



REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS

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Protector of Citizens
Ombudsman



VIKTIMOLOŠKO
DRUŠTVO SRBIJE
Victimology Society of Serbia

NATIONAL PREVENTIVE MECHANISM

MONITORING OF INSTITUTIONS IN WHICH PERSONS
DEPRIVED OF THEIR LIBERTY ARE PLACED

MONITORING OF INSTITUTIONS FOR THE
ENFORCEMENT OF PENAL SANCTIONS

Report on the visit to Penal-Correctional Institution for Women in Požarevac

Monitoring the implementation of the Bangkok Rules

Belgrade, May 2021

1. INTRODUCTION

1.1. MANDATE OF THE NATIONAL PREVENTIVE MECHANISM

The Law on Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹ stipulates that the National Preventive Mechanism (NPM) performs visits to institutions where persons are/ may be deprived of their liberty, in order to deter state authorities and officials from any form of torture or any other form of ill-treatment, as well as for the purpose of directing state bodies towards the creation of accommodation and other living conditions in institutions where persons deprived of their liberty are placed in accordance with applicable regulations and standards.

The NPM has the right: to unhindered, unannounced and daily access to all institutions and all premises in which persons are/ may be deprived of their liberty; to interview those persons in private and with officials, who are bound to cooperate on that occasion, as well as with all other persons who may have information relevant for the treatment of persons deprived of their liberty; to access all documentation relating to those persons; to issue recommendations to the competent authorities in order to improve the treatment of persons deprived of their liberty and to improve the conditions in which they are detained or imprisoned. After the performed visits, the NPM compiles reports and submits them to the visited institutions. After that, the NPM maintains a constant dialogue with the visited institution, as well as with the body which the institution is a part of, in order to eliminate the identified shortcomings that may lead to torture, inhuman or degrading treatment.

Article 2a of the Law stipulates that the Protector of Citizens performs the activities of the NPM and that in performing these activities he cooperates with the ombudsmen of the autonomous provinces and associations whose statute intended goal is the promotion and protection of human rights and freedoms, in accordance with the law.

A special organizational unit, the Department of the National Preventive Mechanism has been formed within the institution of the Protector of Citizens, tasked with expert activities of the NPM.

The Protector of Citizens and the Provincial Ombudsman of AP Vojvodina signed a Memorandum of Cooperation in the performance of NPM activities,² which stipulates that the Provincial Ombudsman will actively participate in the visits of the NPM monitoring team to institutions where persons deprived of their liberty are accommodated, which are located on the territory of AP Vojvodina.

Based on the conducted public call,³ the Protector of Citizens has selected associations to cooperate with in performing the activities of the NPM, as follows: Lawyers' Committee for Human Rights, Victimology Society of Serbia, A11 - Initiative for Economic and Social Rights, Center for Youth Integration, Helsinki Committee for Human Rights in Serbia and the Human Rights Committee Valjevo.

¹ "Official Gazette of Serbia and Montenegro - International Agreements", no. 16/05 and 2/06 and "Official Gazette of the RS - International Agreements", no. 7/11.

² Signed on 12 December 2011.

³ Published on the website of the Protector of Citizens on 4 June 2020.

1.2. BACKGROUND INFORMATION ON THE VISIT

INSTITUTION	Penal-correctional institution for Women in Požarevac
TIME OF VISIT	1 April and 14 May 2021
BASIS OF THE VISIT	Activities of the NPM, in accordance with Article 2a of the Law on Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
AIM OF THE VISIT	Monitoring the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) ⁴
TYPE OF VISIT	Regular visit, according to the Visit Schedule for 2021
VISIT ANNOUNCEMENT	Announced visit
VISIT PERFORMED BY	Protector of Citizens in cooperation with the Victimology Society of Serbia
TEAM COMPOSITION	<p>Team leader: Nataša Tanjević PhD, <i>Deputy Protector of Citizens and Head of the NPM</i></p> <p>Team members: Marko Anojčić, <i>Protector of Citizens/NPM Department</i> Jasmina Nikolić, <i>Victimology Society of Serbia</i> Dr. Snežana Pavlekić, <i>forensic medicine specialist</i></p>

1.3. COOPERATION OF OFFICIALS WITH THE NPM TEAM

The management and all employees of the visited Institution fully cooperated with the NPM and enabled it to fulfil its mandate. The members of the monitoring team were provided with the requested information, a tour of the premises, insight into the requested relevant documentation, as well as unsupervised interviews with persons deprived of their liberty selected by the team members.

1.4. THE COURSE OF THE VISIT

During the first visit, made on 1 April, in an introductory dialogue with the management of the Institution, the members of the team and the goal of the visit were presented. After that, interviews were conducted with the heads of the prison services and the relevant documentation was inspected, unsupervised interviews with several female convicts were held, including a tour of the premises for their stay, including rooms for mothers with children and facilities for work engagement. At the end of the visit, the NPM team leader made preliminary observations about the visit to the management.

The visit on 14 May was carried out in order to collect additional data and documentation relevant to the subject of the Report, as well as to establish a continuous dialogue with the management of the Institution on possible measures for the implementation of the NPM recommendations.

⁴ Adopted at the United Nations General Assembly, on 21 December 2010, A/RES/65/229.

2. IMPLEMENTATION OF THE BANGKOK RULES

On 21 December 2020, the world marked the tenth anniversary of the adoption of the Bangkok Rules. Relying on a number of United Nations resolutions in the field of human rights protection, these rules particularly emphasized the need to establish global standards in the treatment of women prisoners by the competent authorities. At their core, they emphasize the gender and anti-discriminatory aspect, defining the protection of women's rights in certain areas in which no attention has been paid to this at all until now, such as prisons.

The NPM designated this visit to the PCI for women in Požarevac, the only women's prison in the Republic of Serbia, to monitoring the implementation of the Bangkok Rules, in order to determine the extent to which these United Nations standards have been applied in practice. This is also due to the fact that the NPM takes into account the relevant norms of the United Nations when issuing recommendations to the competent authorities in order to improve the treatment and position of persons deprived of their liberty and to prevent torture, cruel, inhuman or degrading treatment or punishment.⁵

Bearing in mind that the Bangkok Rules cover other aspects of the treatment of women who have violated the law, such as the imposition and application of non-custodial measures, the conduct of researches and the raising of public awareness, during the visit, the NPM only monitored the implementation of the rules relating to the treatment of women prisoners in the prison system, i.e. those rules whose implementation, according to the NPM, can be monitored during the visit to an institution where women are serving their prison sentences.

The NPM commends the efforts and activities undertaken by the Administration for the Enforcement of Penal Sanctions and the Institution in order to improve the accommodation conditions of female convicts. A new facility has been built, which fully meets the modern standards of accommodation of persons deprived of their liberty. The facility has a capacity for about 160 people, and on the day of the visit, 81 female convicts were accommodated there, which were classified into semi-open and open wards. The old pavilion is still in use and there were 178 convicts there, classified in a closed ward. The building of this pavilion is an old facility, in poor condition, but the living conditions are more favourable now, since relieving the capacity, which occurred from the beginning of the use of the new pavilion. The first floor of the building is in better shape in terms of material conditions, which enabled the granting of an extended right to more suitable accommodation to female convicts who show especially good behaviour and make progress in the adopted treatment program,⁶ i.e. the possibility of better accommodation within a closed ward serves as motivation for convicts. Further progress involves classification into a semi-open ward and transition to a new pavilion.

⁵ Art. 19 pt. b) the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁶ Art. 129 para. 1 pt. 7 Law on the Enforcement of Penal Sanctions ("Official Gazette of the RS", no. 55/14 and 35/19).



new pavilion of the PCI for women

However, a complete adaptation of the old pavilion is needed. According to the management, the project for the construction of the new facility was made, and at the beginning of next year, 2022, a public procurement procedure is expected. The new facility will have a capacity to accommodate about 250 people, instead of the current 280-300.

In addition, in order to improve the conditions for the employment of female convicts, works were carried out on the working facility and sewing machines and a greenhouse for flowers were procured. Currently, about 70% of female convicts are employed, which is a big improvement compared to the previous period. For example, during a visit of the NPM in 2013, it was found that the employment rate varies between 20 and 50%.⁷ **The NPM commends the measures taken by the Institution to employ women prisoners.**



Working facility of the PCI for women

⁷ Report on the visit to the PCI for women in Požarevac, no. 71-66/13 dated 24 December 2013.

I RULES OF GENERAL APPLICATION

2. Basic principle

Rule 2

1. Adequate attention shall be paid to the admission procedures for women and children, due to their particular vulnerability at this time. Newly arrived women prisoners shall be provided with facilities to contact their relatives; access to legal advice; information about prison rules and regulations, the prison regime and where to seek help when in need in a language that they understand; and, in the case of foreign nationals, access to consular representatives as well.

2. Prior to or on admission, women with caretaking responsibilities for children shall be permitted to make arrangements for those children, including the possibility of a reasonable suspension of detention, taking into account the best interests of the children.

FINDING OF THE NPM:

Upon admission, women prisoners receive the house rules act and an information book on the Institution, which contains the necessary information on the regime and the manner of exercising their rights. The house rules act has been translated into English. They also receive information on free legal aid. Considering the COVID-19 epidemic, upon arrival, they first spend 14 days in mandatory isolation, and then interviews are conducted with them regarding their classification into educational groups. At the moment, the isolation rooms are in a special building in which there used to be an open ward.

It has been observed that persons with a misdemeanour prison sentence spend all their time in isolation, bearing in mind that prison sentences are generally shorter than the period of isolation.

Prior to classification in an educational group, women convicts cannot have contact with their relatives. After classification, the visits take place as follows:

- three hour visits in a special room with a mandatory negative PCR test;
- one hour or two hour visits with masks, obeying the distance and a visor in the reception rooms and canteen, which is used as a visiting hall;
- conversations with lawyers are held in the reception rooms.

Foreign nationals are provided with access to consular representatives.

Women convicts who have children to rear may request a postponement of their sentence if they cannot organize childcare.⁸ In addition, for the same reasons, during the execution of the sentence, the director of the Administration for the Enforcement of Penal Sanctions may approve the termination of the execution. In all these cases, the competent Social Welfare Center is contacted and consulted.

⁸ Law on the Enforcement of Penal Sanctions, Art. 59. para. 1. pts. 2 and 5: Execution of a prison sentence may be postponed: if the convicted woman has reached the sixth month of pregnancy or has a child younger than one – and not older than the third year of the child's life; if, together with the convicted person, their spouse or another member of the joint household has been summoned to serve a sentence or if one of them is already in prison – for a maximum of six months from the day of postponement.

3. Register

Rule 3

1. The number and personal details of the children of a woman being admitted to prison shall be recorded at the time of admission. The records shall include, without prejudicing the rights of the mother, at least the names of the children, their ages and, if not accompanying the mother, their location and custody or guardianship status.

2. All information relating to the children's identity shall be kept confidential, and the use of such information shall always comply with the requirement to take into account the best interests of the children.

FINDING OF THE NPM:

The number and personal data on the children of a woman admitted to the Institution are recorded upon admission and the competent social welfare centre is contacted. Records include all listed information, and all information regarding the identity of children are kept private. The women convicts interviewed by the NPM confirmed that the prison services were aware of their family situation, specifically, that they had the necessary information about their children.

4. Allocation

Rule 4

Women prisoners shall be allocated, to the extent possible, to prisons close to their home or place of social rehabilitation, taking account of their caretaking responsibilities, as well as the individual woman's preference and the availability of appropriate programmes and services.

FINDING OF THE NPM:

Execution of sentences of imprisonment and juvenile imprisonment against women, as well as educational measure of sending to an educational-corrective facility, is carried out in one institution for women and in one educational-corrective facility. In this way, the realization of the principle that prisoners be placed as close as possible to their place of residence is called into question, as this makes their contacts with families and close persons more difficult.

Women in pre-trial detention are placed in pre-trial detention units of the institution for the enforcement of penal sanctions, and their relatively small number in one detention unit results in some of them being practically in solitary confinement, often for a longer period, during the enforcement of the pre-trial detention measure. Thus, what represents a special or disciplinary measure for persons serving a prison sentence, for women detainees is often a way of enforcing the measure of detention.

In its annual reports, the NPM pointed out these problems and recommended that measures be taken to address them.⁹

⁹ NPM Report for 2014, no. 72 - 39/15 dated 10 December 2015; NPM Report for 2015, no. 283-69/16 dated 2 November 2016; NPM Report for 2016, no. 283- 63/17 dated 12 July 2017; NPM Report for 2017, no. 283-40/18 dated 9 May 2018; NPM Report for 2019, no. 417- 69/20 dated 17 July 2020.

5. Personal hygiene

Rule 5

The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating.

FINDING OF THE NPM:

Women prisoners who do not have enough money receive free hygiene packages on request, which, according to the convicts, contain adequate resources for maintaining personal hygiene, in sufficient quantities. In addition, they are provided with means for daily maintenance of personal hygiene and showering. Women prisoners with children also receive diapers (5 a day), baby food and wet wipes.

6. Health-care services

(a) Medical screening on entry

Rule 6

The health screening of women prisoners shall include comprehensive screening to determine primary healthcare needs, and also shall determine:

- (a) The presence of sexually transmitted diseases or blood-borne diseases; and, depending on risk factors, women prisoners may also be offered testing for HIV, with pre- and post-test counselling;
- (b) Mental health-care needs, including post-traumatic stress disorder and risk of suicide and self-harm;
- (c) The reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues;
- (d) The existence of drug dependency;
- (e) Sexual abuse and other forms of violence that may have been suffered prior to admission.

FINDING OF THE NPM:

Inspecting the randomly selected health records, it was established that during the examination at the admission to the Institution, a detailed personal and family anamnesis is taken, as well as data on the existence of acute and chronic diseases, and the relevant hereditary diseases; data on pregnancies and births, data on the last menstruation, as well as data on addiction diseases (smoking, alcoholism, drug addiction). In addition to the anamnestic data, data is also entered indicating that an adequate examination of the entire body had been performed, including the existence of tattoos or traces of injury.

Rule 7

1. If the existence of sexual abuse or other forms of violence before or during detention is diagnosed, the woman prisoner shall be informed of her right to seek recourse from judicial authorities. The woman prisoner should be fully informed of the procedures and steps involved. If the woman prisoner agrees to take legal action, appropriate staff shall be informed and immediately refer the case to the competent authority for investigation. Prison authorities shall help such women to access legal assistance.
2. Whether or not the woman chooses to take legal action, prison authorities shall endeavour to ensure that she has immediate access to specialized psychological support or counselling.

3. Specific measures shall be developed to avoid any form of retaliation against those making such reports or taking legal action.

FINDING OF THE NPM:

During the initial medical assessment, information about previous pregnancies is always taken, as well as about the current state of the menstrual cycle, and if necessary, a quick pregnancy test is performed. If there are externally visible injuries, they are described in detail, and the woman's statement on how she obtained them is taken. If the woman convict has been violently treated, the health service informs its superiors about it. The doctor states that the convicts do not report cases of sexual abuse to her when arriving at the Institution. As this is an extremely sensitive topic, she does not ask such questions directly.

In cases of reporting violence against a woman prisoner on arrival or during her stay in the Institution, whether a fight or excessive use of force by the staff of the Institution occurred, after a detailed examination of the injuries, the management of the Institution must be notified, which then takes further measures. All injuries found on the prisoner's body are recorded in the medical documentation and photographed using a ruler scale, and the photographs are kept in the medical record. Whether the woman convict was violently treated before her arrival at the Institution or at the Institution itself, the seconded police officer shall be notified about it.

The experience of previous victimization is taken into account when making individual rehabilitation plans. During the initial interviews, treatment officers learn about the victimization experience of women. Psychosocial support is provided through individual and group work.¹⁰

Rule 8

The right of women prisoners to medical confidentiality, including specifically the right not to share information and not to undergo screening in relation to their reproductive health history, shall be respected at all times.

FINDING OF THE NPM:

The women prisoners are provided with regular gynaecological and other examinations, as well as HIV tests. These examinations are announced and voluntary. The results of the tests are submitted to the doctor, and he communicates them to the prisoners in a private conversation, during the next examination. If a woman prisoner expresses a desire to share this information with another person, the doctor may give these results to her relatives.

Rule 9

If the woman prisoner is accompanied by a child, that child shall also undergo health screening, preferably by a child health specialist, to determine any treatment and medical needs. Suitable health care, at least equivalent to that in the community, shall be provided.

FINDING OF THE NPM:

The convicts do not come to the Institution with their children. All children residing in the Institution were born while the mother was serving her sentence. Children are regularly examined at the Health Centre in Požarevac by a paediatrician, who, if necessary, prescribes therapy.

¹⁰ See: Rules 41 and 42.

(b) Gender-specific health care

Rule 10

1. Gender-specific health-care services at least equivalent to those available in the community shall be provided to women prisoners.
2. If a woman prisoner requests that she be examined or treated by a woman physician or nurse, a woman physician or nurse shall be made available, to the extent possible, except for situations requiring urgent medical intervention. If a male medical practitioner undertakes the examination contrary to the wishes of the woman prisoner, a woman staff member shall be present during the examination.

FINDING OF THE NPM:

The Institution employs two doctors and four full-time nurses and they are all women. Under an employment contract, a gynaecologist is hired, also a woman, as well as a psychiatrist, a surgeon and a dentist, who are male. So far, there have been no cases of women prisoners complaining about the fact that the doctor is a male, nor have the interviewed convicts complained to the NPM team about it.

There is no Health Care Service within the Institution, but the medical staff is part of the Treatment Service. It was announced that the new systematization of job positions could change this, by forming a Health Care Service and creating opportunities for employment of a larger number of executive employees.

The NPM would like to receive more information from the Administration for the Enforcement of Penal Sanctions on the planned changes in the organization of services of the PCI in Požarevac, especially whether the establishment of the Health Care Service and an increase in the number of executive employees is foreseen.

Rule 11

1. Only medical staff shall be present during medical examinations unless the doctor is of the view that exceptional circumstances exist or the doctor requests a member of the prison staff to be present for security reasons or the woman prisoner specifically requests the presence of a member of staff as indicated in rule 10, paragraph 2, above.
2. If it is necessary for non-medical prison staff to be present during medical examinations, such staff should be women and examinations shall be carried out in a manner that safeguards privacy, dignity and confidentiality.

FINDING OF THE NPM:

During the examination, both the first and all other examinations during the stay of women prisoners in the Institution, it is attended exclusively by medical staff, in most cases only a doctor, while the nurse is in the room next to the doctor's office, in the "dressing station". In her practice so far, the doctor states that she was in a situation to request that non-medical (prison) staff attend the examination only in two cases, in cases of extreme aggression of women prisoners and in cases of acute crises. In both mentioned cases, a female staff member was present at the examination. The female convicts interviewed by the NPM stated that medical examinations were performed exclusively in the presence of medical staff.

(c) Mental health and care

Rule 12

Individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes shall be made available for women prisoners with mental health-care needs in prison or in noncustodial settings.

FINDING OF THE NPM:

The Institution employs a psychiatrist who comes for regular visits twice a month and prescribes and controls all psychiatric therapy. When needed, this doctor comes outside the regular appointments and performs consultations by phone. The institution doctor states that the cooperation with the psychiatrist is extremely good. However, having in mind the large number of women who need psychiatric therapy, it would be desirable for a psychiatric specialist to be permanently employed, i.e. present in the Institution on a daily basis. Considering that **the NPM asked the Administration for the Enforcement of Penal Sanctions for more information on the planned changes in the organization of services of PCI for women in Požarevac, especially whether the establishment of the Health Care Service and increasing the number of employees is envisaged,**¹¹ the NPM indicates that it should be kept in mind that a need exists for a psychiatric specialist to be permanently employed in the Institution. Meanwhile, the NPM believes that a hired psychiatrist should come to visits more than twice a month.

1.

RECOMMENDATION

The PCI for women in Požarevac will take measures to provide a permanently employed psychiatrist in the Institution, and in the meantime, it will take measures to ensure a more frequent presence of a psychiatric specialist in the Institution.

Women prisoners who can be stabilized by a psychiatrist are not referred to specialized institutions. They are involved in regular psychiatric and psychological treatments, and they are also involved in group cognitive-behavioural work. **The NPM here points to the need for the group behavioural program to be conducted regularly.** Treatment officers work individually with women with suicidal ideation. There are 4 psychologists working in the Treatment Service.

Rule 13

Prison staff shall be made aware of times when women may feel particular distress, so as to be sensitive to their situation and ensure that the women are provided appropriate support.

FINDING OF THE NPM:

According to the doctor, she did not notice that women felt uncomfortable in her office, she even cites examples when prisoners approached her with confidential problems, which required special support, both medical and support from the Treatment Service. In all such cases, she personally made every effort to respect the women prisoners' wishes and provide support without violating their confidentiality.

Treatment officers strive to monitor the overall situation of women, including family circumstances, and to meet them in case of need. They are often informed about unforeseen

¹¹ See: Rule 10.

family situations by the head of the shift of the security service, as members of this service are present in the Institution throughout the day. Due to possible family problems, women prisoners also receive leave from the Institution. However, complying with this rule is difficult, given that one educator works with groups of 33 - 50 people. Currently, 4 psychologists, 3 special pedagogues and 1 social worker work in the Treatment Service.

2.

RECOMMENDATION

The Administration for the Enforcement of Penal Sanctions will take measures to employ a larger number of employees in the Treatment Service of the PCI for women in Požarevac.

(d) HIV prevention, treatment, care and support

Rule 14

In developing responses to HIV/AIDS in penal institutions, programmes and services shall be responsive to the specific needs of women, including prevention of mother-to-child transmission. In this context, prison authorities shall encourage and support the development of initiatives on HIV prevention, treatment and care, such as peer-based education.

FINDING OF THE NPM:

In all cases when a pregnant woman is admitted to the institution, she is tested for the presence of sexually transmitted diseases and in accordance with the results, education is conducted, in order to prevent the transmission of the disease from mother to child.

All women prisoners are provided with occasional HIV testing, which is also voluntary. The test reports are received by the doctor, who then informs every prisoner who wishes so, through a private conversation, about the test results. So far, there have been no newly diagnosed HIV-positive cases. Currently, there are two HIV-positive women in the Institution (who knew about the disease before entering the Institution), two who are positive for hepatitis B and 46 who are positive for hepatitis C virus. All persons receive adequate therapy, which is prescribed in cooperation with the Clinic for Infectious and Tropical Diseases.

(e) Substance abuse treatment programmes

Rule 15

Prison health services shall provide or facilitate specialized treatment programmes designed for women substance abusers, taking into account prior victimization, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds.

FINDING OF THE NPM:

There are currently 92 women in the Institution who are addicted to psychoactive substances, of which 11 are on methadone therapy and two on buprenorphine therapy. All women who are on methadone therapy, if motivated, are advised to try to reduce the therapy and are provided with maximum psychological support. Currently, two convicts are in the methadone reduction program.

(f) Suicide and self-harm prevention

Rule 16

Developing and implementing strategies, in consultation with mental health-care and social welfare services, to prevent suicide and self-harm among women prisoners and providing appropriate, gender-specific and specialized support to those at risk shall be part of a comprehensive policy of mental health care in women's prisons.

FINDING OF THE NPM:

In the previous 5 years, there were no suicides, nor clear suicide attempts among the women prisoners. However, a larger number of self-injuries was recorded among female prisoners; out of a total of 16 cases of injuries recorded in the first three months of the current year, 2021, as many as 6 were cases of self-injury. All cases involved shallow cuts. Self-harm most often occurs in cases when a person has family problems. Self-harm is sometimes manipulative. A psychiatrist who comes to regular visits twice a month actively works with all women prisoners who have self-injured themselves. According to the doctor, the psychiatrist is available for telephone consultations at any time, even outside these regular appointments, and she is currently on a volunteer specialization in psychiatry, so she tries to apply all her knowledge and experience in the treatment of these women prisoners.

In addition to receiving psychiatric help, women prisoners are moved to a quieter room where they are spared daily activities, and receive individual support and ventilation. The assessment of the risk of self-harm and suicide is done during the initial assessment and women at a high risk are worked with individually. However, complying with the given rule is hampered by the fact that one treatment officer has to work with a large number of convicted women.¹²

In order to work more efficiently with persons prone to self-harm, a more frequent presence of a psychiatric specialist would be needed.¹³

Members of the Security Service are obliged by an annual plan to go through the Suicide Prevention Program, which aims to raise the level of readiness of employees to notice early signs that can lead to suicide.

(g) Preventive health-care services

Rule 17

Women prisoners shall receive education and information about preventive health-care measures, including on HIV, sexually transmitted diseases and other blood-borne diseases, as well as gender-specific health conditions.

FINDING OF THE NPM:

The Institution has hired, on the basis of a work contract, one doctor who specializes in gynaecology, who comes for regular visits 3 times a month, and if necessary in other time slots (on call). During these visits and regular check-ups, the gynaecologist, but also a general practitioner, inform the women prisoners on a daily basis about the importance of detecting and treating sexually transmitted diseases, as well as about the possibilities of prevention.

¹² See: Rule 13.

¹³ See: Rule 12.

Rule 18

Preventive health-care measures of particular relevance to women, such as Papanicolaou tests and screening for breast and gynaecological cancer, shall be offered to women prisoners on an equal basis with women of the same age in the community.

FINDING OF THE NPM:

In a special room in the Institution, there is a gynaecological office, which is equipped with a standard gynaecological table with all the accompanying equipment, as well as an ultrasound device. In this office, regular gynaecological examinations are performed, as well as ultrasound examinations of the breasts. Systematic examinations, as well as the Papanicolaou test, are performed every 6 months.

7. Safety and security**(a) Searches***Rule 19*

Effective measures shall be taken to ensure that women prisoners' dignity and respect are protected during personal searches, which shall only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures.

FINDING OF THE NPM:

Searches of women prisoners are conducted exclusively by female staff members of the Security Service. According to the allegations of the convicts, detailed searches, which include taking off clothes and shoes, are not frequent and are gradual, i.e. women are not completely naked at any time. During the detailed search, only members of the Service performing the search are present in the room, i.e. there are no other officers or prisoners there.

According to the internal search procedure,¹⁴ a detailed search must be performed upon admission and discharge and always when leaving and returning to the institution (use of benefits, escorts, etc.), before and after each visit, when changing the dormitory, before enforcing measures of isolation (solitary confinement, segregation, etc.) and if the female prisoner opposes a partial search. In other cases, it is done only when it is considered necessary for security reasons. It is envisaged that the searches should be conducted by female officers and that a woman prisoner who is being searched must not be exposed to the views of third parties. Also, clothing items should be removed gradually, searched and then put back on, which ensures that the person being searched is not completely naked at any time and thus her dignity can be protected.

Rule 20

Alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches.

FINDING OF THE NPM:

Regarding the search equipment, the Security Service possesses hand-held metal detectors and a door frame metal detector.

¹⁴ No. 021-7283/2016-03 dated 26 December 2016.

There are no alternative methods of invasive searches, but according to official allegations and allegations of convicted women, detailed searches are not frequent. According to the search procedure, if there is a suspicion that something is hidden in the body cavities, the person is ordered to lean or squat, and any further examinations of the body and the body cavities are done by a medical worker.

Rule 21

Prison staff shall demonstrate competence, professionalism and sensitivity and shall preserve respect and dignity when searching both children in prison with their mother and children visiting prisoners.

FINDING OF THE NPM:

According to official allegations, searches of children are carried out only exceptionally, in those cases when there is a certain security assessment. According to the allegations of the women convicts, the children are searched before visits, in a special room. Some stated that they did not want their children to visit them, because of the prison environment, as well as the obligation to go through admission procedures, which include searches.

According to the internal procedure of visits in a special room,¹⁵ all persons who come to visit and who are to stay in the special room are first searched according to the procedure of passing through the metal detector door, the procedure of searching of personal luggage and packages, and according to the detailed search procedure.

Neither the search procedure nor the procedure for conducting visits in a special room provide for a special search of children, whether children who are in prison or children who come to visit. The search procedure does not take into account at all that there are children in the institution, and in the procedure of realization of visits in a special room, children are treated like all other visitors. The NPM considers that, bearing in mind the need for a more sensitive approach to the search of children, it is useful and necessary for the Institution to regulate the manner in which children are to be searched, in order to ensure competence, professionalism and sensitivity and to ensure respect for their dignity during searches. Detailed searches of children should be conducted only in exceptional cases. The recommendation of the Council of Europe is that any security checks on children shall be carried out in a child-friendly manner that respects children's dignity and right to privacy, as well as their right to physical and psychological integrity and safety. Any intrusive searches on children, including body cavity searches, shall be prohibited.¹⁶

3.

RECOMMENDATION

The PCI for women in Požarevac will regulate searches of children with internal procedures, both those children who are with their mothers in the Institution and children visitors, taking into account international standards.

¹⁵ No. 021-7283/2016-03 dated 26 December 2016.

¹⁶ Recommendation CM / Rec (2018) 5 of the Committee of Ministers to member states concerning children with imprisoned parents, para. 23.

(b) Discipline and punishment

Rule 22

Punishment by close confinement or disciplinary segregation shall not be applied to pregnant women, women with infants and breastfeeding mothers in prison.

FINDING OF THE NPM:

Pregnant women and mothers with children are not sentenced to solitary confinement. According to the data of the General Affairs Service, since 2019 until the day of the visit, disciplinary proceedings were conducted against pregnant women and mothers with children seven times, of which five times a measure prohibiting the receipt of packages was imposed (four times conditionally), a measure of reprimand once and in one case a woman prisoner was released from disciplinary responsibility.

Rule 23

Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children.

FINDING OF THE NPM:

Women prisoners who were in solitary confinement stated that during that time they could not have contact with their family members, through telephone conversations or visits.

According to the internal procedure for the enforcement of the disciplinary measure of solitary confinement,¹⁷ during the execution of this measure, the convict has no right to a visit. The NPM points out that the measure of solitary confinement represents an exclusion of a female convict from joint activities with other convicts, and that there is no special justification for denying visits to the convicts under this measure, during the execution of the measure, as well as for denying them other rights they are legally entitled to, unless their realization does not imply contact with other convicts, which would lose the essence of this disciplinary measure. According to the Standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the general rule that only restrictions necessary for the safe and orderly confinement of the prisoner and the requirements of justice are permitted applies equally to prisoners undergoing solitary confinement. Accordingly, during solitary confinement there should, for example, be no automatic withdrawal of rights to visits, telephone calls and correspondence or of access to resources normally available to prisoners (such as reading materials). Equally, the regime should be flexible enough to permit relaxation of any restriction which is not necessary in individual cases.¹⁸ According to domestic regulations, while serving a disciplinary measure of solitary confinement, the convict has no right to stay in the special room,¹⁹ and stays in the fresh air for at least one hour a day,²⁰ instead of at least two hours a day, as provided in the regular regime.

¹⁷ No. 021-7283/2016-03 dated 14 February 2017.

¹⁸ CPT Standards: Solitary confinement of prisoners, CPT/Inf (2011) 28, para. 55. (d).

¹⁹ Art. 95 of the Law on the Enforcement of Penal Sanctions.

²⁰ Art. 17. of the Rulebook on disciplinary proceedings against convicted persons ("Official Gazette of the RS", no. 79/14), Art. 17. para. 3.

4.

RECOMMENDATION

The PCI for women in Požarevac will enable women convicts to make contact with family members during the execution of the disciplinary measure of solitary confinement.

(c) Instruments of restraint

Rule 24

Instruments of restraint shall never be used on women during labour, during birth and immediately after birth.

FINDING OF THE NPM:

Means of restraint are not used on women in these cases. Prisoners who gave birth during their stay in the Institution confirmed that they were not bound during the medical examinations, during their stay in the maternity ward and upon their return to the Institution.

(d) Information to and complaints by prisoners; inspections

Rule 25

1. Women prisoners who report abuse shall be provided immediate protection, support and counselling, and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality. Protection measures shall take into account specifically the risks of retaliation.

2. Women prisoners who have been subjected to sexual abuse, and especially those who have become pregnant as a result, shall receive appropriate medical advice and counselling and shall be provided with the requisite physical and mental health care, support and legal aid.

3. In order to monitor the conditions of detention and treatment of women prisoners, inspectorates, visiting or monitoring boards or supervisory bodies shall include women members.

FINDING OF THE NPM:

In cases of reporting violence against a female prisoner during their stay in the Institution, whether it is a case of a fight or excessive use of force by the staff of the Institution, after a detailed examination of injuries, the management of the Institution must be notified about it, which then informs the police.²¹

The Institution has a working complaint procedure. Women convicts file complaints to the warden if they believe that their rights have been violated or other irregularities have been committed, to the director of the Administration for the Enforcement of Penal Sanctions if they believe that their rights have been violated by the warden's actions and requests for judicial protection to the judge for the enforcement of penal sanctions of the High Court in Požarevac if they consider that their right to life or physical integrity is seriously endangered.

During 2020, 10 complaints were submitted to the warden or the director of the Administration, of which one complaint was anonymous and one group, i.e. several convicts complained about the conditions of the accommodation. Of the total number of complaints, two related to endangered safety in the Institution. During 2021, 3 complaints were filed, one of which related to the treatment by employees. The allegations from these complaints were

²¹ See: Rule 7.

thoroughly checked and the Institution submitted to the Administration comprehensive reports of all relevant institutional services.

During 2020 and 2021, two appeals to the judge for the enforcement of penal sanctions were recorded, which referred to inhumane treatment and both were assessed as unfounded. It was noticed that in these proceedings, at the request of the Court, the Institution submitted detailed and exhaustive reports of the prison services.

Information was also received from the management of the Institute that regarding an extraordinary event at the end of last year, when one female convict allegedly did not want to leave the dormitory, the warden requested her urgent medical examination and verification of all the circumstances of the event. The internal investigation established that there are circumstances that indicate that violence was used against this convict by a member of the Security Service. Disciplinary proceedings were initiated against this officer and he was suspended from work until the end of the proceedings, and the police and the public prosecutor's office were notified about it, to which complete documentation on the event was submitted. **The NPM commends the proactive approach of the Institution's management to this event, especially as the convict did not complain about the treatment towards her. This approach sends a clear message that there is zero tolerance for abuse, that such conduct is impermissible and subject to appropriate sanctions.**

The Institution is visited by supervisory bodies. The judge for the enforcement of penal sanctions, who is a man, is informed by regularly visiting the Institution about the respect of the rights of female convicts. Also, the Inspection Department of the Administration performs regular and control supervision over the legality and the professionalism of work in the Institution, and the inspection team includes both men and women.

8. Contact with the outside world

Rule 26

Women prisoners' contact with their families, including their children, and their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.

FINDING OF THE NPM:

The application of this rule has been hampered by the outbreak of an infectious disease epidemic. An issue that has also been present before is that, since it is the only institution for women, there is a problem of distancing from the family. Several convicts complained to the NPM team that family members could not visit them due to the distance and higher transportation costs.

From the beginning of the epidemic, women who have underage children can use the possibility of video calls, regardless of whether the children are in primary families or in foster care. This has somewhat mitigated the consequences of limiting contact with children. Video calls can be made twice a month for 15 minutes and some of the staff are present during the call, so they do not have complete privacy. **The NPM commends the measures taken by the Institution to create conditions for women convicts to continue to maintain contact with children, in particular the introduction of alternative means of communication, such as communication via the Internet.** Such treatment is in line with the CPT's Statement of principles relating to the treatment of persons deprived of their liberty in the context of the

coronavirus disease (Covid-19) pandemic,²² as well as with the NPM's recommendation that the necessary measures should be taken to ensure that persons deprived of their liberty, in the event of a ban or restriction of visits due to an epidemic or other extraordinary circumstances, may maintain contact with family members and other close persons.²³

At the same time, after the ban that was in force for a while due to preventing the spread of the infectious disease, regular visits are possible again, twice a month for 1 hour, with masks, obeying the distance and with a visor in the reception rooms.

Rule 27

Where conjugal visits are allowed, women prisoners shall be able to exercise this right on an equal basis with men.

FINDING OF THE NPM:

The right to stay in a special room is currently determined by an obligatory negative PCR test, which is too expensive for many women, and which was confirmed by the interviewed women convicts. This right is used in regular circumstances, the convicts are visited by spouses, and a large number of them by extramarital partners, i.e. partners who, with two witnesses, prove their extramarital status with a notary public.

Rule 28

Visits involving children shall take place in an environment that is conducive to a positive visiting experience, including with regard to staff attitudes, and shall allow open contact between mother and child. Visits involving extended contact with children should be encouraged, where possible.

FINDING OF THE NPM:

Special rooms where 3-hour visits take place, which are arranged as a neutral family space, are currently very rarely used for visits with children, because it is necessary to do a test for children as well, which significantly increases costs. Visits with children now take place mainly as part of regular visits, in which privacy is not provided. This is somewhat suitable for women with adult children. Also, as stated, contacts with minor children are enabled via video calls.

The internal procedure of realization of visits to convicted persons in a special room²⁴ envisages that after the visit, the women convicts are first taken out of the room, and then the visitors. The Council of Europe recommends that, as far as possible, children shall be authorised to leave the visiting area prior to the imprisoned parent, as this can be traumatic for some children.²⁵ Namely, the end of the visit may be particularly difficult for children and parents and seeing their parent leave in response to prison officers' orders can exacerbate this. For this reason, it is recommended that the visitors should be invited to leave the visiting area first.²⁶

²² CPT/Inf (2020) 13.

²³ NPM thematic report: Application of the CPT's principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (Covid-19) pandemic, no. 411-24/20 dated 15 May 2020.

²⁴ No. 021-7283/16-3 dated 26 December 2016.

²⁵ Recommendation of the Committee of Ministers to member States concerning children with imprisoned parents, para. 24.

²⁶ Explanatory Memorandum to Recommendation concerning children with imprisoned parents.

5.

RECOMMENDATION

The PCI for women in Požarevac will allow children visitors to leave the visiting area before the female convict they visited.

9. Institutional personnel and training*Rule 29*

Capacity-building for staff employed in women's prisons shall enable them to address the special social reintegration requirements of women prisoners and manage safe and rehabilitative facilities. Capacity-building measures for women staff shall also include access to senior positions with key responsibility for the development of policies and strategies relating to the treatment and care of women prisoners.

Rule 30

There shall be a clear and sustained commitment at the managerial level in prison administrations to prevent and address gender-based discrimination against women staff.

FINDING OF THE NPM:

There is no gender discrimination against female staff. The deputy manager is a woman, who was also the manager for a long time, and in the Institution, the heads of the Treatment Service and the General Affairs Service are women. The heads of all narrow organizational units – the head of the Department of Legal and Administrative Affairs, the head of the Training and Employment Group, the head of the Personality Examination Group and the head of the Treatment Implementation Group, are also women. There are 7 women and 1 man employed in the Treatment Service.

The Security Service has 36 members, of which 20 are women. Of the higher ranks in the Security Service, 1 commander is a man, and of the 2 supervisors, one is a man and one is a woman. Internal prison procedures stipulate that women members of the Security Service should be engaged in all tasks that involve direct contact with female convicts. For example, in the closed ward, only female members of the Service should work, escorts should be performed by female members, while men members of the Service can drive official vehicles and should be in charge of the external security of the Institution and the reception of visitors. Out of 5 shift leaders, 3 are women, and the men, if they perform any activities in the pavilions, are forbidden to enter the dormitories without women members of the Service. Men, for example, are hired to help with counting of prisoners.

Rule 31

Clear policies and regulations on the conduct of prison staff aimed at providing maximum protection for women prisoners from any gender-based physical or verbal violence, abuse and sexual harassment shall be developed and implemented.

Rule 32

Women prison staff shall receive equal access to training as male staff, and all staff involved in the management of women's prisons shall receive training on gender sensitivity and prohibition of discrimination and sexual harassment.

Rule 33

1. All staff assigned to work with women prisoners shall receive training relating to the gender-specific needs and human rights of women prisoners.

2. Basic training shall be provided for prison staff working in women's prisons on the main issues relating to women's health, in addition to first aid and basic medicine.
3. Where children are allowed to stay with their mothers in prison, awareness-raising on child development and basic training on the health care of children shall also be provided to prison staff, in order for them to respond appropriately in times of need and emergencies.

FINDING OF THE NPM:

The NPM determined that employees are involved in continuous trainings, which include specific topics for dealing with certain categories of persons. Female members of the prison staff have the same access to trainings as male members of the staff.

Female employees of the Treatment Service attended an accredited program of professional training – training for social service providers that work with victims of gender-based violence, organized by the Victimology Society of Serbia. Also, all educators attended the first level course of transactional analysis, on their own initiative.

The medical staff attended a training for testing persons deprived of their liberty with rapid antigen tests for the detection of Covid-19, and employees of the General Affairs Service attended a training on the application of measures to prevent the spread of the epidemic of the infectious disease Covid-19.

The Security Service has been trained in the use of the Unified Information System of the Administration – the SAPA program.

One female employee attended a seminar on torture prevention – Istanbul Protocol, and one attended a training on rational emotional behavioural therapy.

Employees also attended the training Stress and Burnout Syndrome – Techniques for Overcoming, organized by the Organization for Security and Co-operation in Europe (OSCE).

Two employees attended the SOS hotline training to help victims of violence, organized by the Autonomous Women's Centre.

All employees participated in the project of strengthening the protection of human rights of persons deprived of their liberty (Program for perpetrators of domestic violence, Program for perpetrators of violent crimes, Specialized program for group work with persons with alcohol and drug addiction).

All of them passed the program for work in a special department for serving a prison sentence for organized crime.

Rule 34

Capacity-building programmes on HIV shall be included as part of the regular training curricula of prison staff. In addition to HIV/AIDS prevention, treatment, care and support, issues such as gender and human rights, with a particular focus on their link to HIV, stigma and discrimination, shall also be part of the curriculum.

FINDING OF THE NPM:

Employees attended a webinar organized by the United Nations Office on Drugs and Crime – an expert meeting on monitoring epidemiological trends and the prevention of HIV transmission in prisons.

Rule 35

Prison staff shall be trained to detect mental health-care needs and risk of self-harm and suicide among women prisoners and to offer assistance by providing support and referring such cases to specialists.

FINDING OF THE NPM:

As previously stated, members of the Security Service are required by an annual plan to go through the Suicide Prevention Program, which aims to raise the level of readiness of employees to notice early signs that can lead to suicide. Treatment officers work individually with women with suicidal ideation. There are 4 psychologists working in the Treatment Service.

10. Juvenile female prisoners*Rule 36*

Prison authorities shall put in place measures to meet the protection needs of juvenile female prisoners.

Rule 37

Juvenile female prisoners shall have equal access to education and vocational training that are available to juvenile male prisoners.

Rule 38

Juvenile female prisoners shall have access to age- and gender-specific programmes and services, such as counselling for sexual abuse or violence. They shall receive education on women's health care and have regular access to gynaecologists, similar to adult female prisoners.

Rule 39

Pregnant juvenile female prisoners shall receive support and medical care equivalent to that provided for adult female prisoners. Their health shall be monitored by a medical specialist, taking account of the fact that they may be at greater risk of health complications during pregnancy due to their age.

FINDING OF THE NPM:

Juvenile female convicts have not been in the Institution for almost 10 years, so these issues were not considered during this NPM visit.

II. RULES APPLICABLE TO SPECIAL CATEGORIES

A. PRISONERS UNDER SENTENCE

1. Classification and individualization

Rule 40

Prison administrators shall develop and implement classification methods addressing the gender-specific needs and circumstances of women prisoners to ensure appropriate and individualized planning and implementation towards those prisoners' early rehabilitation, treatment and reintegration into society.

FINDING OF THE NPM:

Individual rehabilitation plans are made for each female convict, as well as classification suggestions, while the gender specifics, the family conditions, etc. are always taken into account.

From the Decisions on the treatment program, the Proposal of the treatment program of the expert team and the Opinion of the treatment officer on the treatment program, it can be seen that gender specifics and family conditions are taken into account when determining individual rehabilitation goals. During the assessment related to the definition of individual goals and proposals for classification, the assessment of family and social circumstances that may or may not contribute to the commission of a criminal offense, such as housing conditions, education, attitude towards work, psychological factors, family-marital relations, disposal of money and income, alcohol abuse, behaviour towards others, the way of thinking, are taken into account. Also, the previous experiences of self-harm or suicidal intentions are taken into account. The capacity to change is assessed, as well as the motivation to change the criminal behaviour. Regarding the needs assessment, the need to improve social skills and communication skills is assessed; as well as the need for professional training and education; psychological, psychiatric and medical assistance; need for social assistance; treatment of addiction diseases; the need for special measures of protection against all types of psychological, physical and sexual endangerment; and the need to provide legal assistance in connection with the execution of a sentence.

Rule 41

The gender-sensitive risk assessment and classification of prisoners shall:

- (a) Take into account the generally lower risk posed by women prisoners to others, as well as the particularly harmful effects that high-security measures and increased levels of isolation can have on women prisoners;
- (b) Enable essential information about women's backgrounds, such as violence they may have experienced, history of mental disability and substance abuse, as well as parental and other caretaking responsibilities, to be taken into account in the allocation and sentence planning process;
- (c) Ensure that women's sentence plans include rehabilitative programmes and services that match their gender-specific needs;
- (d) Ensure that those with mental health-care needs are housed in accommodation which is not restrictive, and at the lowest possible security level, and receive appropriate treatment, rather than being placed in higher security level facilities solely due to their mental health problems.

FINDING OF THE NPM:

During the reception, an interview is conducted with the women prisoners and individual rehabilitation plans are made, which are based on the assumptions under this rule.

The experience of previous victimization is taken into account when making individual rehabilitation plans. According to the head of the Treatment Service, their role is to gain the trust of convicts during the initial interviews and gain knowledge related to the experience of victimization, which benefits them in forming educational groups and determining the rights of convicts, and is related to the prevention of possible future victims. Some internal research shows that a large percentage of convicts have been victims of some form of gender based violence at some point. Based on insight into relevant documentation of the Treatment Service, it was determined that this rule is respected.

There are programs for convicts that are gender specific, but also those that do not include a gender dimension. It has been noticed that job training programs are mainly for typically female occupations (tailoring course, for gardeners, pedicure and manicure). The computer course represents progress and a way out of gender stereotypes related to women's occupations.

It is taken into account that all women with mental problems that can be kept under control go to regular treatments, just like other convicts. According to the Analysis of the effects of the implementation of the Strategy for the development of the system for the enforcement of penal sanctions, based on measures prescribed by the Strategy in the field of treatment and expansion of the number of activities for convicts, the project "Strengthening the capacity for training, education and employment of convicts" was implemented, which is funded by the European Union - IPA Fund 2013. The analysis showed that within this project, manuals for the implementation of new treatment programs were developed and 62 trainers were trained to implement treatment programs for convicts and vulnerable categories of convicts, including persons with mental disabilities, and for the purpose of their successful reintegration.²⁷

The NPM would like to receive more information from the Administration for the Enforcement of Penal Sanctions on the development of a specialized treatment program for convicts with mental disabilities, especially regarding in which institutions for the enforcement of penal sanctions this program is currently applied and when its implementation will begin in all institutions.

2. Prison regime

Rule 42

1. Women prisoners shall have access to a balanced and comprehensive programme of activities which take account of gender-appropriate needs.
2. The regime of the prison shall be flexible enough to respond to the needs of pregnant women, nursing mothers and women with children. Childcare facilities or arrangements shall be provided in prisons in order to enable women prisoners to participate in prison activities.

²⁷ Ministry of Justice - Administration for the Enforcement of Penal Sanctions: "Ex post analysis of the effects of the implementation of the Strategy for the development of the system for the enforcement of penal sanctions until 2020", Belgrade 2020, available at: <https://www.mpravde.gov.rs/tekst/33173/strategija-razvoja-sistema-izvršenja-krivicnih-sankcija-u-republici-srbiji-za-period-2021-2027-godina.php>.

3. Particular efforts shall be made to provide appropriate programmes for pregnant women, nursing mothers and women with children in prison.
4. Particular efforts shall be made to provide appropriate services for women prisoners who have psychosocial support needs, especially those who have been subjected to physical, mental or sexual abuse.

FINDING OF THE NPM:

The following is available to female convicts:

- Elementary school – currently suspended due to the pandemic;
- Courses: sewing, hairdressing, manicure, pedicure, computers, English, flower growing;
- Optional activities: art section, embroidery, sports activities, aerobics, pilates balls. An aerobics room is currently being prepared in a new, open area, and a stepper and a table for table tennis are being purchased.



greenhouses on the economy of the PCI for women

A literacy program was organized within the primary school, and about 50 female convicts completed it annually.

Pregnant women and women with children have a separate, well-arranged space. They are immediately free from work obligations, but can attend free activities. They have help with children, but are not employed even after the birth of children. There are no special treatment programs for pregnant women and women with children, except for individual counselling in case of need.

The regime of convicts' activities should be flexible enough to meet the needs of pregnant women, nursing mothers and convicts with children. Conditions should be provided for the care of children that would enable convicts to participate in work and other activities. This will also reduce the negative consequences of later separation from the child. According to CPT standards, facilitating child-minding by family members outside the establishment can also help to ensure that the burden of child-rearing is shared (for example, by the child's father). Where this is not possible, consideration should be given to providing access to creche-type facilities. Such arrangements can enable women prisoners to participate in work

and other activities inside the prison to a greater extent than might otherwise be possible.²⁸ The equivalent of a nursery or kindergarten should also be provided, together with the support of staff specialised in post-natal care and paediatric nursing.²⁹

This would mean that the treatment program is adjusted to the needs of pregnant women, nursing mothers and convicts with children, as well as that after the expiration of maternity leave and leave for child care, in accordance with general labour regulations,³⁰ convicts are allowed to continue working. On the other hand, the Institution should have sufficient professional staff and other necessary conditions for the care of children in the absence of immediate maternal care or to enable the child to spend that time in an appropriate children's institution that exists in the local environment, outside the Institution.

6.

RECOMMENDATION

The PCI for women in Požarevac will enable pregnant women, nursing mothers and convicts with children to participate in work and other activities that are tailored to their needs and abilities, and will provide conditions for child care in the absence of immediate maternal care.

Psychosocial support is provided through individual work, but also through group work. Insight into the programs approved by the Department for Education, showed that there are no specific programs for victims, but that they deal with those topics within the cognitive-behavioural program. This program is implemented sporadically. The problem is that this cognitive-behavioural program is conducted by treatment officers who are included in the classification of convicts in educational groups. **Women convicts are not ready to open up completely, bearing in mind that they are afraid that this may affect their classification, so it is recommended that these programs be run by persons who do not work on their classification.** This definitely requires hiring additional staff in the Treatment Service.³¹ From time to time, certain associations conduct programs that deal with the topic of gender-based violence, but they are not implemented regularly either. This rule is partially fulfilled.

Social relations and aftercare

Rule 43

Prison authorities shall encourage and, where possible, also facilitate visits to women prisoners as an important prerequisite to ensuring their mental well-being and social reintegration.

FINDING OF THE NPM:

The implementation of this rule in a pandemic situation is difficult. According to the head of the Treatment Service, they always work with convicts to encourage contacts with their families. In several treatment programs into which the NPM has gained insight, maintaining contacts with family members is set as an individual goal and the realization of this goal is monitored through the evaluation of the implementation of the treatment program.

²⁸ CPT Standards: Women deprived of their liberty, CPT/Inf (2000) 13, para. 29.

²⁹ CPT Factsheet: Women in prison, CPT/Inf (2018) 5.

³⁰ Employment Act ("Official Gazette of the RS", no. 24/05, 61/05, 54/09, 32/13, 75/14, 13/17 - CC decision, 113/17 and 95/18 - authentic interpretation), Art. 94. and 94a.

³¹ See: Rule 13.

Regarding the visits, the modalities of the visits were mentioned earlier.

Rule 44

In view of women prisoners' disproportionate experience of domestic violence, they shall be properly consulted as to who, including which family members, is allowed to visit them.

FINDING OF THE NPM:

According to the head of the Treatment Service, this issue is discussed at the initial interview and they did not have any bad experiences. The convicts provide information on family members who will visit them during their stay in the Institution.

Rule 45

Prison authorities shall utilize options such as home leave, open prisons, halfway houses and community-based programmes and services to the maximum possible extent for women prisoners, to ease their transition from prison to liberty, to reduce stigma and to re-establish their contact with their families at the earliest possible stage.

FINDING OF THE NPM:

Since the beginning of the infectious disease epidemic, all outings have been banned. One of the female convicts with whom the interview was conducted will soon leave the prison, she last went out to the city in February 2020, and saw her family in the middle of 2019. She planned to use her vacation in March 2020, but she could not because of the epidemic. She has not seen her husband since she came to prison because he has become seriously ill in the meantime.

The order of the head of the Administration for the Enforcement of Penal Sanctions from May 2021 lifted the ban on the use of out-of-prison benefits for persons serving prison sentences who have been vaccinated against the coronavirus and for persons who have already contracted this virus, while meeting certain criteria.³² The management estimates that this decision will promote wider vaccination among women prisoners.

Rule 46

Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations, shall design and implement comprehensive pre- and post-release reintegration programmes which take into account the gender-specific needs of women.

FINDING OF THE NPM:

In cases when the Institution assesses that there is a need for post-penal admission, a Program of preparation for post-penal admission is made in cooperation and with the signature of the convict. The program contains a needs assessment for: Providing assistance in finding accommodation and food; Providing assistance in exercising the right to health care; By giving advice in order to reconcile family relations; Providing support and assistance in finding employment and professional development; Establishing cooperation with the competent social welfare centre; Providing support and assistance in refraining from the use of narcotics and alcohol; Other forms of help and need. The program is sent to the competent probation office. Sometimes it happens that the convicts give up and find another solution and refuse the help of the Probation Service, and sometimes the Probation Service themselves do not respond sufficiently to the needs of former convicts.

³² Order no. 7-00-4/21-02/32 dated 11 May 2021.

There are also attempts by some associations to provide post-penal support and assistance, but there is no systemic solution. For people who need specific preparation, accommodation or similar, preparations begin before leaving and they are generally contacted by the competent social welfare centres.

Rule 47

Additional support following release shall be provided to released women prisoners who need psychological, medical, legal and practical help to ensure their successful social reintegration, in cooperation with services in the community.

FINDING OF THE NPM:

The Institution mainly relies on and refers women prisoners to the competent social welfare centres, according to their place of residence.

3. Pregnant women, breastfeeding mothers and mothers with children in prison

Rule 48

1. Pregnant or breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by a qualified health practitioner. Adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers.

2. Women prisoners shall not be discouraged from breastfeeding their children, unless there are specific health reasons to do so.

3. The medical and nutritional needs of women prisoners who have recently given birth, but whose babies are not with them in prison, shall be included in treatment programmes.

FINDING OF THE NPM:

There were no pregnant women in the Institution at the time of the visit. There were three mothers with children in the special department "Maternity Ward". According to the doctor, during the last year, there were 9 mothers with babies in this ward. All mothers breastfed their children, up to about 1.5 years of age. Babies were on a complete artificial diet only exceptionally, for medical reasons, e.g. if the mother is positive for the hepatitis C virus. Breastfeeding mothers are provided with an enhanced diet, a mandatory dairy meal, as well as additional fruit meals.

Rule 49

Decisions to allow children to stay with their mothers in prison shall be based on the best interests of the children. Children in prison with their mothers shall never be treated as prisoners.

FINDING OF THE NPM:

This rule is followed. There is only one case when the child was separated from the mother. In that case, there were clear signs of child neglect. Criminal proceedings were initiated for the criminal offense of domestic violence and the child was handed over to the competent social welfare centre, which found a foster family for the child.

Rule 50

Women prisoners whose children are in prison with them shall be provided with the maximum possible opportunities to spend time with their children.

FINDING OF THE NPM:

This rule is fully respected. Mothers are with their children all the time and with the help of professional staff.

Rule 51

1. Children living with their mothers in prison shall be provided with ongoing health-care services and their development shall be monitored by specialists, in collaboration with community health services.
2. The environment provided for such children's upbringing shall be as close as possible to that of a child outside prison.

FINDING OF THE NPM:

Currently, there are three children in the Institution with their mothers, aged 4, 8.5 and 15 months. All children are regularly examined at the baby counselling centre within the Health Centre in Požarevac, regular periodic examinations are conducted, as well as mandatory vaccination. In cooperation with the paediatrician of the Health Centre, fruit is first introduced into the diet, and later other additional nutrition. All food for children (fruit puree, etc.) is prepared in the Institution itself.

The space for mothers with children is nicely equipped and reminds of a natural environment for a child.



dormitory for mothers with children

Rule 52

1. Decisions as to when a child is to be separated from its mother shall be based on individual assessments and the best interests of the child within the scope of relevant national laws.
2. The removal of the child from prison shall be undertaken with sensitivity, only when alternative care arrangements for the child have been identified and, in the case of foreign-national prisoners, in consultation with consular officials.
3. After children are separated from their mothers and placed with family or relatives or in other alternative care, women prisoners shall be given the maximum possible opportunity

and facilities to meet with their children, when it is in the best interests of the children and when public safety is not compromised.

FINDING OF THE NPM:

Regarding this issue, the legal procedure is respected, according to which a convicted woman who has a child can keep the child until the child reaches the second year of life, after which the child's parents should mutually decide to whom the child will be entrusted outside the Institution. If they do not agree or their agreement is to the detriment of the child, the court decides on the entrustment of the child.³³ Since these are small children, it is more about preparing the mother for separation, as well as preparing to move the child to a primary or foster family. It can be concluded that this rule is respected.

Visits of the children take place according to the modalities listed, which are more difficult to organize in a pandemic situation. Special meetings with children in foster families are not easy to organize, due to the distance, the inclusion of social welfare centres, financial and other problems.

4. Foreign nationals

Rule 53

1. Where relevant bilateral or multilateral agreements are in place, the transfer of non-resident foreign national women prisoners to their home country, especially if they have children in their home country, shall be considered as early as possible during their imprisonment, following the application or informed consent of the woman concerned.

2. Where a child living with a non-resident foreign-national woman prisoner is to be removed from prison, consideration should be given to relocation of the child to its home country, taking into account the best interests of the child and in consultation with the mother.

FINDING OF THE NPM:

On the day of the visit, there were 5 foreign citizens in the Institution (Ivory Coast, Slovakia, Romania, Croatia and Montenegro). They are aware of the possibility to apply for a transfer to the country of origin. Some of them have submitted such a request, which is considered according to the established procedure. In the previous period, there was one transfer to the Republic of Croatia and one to the French Republic. The convict who was transferred to Croatia submitted her request in January 2020, and the transfer took place in March 2021.

The Ministry of Foreign Affairs is informed about the entry of foreign citizens into the Institution, in order to forward the information to the diplomatic and consular missions. Embassy representatives visit women prisoners. They, as well as other prisoners, were allowed to be in contact with the children through video calls.

5. Minorities and indigenous peoples

Rule 54

Prison authorities shall recognize that women prisoners from different religious and cultural backgrounds have distinctive needs and may face multiple forms of discrimination in their access to gender- and culture-relevant programmes and services. Accordingly, prison authorities shall provide comprehensive programmes and services that address these needs, in consultation with women prisoners themselves and the relevant groups.

³³ Law on the Enforcement of Penal Sanctions, Art. 119.

Rule 55

Pre- and post-release services shall be reviewed to ensure that they are appropriate and accessible to indigenous women prisoners and to women prisoners from ethnic and racial groups, in consultation with the relevant groups.

FINDING OF THE NPM:

There are currently five foreign nationals, who have no special requirements regarding religious and cultural customs and needs. Clergy are not currently coming due to the pandemic, and convicts can fast, the menu is adjusted to their religious beliefs if necessary, as well as to practice religious customs in other ways.

Several Roma women interviewed by the NPM team stated that they did not feel the discriminatory behaviour of the prison services towards them, that they were placed together with other non-Roma convicts and that they were treated in the same way as others. Institutional rules are clear to them and they have equal access to services and support systems, including the post-penal assistance system.

B. PRISONERS UNDER ARREST OR AWAITING TRIAL*Rule 56*

The particular risk of abuse that women face in pre-trial detention shall be recognized by relevant authorities, which shall adopt appropriate measures in policies and practice to guarantee such women's safety at this time.

FINDING OF THE NPM:

There are no pre-trial detainees in the PCI for women in Požarevac. As mentioned earlier, women on the execution of the pre-trial detention are placed in the pre-trial detention units of the institution for the enforcement of penal sanctions, according to the place where the court that ordered custody is located,³⁴ and women who have been in pre-trial detention by order of the High Court in Požarevac are placed in the Pre-trial Detention Department of the PCI in Požarevac – Zabela.

When visiting pre-trial detention wards, the NPM pays special attention to the treatment of women detainees. They are housed separately from the men and treated by female security officers. Although there are systemic shortcomings in terms of activities available to pre-trial detainees, in some facilities visited by the NPM it was noted that additional efforts were made to offer women detainees meaningful activities during the day. Also, women detainees are provided with psychological support and assistance by the treatment services of the institution in which they are held.

³⁴ See: Rule 4.