure 2 shows the evolution of the Slovenian and the average European prison population rates from 2005 to 2014. The European average includes 48 prison administrations (46 countries), excluding Slovenia. Data relate to the 1st September of each year[9]. The Figure corroborates that the Slovenian prison population rate is well above the European average. During almost the entire period under study, it was more than 50% lower, except for 2014 when the difference decreased to 46%. This is explained by the trends shown in Figure 2. The average European prison population rate followed an upward trend from 2005 to 2011 and a downward trend since then. This trend is relatively different than the one shown by the Slovenian prison population rate, particularly in the last part of the series, when the prison population was increasing in Slovenia and decreasing in the rest of Europe. Overall, in 2014 the average European prison population rate was almost identical to the one of 2005, while the Slovenian was 30% higher.

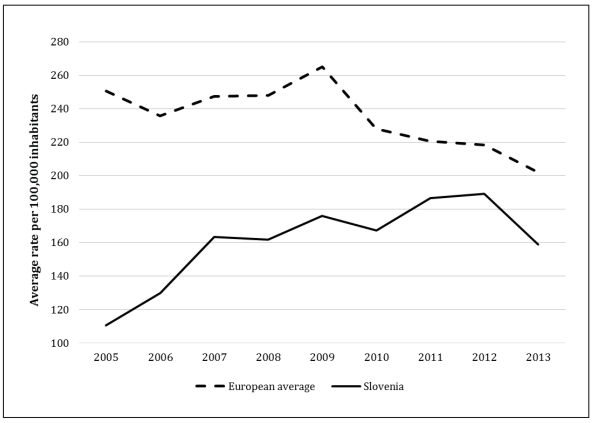

Figure 3: Trends in the rate of entries into penal institutions per 100,000 inhabitants in Slovenia and in 38 European prison administrations, 2005–2013 (source: Council of Europe Annual Penal Statistics – SPACE I – Reports 2005 to 2014, 1995–2014)

Figure 3 shows the rate of entries into penal institutions per 100,000 inhabitants (*flow of entries*) from 2005 to 2013 in Slovenia and in 38 prison administrations, representing 37 European countries. The last year of the series is 2013, because the data on entries into penal institutions collected for the SPACE I, reports always refer to the previous year, and the last published report corresponds to the year 2014 (Aebi et al., 2015b). It can be seen in Figure 3 that, at the beginning of the

[9] As it is explained in the notes included in the SPACE I report, in a few countries the date of reference is not necessarily the 1st September (Aebi et al., 2015b).

series, the European average was more than two times higher than the Slovenian one, while at the end of the series the difference had been reduced to only one quarter. This is explained by the fact that, in general, the European average flow of entries followed a downward trend, while the Slovenian one followed an overall upward trend. In particular, the average European rate of entries into penal institutions peaked in 2009 and has been decreasing since then. Before 2009, the trend was relatively stable; while from that year to 2013 the decrease reached 23.6%. On the contrary, in Slovenia, the flow of entries increased linearly from 2005 to 2012 – an increase that was more pronounced from 2005 to 2009 – before registering a slight decrease in 2013. However, the rate for 2013 (159 entries per 100,000 inhabitants) remained 44% higher than the one for 2005 (110 per 100,000 inhabitants). In contrast, in 2013 the average European rate of entries into penal institutions was 18.7% lower than in 2005.

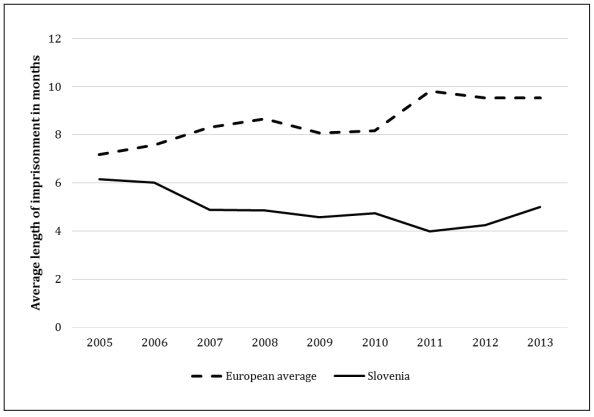

Figure 4: Trends in the average length of imprisonment (in months) in Slovenia and in 38 European prison administrations, 2005–2013 (source: Council of Europe Annual Penal Statistics – SPACE I – Reports 2005 to 2014, 1995–2014)

Figure 4 shows the average length of imprisonment expressed in months, from 2005 to 2013, in Slovenia and in the same 38 prison administrations included in Figure 3. In 2005, the European average was only slightly higher than in Slovenia (7.2 months compared to 6.2 months), but by 2013 it was almost the double (9.5 months versus 5). This is explained by the fact that, in general, the European average flow of entries followed an upward trend, while the Slovenian one followed an overall downward trend. In particular, the average length of imprisonment in Europe increased from 2005 to 2011 – with a period of relative stability between 2008 and 2010 – and remained relatively stable, although slightly lower than in 2011, after that. The overall increase from 2005 to 2011 was 35.9%. On the contrary, Slovenia shows a substantial decrease of 26% of the flow of entries into penal institutions from 2005–2013. That rate decreased from 144 per 100,000 inhabitants in 2005 to 107 in 2013.

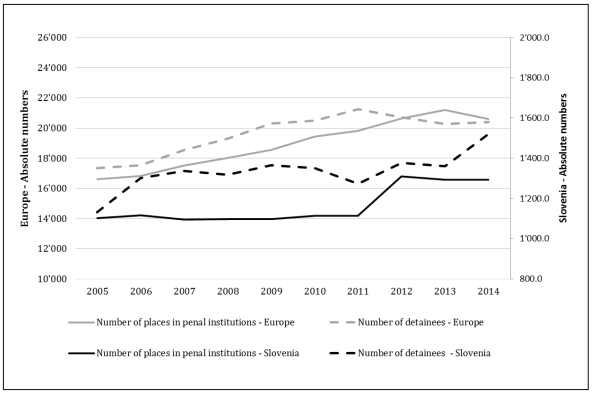

Figure 5: Trends in the number of places in penal institutions and inmates in Slovenia and in 38 European prison administrations, 2005–2013 (source: Council of Europe Annual Penal Statistics – SPACE I – Reports 2005 to 2014, 1995–2014)

Figure 5 shows the number of places in penal institutions from 2005 to 2014 in Slovenia and in the 38 European prison administrations studied in this section. The Figure has two axes because it consists of absolute numbers, which are not directly comparable. On the left axis, the units refer to the total number of places and inmates in Europe, which range from 16,600 and 17,300 respectively in 2005, to 20,600 and 20,400 in 2014. On the right axis, the units refer to Slovenia and range from 1,100 for both indicators in 2005, to 1,300 places and 1,500 inmates in 2014. The purpose of this Figure is to compare the trends and not the absolute numbers. From that perspective, it can be seen that the number of places in penal institutions increased in Europe until 2013 and decreased in 2014, adjusting itself to the number of inmates, which had started decreasing 2011. In Slovenia, on the contrary, the number of places in penal institutions remained relatively stable from 2005 and 2011, despite the evolution of the number of inmates. Actually, the capacity of Slovenian prisons had increased in 2004, when a new substituted prison – with approximately additional 40 places – was built in Koper, but it decreased slightly in 2007, when the dislocated department of Ljubljana prison in Radovljica was closed, causing the loss of 22 places (Meško et al., 2011; Smole, 2009). In 2010, the system received 17 places with the new open department Puščava. A major increase took place in 2012, when two new blocks were built at the Central prison of Dob, adding 187 places. This enlargement had a clear influence on prison density, which is analysed in Figure 6.

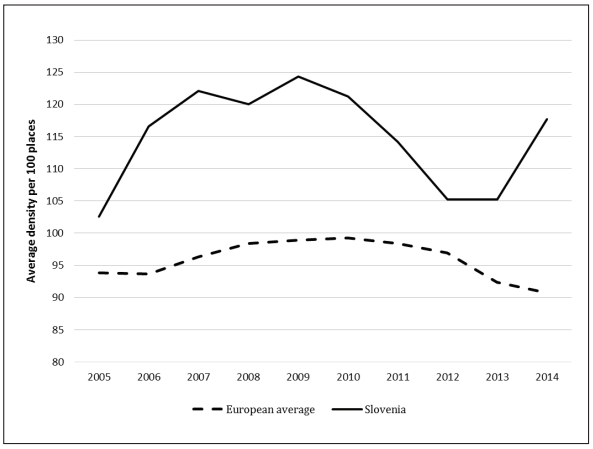

Figure 6: Trends in the average prison density (inmates per 100 places) in Slovenia and in 38 European prison administrations, 2005–2014 (source: Council of Europe Annual Penal Statistics – SPACE I – Reports 2005 to 2014, 1995–2014)

Figure 6 shows the evolution of the average prison density from 2005 to 2014 in Slovenia and in 38 European prison administrations. In this case, the Slovenian figures are higher than the European average. At the beginning of the series, they were roughly 10% higher, this difference increased up to 25% in 2009, decreased later – coinciding with the enlargement of the prison capacity in Slovenia – in such a way that by 2012 the difference was almost the same than in 2005, but increased again to 25% in 2014. The Figure allows testing the influence of three of the previous indicators (shown in Figures 2, 3 and 4) on this one. At the European level, there were decreases in 1) the prison population rates, 2) the flow of entries, and 3) the average length of imprisonment. Theoretically, these decreases should have had an impact on prison density, and this is precisely what can be seen empirically in Figure 6. European prison density increased at the beginning of the series, reaching its maximum level in 2010, and has been decreasing since. In particular, from 2005 to 2010, the overall increase of prison density was 6.4%, while from that year until 2014 the decrease was 8.7%. In Slovenia, the influence of the evolution of the three indicators on the prison density cannot be seen because the latter was influenced by the construction of the two new blocks at the Central prison of Dob, which increased the total prison capacity of the country by 17% (see Figure 5). Hence, the country experienced a relatively high level of overcrowding from 2006 to 2011 (reaching 124 inmates per 100 available places in 2009), which was stanched in 2012-2013, when prison density decreased to 105 inmates per 100 places. However, increases in the flow and stock of prisoners observed in 2013-2014 led to a new increase in prison density, which reached 118 in 2014. This means that, even with an increase of 17% of the capacity of its penal institutions, Slovenia experienced an increase of 15% of its prison density from 2005 to 2014. On the contrary, in the rest of Europe, in 2014 the average prison density was 2.9% lower than in 2005.

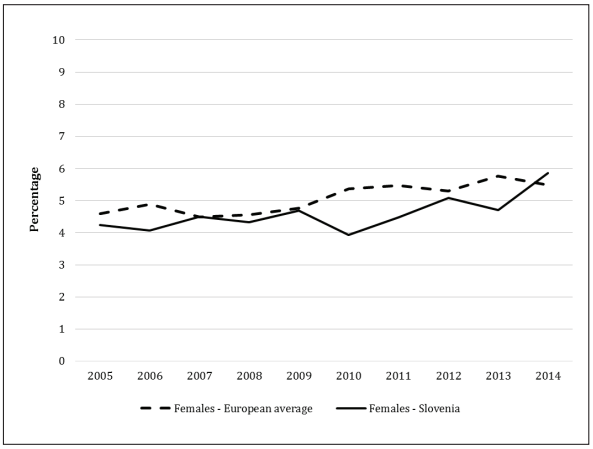

Figure 7: Trends in the percentage of females among inmates in Slovenia and in 38 European prison administrations, 2005–2014 (source: Council of Europe Annual Penal Statistics – SPACE I – Reports 2005 to 2014, 1995–2014).

As far as the composition of the prison population is concerned, Figure 7 shows the percentage of female inmates from 2005 to 2014 in Slovenia and in 38 European prison administrations. It can be seen that the percentages are comparable and their evolution is similar. Females represented four to five percent of the prison population in 2005, and increased to six percent in 2014. In Slovenia, this corresponds to a 38% increase during the period under study. In 2005, they represented 4.2% of the prison population, while by 2014 they represented 5.8%, the increase taking place particularly from 2012 to 2014. However, it cannot be related to the increase of the prison capacity of the country because there are no cells for women among the ones created in Koper in 2004 and in Dob in 2012, and there were no such places either in the department at Radovljica, which was closed in 2007. The only prison for women in Slovenia is Ig, which has not been rebuilt or modified since the 1980s and has an official capacity of 86 inmates. At the same time, the data collected in the *Council of Europe Annual Penal Statistics – SPACE* since 2007 (Council of Europe Annual Penal Statistics – SPACE I – Reports 2005 to 2014, 1995–2014) show that the increase in the number of female prisoners cannot be explained by an increase in the number of foreign female inmates. The latter did actually increase, but the overall number of foreign females is low –

ranging from five in 2007 to 13 persons in 2014 – and their proportion in the total number of female inmates – eight percent in 2007 and 13% in 2014 – is also low. Hence, one can conjecture that the increase in the number of women deprived of freedom is not artificial and seems to reflect a slight increase of their involvement in the offences known to the authorities of the criminal justice system.

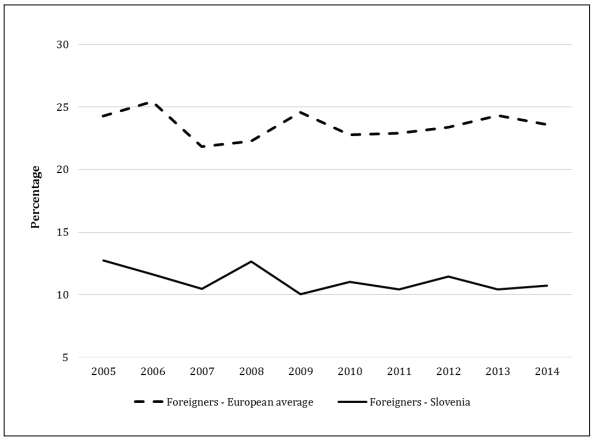

Figure 8: Trends in the percentage of foreigners among inmates in Slovenia and in 38 European prison administrations, 2005–2014 (source: Council of Europe Annual Penal Statistics – SPACE I – Reports 2005 to 2014, 1995–2014)

Figure 8 shows the percentage of foreigners among inmates from 2005 to 2014 in Slovenia and in 38 European prison administrations. It can be seen that that percentage is systematically around 50% lower in Slovenia than in the rest of Europe. The Figure shows that Slovenia in 2005 counted almost 13% of foreigners among its inmates, but that number decreased in the second half of the 2000s and since has remained relatively stable, in such a way that by 2014 they represented less than 11%.

At the same time, the percentage of foreigners who were not serving a final sentence decreased from 48% in 2005 to 37% in 2014 (Aebi & Stadnic, 2007; Aebi et al., 2015b). Such a decrease should be placed in the context of the evolution of the overall percentage of inmates without a final sentence, which is presented in Figure 9. The Figure shows that in 2005, 34% of the inmates held in Slovenian prisons did not have a final sentence, but that percentage decreased in a linear way during the 10 years under study, reaching 20% in 2014. However, there is still an overrepresentation of foreigners among pretrial detainees because, as we have mentioned before, by 2014, 37% of the foreign inmates held in Slovenian prisons did not have a final sentence, while the overall average was 20%. The Slovenian percentage of inmates without a final sentence was similar to the one in the rest of the Europe – and followed a similar downward trend – from 2005 to 2012, but there is a clear divergence in the last two years of the series. While their percentage continued decreasing in Slovenia, an increase was observed in the rest of Europe in 2014.

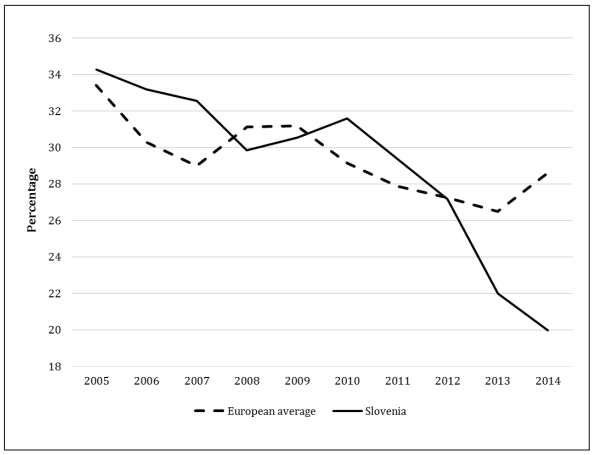

Figure 9: Trends in the percentage of inmates without a final sentence in Slovenia and in 38 European prison administrations, 2005–2014 (source: Council of Europe Annual Penal Statistics – SPACE I – Reports 2005 to 2014, 1995–2014)

Table 1 allows a more detailed analysis of the situation of sentenced prisoners, and presents their distribution on 1st September 2005 and on 1st September 2014 according to the offence for which they have been sentenced, both in Slovenia and at the European level. Unfortunately, since 2008, the figures provided by Slovenia do not add to 100%. Indeed, for roughly one-fifth of the inmates (21% in 2014) there is no information on this topic. At the same time, the number of inmates included in the category "other offences" decreased by 26% throughout the series (they represented 22% in 2005), but still represented 16% of the total in 2014. Hence, if we add the category "not specified" and the category "other offences" in 2014, they represent 37% of the total number of inmates. Finally, the comparison between 2005 and 2014 is not straightforward because in the 2014 SPACE report there are slightly more categories than in the one for 2005. For example, in 2005, only rape was included, while in 2014 a category "other types of sexual offences" has been added, and the same is true for organised crime as well as economic and financial offences (Aebi & Stadnic, 2007; Aebi et al., 2015b). This means that the comparison of the distribution of inmates by offence is not reliable and must be interpreted cautiously.

Table 1: Distribution of sentenced prisoners according to the main categories of offences for which they were imprisoned in 2005 and 2014 (source: Aebi & Stadnic, 2007; Aebi et al., 2015b).

Offence/year	2005		2014	
	European average*	Slovenia	European average*	Slovenia
Assault and battery	8.6%	9.1%	8.9%	3.7%
Drug offences	16.2%	12.4%	17.6%	12.5%
Economic and financial offences	/	/	7.6%	6.8%
Homicide	14.3%	11.8%	13.9%	9.5%
Organized crime	/	/	1.2%	6.7%
Other offences	21.8%	22.0%	17.0%	16.3%
Other types of sexual offences	/	/	3.4%	7.1%
Other types of theft	22.0%	24.2%	16.5%	14.0%
Rape	4.6%	9.5%	4.4%	2.4%
Robbery	14.8%	10.9%	12.6%	20.8%

*Note: Average for 48 prison administrations representing 46 European countries in 2005, and average for 45 prison administrations representing 43 European countries in 2014.

It can be mentioned however that, according to the data available for the years 2005 and 2014, the percentage of Slovenian prisoners serving sentences for drug offences remained stable and the percentage of prisoners serving sentences for robbery registered a huge increase (91%), while all the other categories show decreases ranging from 75% for rape, 60% for assault and battery and 42% for theft, to 19% for homicide. In order to understand these trends, it seems necessary to take into account the evolution of crime in Slovenia during the same period, because research has shown that there is a link between crime trends and imprisonment trends in Europe (Aebi et al., 2015a).

From that perspective, the available data from the *European Sourcebook of Crime and Criminal Statistics* covers only the period 2005–2010, meaning that there are no indicators for the last period of the series (Aebi et al., 2006, 2010, 2014). Using that data, Table 2 shows trends for six offences according to conviction statistics, presenting the rate of persons convicted per 100,000 inhabitants for homicide, assault, rape, robbery, theft, and drug offences. It can be seen that there has been an overall decrease in homicide – even if there were some peaks during the series – which is reflected in the evolution of the prison population. The decreases in assault and theft started in the mid-2000s – both offences had been following an upward trend before that – and are also reflected in prison statistics. The sudden drop in the rate of persons sentenced for rape in the late 2000s shows the effect of a change in the criminal code that will be treated in the discussion section and that also led to a decrease in the rate of persons serving rape sentences. Finally, the increase in the rate of persons sentenced for robbery also led to an increase in the number of persons serving sentences for that offence, while the disproportionate increase in the rate of those sentenced for drug offences is not reflected in the proportion of drug offenders among prisoners, which remained stable. This means that the sustained upward trend in the number of convictions for drug offences did not lead to an increase of the average length of imprisonment of drug offenders. A plausible interpretation of that peculiarity is that most of the sentences may not have been related to drug trafficking, but to drug use or possession.

Table 2: Persons convicted per 100,000 inhabitants in Slovenia from 1995 to 2010 (source: Aebi et al., 2006, 2010, 2014; Killias et al., 2003).

Year/Offence	Assault	Burglary	Drug offences	Intentional homicide	Rape	Robbery	Theft
1995	14.9	13.9	1.5	1.9	2.2	2.4	65.6
1996	19.5	16.3	4.9	1.9	2.6	3.1	63.6
1997	29.1	20.2	5.3	2.0	2.9	4.0	72.1
1998	31.1	28.4	10.4	2.0	3.8	4.3	81.5
1999	34.2	36.0	11.4	1.5	3.7	5.1	83.8
2000	31.4	31.4	11.9	2.7	3.9	4.8	84.8
2001	35.6	44.4	15.3	1.4	4.2	4.4	99.8
2002	36.6	41.8	17.3	3.5	5.1	5.0	106.5
2003	32.4	38.0	16.5	1.1	5.7	5.9	96.0
2004	41.3	41.5	19.6	1.3	5.5	4.0	110.8
2005	39.8	32.2	13.9	0.9	4.6	5.7	102.1
2006	41.1	45.2	20.4	2.2	7.4	5.9	108.2
2007	37.4	37.3	18.5	1.5	1.7	5.7	107.7
2008	37.8	42.7	18.4	1.4	1.0	7.6	110.9
2009	35.0	41.8	18.7	1.0	1.0	5.9	104.2
2010	29.9	37.5	19.9	0.4	0.8	7.3	94.0

From a comparative perspective, the decrease in the proportion of prisoners sentenced for homicide, theft and rape can also be observed at the European level (see Table 1), but the trends are different for the rest of the offences. In Europe, there was also a decrease in the proportion of those sentenced for robbery and an increase of the ones sentenced for assault and drug offences. In general, in 2014, Slovenia had more prisoners sentenced for robbery than the European average (20.8% in Slovenia against 12.6% in the rest of Europe) and organized crime (6.7% against 1.2%); but less for homicide (9.5% against 13.9%) and assault and battery (3.7% against 8.9%). In 2005, there were fewer differences, because Slovenia already had fewer prisoners sentenced for homicide (11.8% against 14.6%).

6 Discussion

In order to understand the Slovenian trends shown in the Figures and Tables included in this paper, one must take into account three main events that had a clear influence on them and have been mentioned previously. The first was the introduction of a new Criminal Code in 2008 (Kazenski zakonik [KZ-1], 2008), which introduced life imprisonment –a sanction that has not been used during the period of time studied in this paper – and tougher sanctions, mainly in the form of longer imprisonment terms (Flander & Meško, 2013). The second was a major modification of that code and the code of criminal proceedings, which took place in late 2011 and introduced faster criminal procedures and specific dispositions regarding the fight against economic crime (Flander & Meško, 2013). These two factors are the consequence of the changes introduced in the Slovenian criminal and penal policy, which we discussed in the second section of this paper. The third factor was the creation, in 2012, of almost 200 additional places in the Central prison at Dob that increased the total capacity of penal institutions by 17%.

The introduction of the new criminal code in 2008 did not have a visible influence on the prison population rate (Figure 1) nor on the average length of imprisonment (Figure 4), which remained stable until 2010, but it was accompanied by an increase in the rates of entries into prison in 2009 (Figure 3) and the percentage of inmates without a final sentence in 2009 and 2010 (Figure 9). On the other hand, modifications to the criminal law introduced in late 2011 were accompanied by an increase in the prison population rate and the average length of imprisonment, which led to an increase of prison

overcrowding in 2014 (Figure 6). The impact of this legislation can clearly be seen in 2014, while before that it seems to have been masked by the fact that, in comparison to 2012, in 2013 there were 18% more prisoners conditionally release and 24% released at an earlier stage of their prison term (Flander & Meško, 2016). At the same time, the introduction of faster procedures led to a major decrease in the percentage of prisoners without a final sentence. In 2013, the last year for which information is currently available, there was also a decrease in the rate of entries for which it would be premature to propose an explanation. In the future, it will be possible to understand whether the rate of 2013 is an exception or the beginning of a new downward trend.

The strengthening of the legislation on economic crime had a direct influence on the percentage of prisoners serving sentences for economic and financial offences – they represented 6.8% of the prison population in 2014 – as well as organised crime. The latter represented 6.7% of the Slovenian prison population, a percentage that is five times higher than the one observed in the rest of European prisons.

Finally, the prison capacity of Slovenia remained relatively stable from 2005 to 2011 – there was only a non-significant decrease when 22 places were abolished in 2007 in the department of Radovljica (Meško et al., 2011) – which led to an important increase of prison overcrowding (Figure 6). The situation was improved with the opening of new places in 2012 but, as mentioned above, it deteriorated again in 2014. The major increase in the prison capacity should have been accompanied by a proportional increase in the number of prison staff, but that was not the case. Data not presented here show that the number of prison staff increased by 13% from 2005 to 2011 – because the government allowed the engagement of new personnel in 2009 (Meško et al., 2011) coinciding with the period of high overcrowding – but it has been decreasing since then. This is contradictory with the augmentation of the prison capacity in 2012, but can be explained by the fact that the international economic crisis that started in 2008 led to a reduction of the expenses and, in particular, to the adoption of a law in 2013 that does not allow Slovenian Pubic Administrations to increase their expenses. Indeed, from 2011 to 2013, the budget of the Prison Administration was reduced by 25% (Flander & Meško, 2016). Consequently, the workload for the staff has increased. Thus, in 2005, each member of the staff was responsible for 1.5 inmates (ratio of inmates per staff), but by 2014 that ratio had increased to 1.8. That represents an overall increase of 27% of the workload. The distribution of the staff was also modified, in such a way that the percentage of custodial staff among the total staff increased from 57% in 2005 to 62% in 2015, which represents an overall increase of 9%. However, the workload for the custodial staff increased at a faster pace, passing from 2.5 inmates per custodian in 2005 to 2.9 in 2014, which represents an increase of 17% (Aebi & Stadnic, 2007; Aebi et al., 2015b).

7 Conclusion

Between 1995 and 2014, Slovenia increased its prison population rate by 127%. In particular, during the period 2005 and 2014, for which it is possible to make comparisons with the rest of Europe, that rate increased by 30%. Moreover, since 2011, the prison population of Slovenia has been increasing, while in the rest of Europe it is decreasing. Despite this, Slovenia still has one of the lowest prison population rates of Europe. The main reason for that situation is that the average length of imprisonment is lower in Slovenia than in the rest of Europe.

The rate of entries into Slovenian prisons is also relatively low, although the evolution of this indicator, which increased from 2005 to 2013, is quite different that the one observed in Europe, where it has been decreasing since 2011. This is why Slovenia shows an increasing prison population, while in the rest of Europe the prison population rate reached a peak in 2011, and is decreasing since then. As a matter of fact, the average length of imprisonment is influenced both by the stock of inmates and the flow of entries. Hence, at the European level, the downward trends observed in the prison population rate since 2012 (Figure 2) and in the flow of entries since 2010 (see Figure 3) are reflected in the evolution shown by the average length of imprisonment from 2011 to 2013 (see Figure 4). In Slovenia, the evolution is almost the opposite because of the increase in the rate of entries into prison. Therefore, Slovenia is experiencing a relatively high level of prison overcrowding compared to the rest of Europe, but this difference must be interpreted cautiously as this indicator is calculated in different ways across countries[10]. In that context,

[10] Some countries calculate the indicator of overcrowding according to the *design capacity* of the institutions – the number of places for which the institution was designed – and others according to their *operational capacity*, which corresponds to the number of persons that the institutions can effectively hold even if that requires adding extra beds. As a consequence, countries using the second concept usually do not report overcrowding, even if the living conditions in prison can be very bad. Furthermore, some countries calculate the total number of places on the basis of the theoretically available square meters per prisoner, which can vary according to the type of cells available in the institutions. For example, in Slovenia, the law foresees that the effective surface should be 9m² per prisoner in single cells and 7m² per prisoner in multi-occupancy cells; while other countries do not make such a distinction. This means that it is not possible to conduct reliable comparisons across countries without collecting additional

it will be extremely interesting to monitor the evolution of the Slovenian prison population over the next few years, because in 2014 a ruling of the Constitutional court abolished prison sentences for misdemeanours. Theoretically, this should lead to a slight decrease in the number of persons deprived of freedom. Nevertheless, almost immediately after the abolition, there was a change in the law that introduced a substitute prison sentence for misdemeanours and unpaid fines. In this case, the effect should be exactly the opposite, because these sanctions could lead to an increase in the number of inmates.

Regarding the composition of its prison population, in spite of registering an increase in the proportion of female inmates during the period under study, Slovenia shows in 2014 a percentage of these inmates that is comparable to that found in the rest of Europe. On the other hand, the percentage of foreigners in prison is relatively low compared to Western Europe and relatively high compared to Central and Eastern Europe (Aebi et al., 2015b), reflecting probably the geopolitical position of Slovenia. The country also shows a percentage of prisoners without a final sentence that is much lower than the European average.

Another distinct characteristic of the Slovenian prison population is the relatively high percentage of persons sentenced for robbery and organised crime. From that perspective, the decrease in the proportion of prisoners sentenced for homicide and theft matches the one observed in the rest of Europe and, in Western Europe, is related to a general decrease of this kind of offences in Europe since the mid-1990s (Aebi & Linde, 2010; Tonry, 2014; Van Dijk, Van Kesteren, & Smit, 2007). In Slovenia, conviction statistics show that there was also a decrease in homicide, while theft started decreasing only by the end of the 2000s. The decrease in the proportion of prisoners sentenced for assault and rape matches the one observed in the rest of Europe. In that context, the sudden decrease of persons sentenced for rape is difficult to explain. It cannot be attributed solely to the new Slovenian criminal code because the drop started one year before the introduction of it and because the code did not change the definition of the offence, but only increased the minimum and maximum sanctions. Such a drop could also be due to changes in the statistical rules applied to collect the data, but no information is available on that issue. We can only conclude that more research is needed on this topic.

At the same time, the decrease in assault reflects the downward trend in persons sentenced for that offence, which began only in the late 2000s also in continental Western Europe (Aebi et al., 2015a). It must also be mentioned that the huge increase in the number of persons sentenced for drug offences is not reflected in the evolution of the proportion of prisoners sentenced for drug crimes. That was not the case in the rest of Europe, where the constant increase in the number of persons sentenced for drug offences is reflected in the increase of the proportion of persons serving such sentences. Finally, the increase in the number of persons sentenced and prisoners serving sentences for robbery in Slovenia is quite impressive, but it is difficult to compare this offence across Europe because the definitions vary widely and the trends are not homogeneous (Aebi et al., 2015a). These changes in the composition of the prison population – and in the offences for which persons are convicted – reveal a transformation of the profile of crime in Europe. Property offences used to represent the main category of crime for which offenders were sent to prison, but currently most convicted prisoners are serving sentences for drug and violent offences. The missing piece of the puzzle is the emergence of cybercrime, for which no reliable indicators are available. Yet, as observed by Aebi and colleagues (2015a), the current distribution of offenders in prison and conviction statistics challenges the explanations of crime provided by several classic criminological theories, especially those that stressed that crime was about property.

In sum, our findings show that in Slovenia there is a strong correlation between crimes trends according to conviction statistics, and trends in the composition of the prison population. This correlation has also been observed in several Western European countries (Aebi et al., 2015a). In fact, crime trends in Slovenia are quite similar to the ones observed in Western Europe, with the exception of theft and the particularity that the increase in the persons convicted for drug offences was much more important than in Slovenia than in Western Europe. One could say that such evolution reflects somehow the role of Slovenia as the gate between Western and Central Europe. The profile in terms of crime and punishment of Slovenia is indeed much closer to Western Europe than to Central and Eastern Europe, where crime followed a different trend (Aebi & Linde, 2012) and prison population rates are much higher.

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Primerjalna perspektiva trendov zaporne kazni v Sloveniji in Evropi v obdobju 2005–2014

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V prispevku smo analizirali trende izvrševanja zaporne kazni v Sloveniji v obdobju 2005–2014 ter jih primerjali s trendi v Evropi. Podatki so bili pridobljeni iz letnih penalnih statistik *Sveta Evrope – SPACE I*. Ugotovili smo, da se je v obravnavanem obdobju zaporska populacija v Sloveniji povečala za 30 %. Medtem, ko je po letu 2011 slovenska zaporska populacija še vedno naraščala, je le ta v preostalih evropskih državah upadala. Obenem pa Slovenija še vedno beleži eno izmed najnižjih stopenj zaprtih oseb v Evropi. To stanje vidimo kot posledico krajših zapornih kazni v Sloveniji v primerjavi s preostalo Evropo. V prispevku smo analizirali evolucijo strukture zaprtih oseb v slovenskih zaporih, pri čemer smo se osredotočili na spol, nacionalnost in vrsto kaznivega dejanja, za katerega so bile osebe obsojene na zaporno kazen. Nadalje v prispevku obravnavamo vpliv zakonodajnih sprememb, povečanja števila mest v zaporih in trendov kriminalitete na stopnjo zaprtih oseb.

Ključne besede: primerjalna kriminologija, primerjalna penologija, trendi zaporne kazni, zapori, Slovenija

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