

Treatment programmes for female prisoners in Serbia*

Despite the debate between the supporters and the opponents of treatment as a method for recidivism suppression and regardless of partial abandonment of rehabilitation ideal, prisoners' treatment is still implemented in penitentiary systems across the world. The success of treatment does not depend only on its characteristics, but also on other factors (interpersonal relations, organisation, material conditions etc.) that are referred to as prison social climate. Having in mind the specific needs of female prisoners and their particularly vulnerable position caused by reasons such as previous victimisation, motherhood, poverty, stigmatization and discrimination on various grounds, lack of education, unemployment etc., the authors of this paper focus on, explaining and finding ways to overcome the difficulties that female prisoners and prison staff working with them are facing throughout the implementation of treatment programmes. After defining "treatment" and other related terms, the authors analyse current normative framework of the Republic of Serbia regulating this issue and, subsequently, highlight key factors causing particular vulnerability and specific position of female prisoners that should be taken into consideration when discussing normative and practical aspects of their treatment. Finally, on the basis of semi-structured interviews with prison staff from Correctional Institution for Women in Požarevac, the authors provide a profound insight into treatment programmes that are implemented in Correctional Institution for Women in Požarevac, Serbia, highlight key challenges that emerge therein, and suggest ways to overcome them in future.

Keywords: prisons, female prisoners, prison social climate, treatment, rehabilitation

Introduction – the definition and purpose of prisoners' treatment

The treatment of female perpetrators of criminal offenses has been an extremely neglected area throughout history, just like the criminality of women in general¹. Treatment programmes for female prisoners are rather limited in number, and the existing ones were originally derived from, and developed on the grounds of programmes created for male offenders and/or often based on stereotypical assumptions about female offenders. However, women's crime has its own peculiarities. When women enter prison as convicted for

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¹The prejudice that "prostitution is for women what crime is for men" seems to be present even nowadays (Ignjatović, 2021: 86), so the fact that female prisoners, and their specific needs and rights are not in the focus of interest even in the textbooks in the area of penology and execution of criminal sanctions is not surprising (See: Ignjatović, 2018).

offences with elements of (severe) violence, these acts are usually related to family/intimate sphere, and the violent acts are often “reactive” in the terms of the reaction to previous abuse (Nikolić-Ristanović, 2000; Jovanović, 2010: 42-46; Simeunović-Patić, Jovanović, 2013: 127-133; Simeunović-Patić, Jovanović, 2017: 38-39). Abuse, poverty and addiction seem to be the most common factors of women’s crime, and, therefore, it is not surprising that female prisoners often have (significantly more frequently than male counterparts) psychological and psychiatric disorders (Bloom, 1999, Teplin et al., Byrne and Howells, 2000 according to: Šućur, Žakman-Ban, 2005: 1056).

Due to the low representation in the world of crime in general, which is sovereignly ruled by younger men, female offenders (as well as the elderly ones) and their treatment in prisons have recently become objects of interest, given the noticeable trends in the growing number of these categories of perpetrators in prisons and their specific features, as well as the requirements and suggestions of the international legal documents and institutions (Jovanović, Đorđić, 2023: 245; Protić, 2023: 3). Similar can be concluded in the cases of women involved with organised crime² – for example, it has been confirmed that women often assist in organised crime, particularly through family and romantic ties, which does not diminish the importance of their role (OSCE, 2023). Having in mind the fact that women play different roles in criminal activities than men, as well as the differences that exist between the types of crimes committed by men, on the one hand, and women, on the other, it becomes obvious that these differences should be taken into consideration in the design of prison treatment programmes in order to provide the most efficient recidivism prevention mechanism.

Several terms refer to the activities that are conducted in order to deter the convicted persons from reoffending and accomplish the purpose of prison sentence, including: treatment, resocialization, re-education, improvement, rehabilitation, reintegration etc. (Stevanović, 2014: 13; Igrački, 2020: 83). The term “treatment” can be observed from the broader and from the narrow perspective. In the broader sense, treatment comprises: 1) the treatment of the accused throughout the criminal procedure, 2) the treatment of convicted persons during the enforcement of punishment and 3) post-penal treatment (Stevanović, 2014: 9-10). However, in the majority of papers from the area of penology, treatment is commonly defined in the narrow sense: as an assembly of various activities and measures that are applied throughout the process of prison sentence enforcement, with the aim to deter the convicted persons from reoffending (see: Stevanović, 2014: 10, compare with: Nikolić, 2009: 183).

For the purpose of this paper, treatment is defined in the narrow sense and in accordance with the relevant legislative framework of the Republic of Serbia. Paragraph 2 of Bylaw on treatment, programme, classification and subsequent classification of convicted persons³ (hereinafter: BTPCSC) treatment of a convicted person is defined as “*the application of all prearranged activities – planned methods, techniques and procedures that facilitate the*

² For further information about organized crime, see, for example: Batričević, Jovašević (2013)

³ Bylaw on treatment, program, classification and subsequent classification of convicted persons, *Official Gazette of the Republic of Serbia*, No. 66/2015.

fulfilment of the purpose of punishment in harmony with the Law on the Enforcement of Criminal Sanctions⁴” (hereinafter: LECS) (Article 2, BTPCSC). Also, the notion of “treatment” inevitably refers to the manner in which someone behaves towards someone (or something), e. g. professionally, compassionately, in a discriminatory manner, etc. which should also be taken into consideration in the context of this paper, as our thesis is that prison climate is strongly in correlation with the effectiveness of treatment (in the narrow sense) activities.

Understood in the narrow sense, treatment can be applied as: 1) ethical and didactic education of convicted persons; 2) working and professional training of convicted persons; 3) organisation of convicted persons’ free time; 4) participation of convicted persons in their education; 5) awards and punishments; 6) mitigation of the difference between living conditions in prison and life outside the institution and 7) individual and group psychotherapy (Milutinović, 1977; 117-118; Stevanović, 2014: 13; Igrački, 2020: 84). Depending on the form in which it is implemented, treatment of convicted persons emerges as individual treatment and group treatment, both of which are applied in prison system of the Republic of Serbia (Nikolić, 2009: 183; Stevanović, 2014: 13; Igrački, 2020: 84).

During the 1960s and 1970s, great outcomes were expected from treatment of convicted persons and treatment was considered to be a powerful means of special prevention (Stevanović, 2014: 11). Unfortunately, these hopes and expectations were rapidly followed by disappointment and abandonment of treatment and so-called “rehabilitation ideal” for various reasons (Pavićević, Ilijić, Batrićević, 2024: 102). Increase in crime rate and recidivism in the aforementioned period combined with the lack of patience and trust in the positive outcome of the entire treatment process contributed to the abandonment of treatment and rehabilitation ideals (Stevanović, 2014: 12). Consequently, in the 1980s, the scientific community became rather polarised when it came to the attitude towards the capacities and effectiveness of treatment and rehabilitation on the suppression of recidivism (Stevanović, 2014: 12). However, it seems that the genuine reasons for negative attitude of the majority of members of academic and professional community towards treatment predominantly dwell upon the fact that rehabilitation ideal may represent a threat to political values of neoliberal societies, as well as that treatment and rehabilitation techniques often have flaws either because of weak scientific foundations or due to the lack of institutional competences (Pavićević, Ilijić & Batrićević, 2024: 102).

The opponents of treatment and rehabilitation actually neglected the fact that the success of treatment depends on a series of interrelated factors including: predefined treatment goals, willingness of each convicted person to participate in the treatment programme, the quality of communication between the penitentiary institutions and the society etc. (Stevanović, 2014: 12). Moreover, one should take into consideration the fact that the crisis affecting prison systems across the world reflects on the effectiveness of treatment programmes as well, by making their implementation more difficult, primarily due to rapid increase in incarceration rate and prison population (Ilijić, 2022: 15). Therefore, the decrease

⁴ Law on the Enforcement of Criminal Sanctions *Official Gazette of the Republic of Serbia*, No. 55/2014 and 35/2019.

of trust in treatment and rehabilitation should be observed in the context of broader, global, economic and cultural impacts (Pavićević, Ilijić & Batrićević, 2024: 102).

The analysis of global tendencies in the sphere of penal policy suggests that penal policy is generally becoming more focused on crime control instead of being dedicated to crime prevention (Ilijić, 2022: 74). Namely, security, control and minimization of expenses are slowly replacing individual support programmes and care about each individual prisoner (Soković, 2011; Stevanović, Ilijić, 2019; Ilijić, 2022: 74). The frustration caused by the failure of rehabilitation, inequalities affecting the imposing and enforcement of punishments and increasing crime rate gradually led to public advocacy for more severe penal provisions, replacing rehabilitation with retribution and risk management (Pavićević, Ilijić & Batrićević, 2024: 103-104). The changes in the perception of the purpose of punishment reflected on the practical aspect of its enforcement, including the approach to convicted persons, placing risk assessment and control in the focus of *new penology* instead of “clinical” method (diagnosis and treatment of convicted persons), (Pavićević, Ilijić & Batrićević, 2024: 107-108).

The aforementioned findings still do not indicate that treatment of convicted persons is completely abandoned – in theory or practice. On the contrary. Results of various scientific researches keep confirming that re-direction and correction of deviant behaviours remain much more efficient approaches to suppression of recidivism than severe punishments (Griffith et al., 1999 according to Pavićević, Ilijić & Batrićević, 2024). Since criminal behaviour commonly emerges as the result of the synergy of various internal and external circumstances, including social factors, social climate in prisons is still considered to have a significant impact not only on the emergence of recidivism but also on its suppression (Pavićević, Ilijić & Batrićević, 2024: 115). This means that the effectiveness of one type of treatment can differ from one penitentiary to another, depending on the conditions under which it is being implemented – i.e., on prison social climate, which is defined as the perceived quality of living conditions in prison, including interpersonal relations as well as material and organisational dimensions of prison life (Moos, 1997 according to Ilijić, Milićević & Pavićević, 2022: 76). Also, this indicates that the concept of treatment itself must not be *a priori* abandoned as ineffective. Instead, the emphasis should be placed on the study of the factors that determine prison social climate and, through that, also have an impact on the outcome of treatment. This standpoint is based upon empirical research confirming a strong bond between the quality of prison life and the response to any kind of rehabilitation treatment (Ilijić, Milićević & Pavićević, 2020; Park, 2018).

Prisoners’ treatment programmes in the legislation of the Republic of Serbia

As it has already been mentioned, Paragraph 2 of BTPCSC defines treatment of a convicted person as “the application of all prearranged activities – planned methods, techniques and procedures that facilitate the fulfilment of the purpose of punishment in harmony with the Law on the Enforcement of Criminal Sanctions⁵” (hereinafter: LECS) (Article 2, BTPCSC). Treatment of convicted persons encompasses the application of all

⁵ Law on the Enforcement of Criminal Sanctions *Official Gazette of the Republic of Serbia*, No. 55/2014 and 35/2019.

previously designed activities (planned methods, techniques and procedures), conducted with the purpose to assist the convicted person to adopt socially acceptable system of values and master the skills necessary for his/her successful inclusion in the community in order to deter him/her from reoffending (Article 6, Paragraph 1, BTPCSC). Treatment is implemented through treatment programme, classification, subsequent classification and preparation for release (Article 6, Paragraph 2, BTPCSC). Treatment programme is defined as the adjustment of treatment to each individual convicted person, depending on the assessment of his/her risks, capacities and needs (Article 3, BTPCSC). This programme is designed depending on the assessment of risk, capacities and needs of the convicted person (Article 8, Paragraph 1, BTPCSC). Risk assessment is made on the grounds of two types of questionnaires for convicted persons: 1) questionnaire for convicted persons serving prison sentence that does not exceed three years and 2) questionnaire for convicted persons serving prison sentence that surpasses three years (Article 8, Paragraph 2, BTPCSC). These questionnaires are included in the BTPCSC within Appendix 1 and Appendix 2 (Article 8, Paragraph 2, BTPCSC). Convicted persons are encouraged to take part in the design of their treatment programme. According to BTPCSC, a team of prison staff experts should enhance active cooperation of convicted persons in the establishment of treatment programme (Article 12, Paragraph 1, BTPCSC). When defining specific procedures and activities for convicted persons, the team of prison staff experts takes into consideration the capacities of penitentiary institution (Article 12, Paragraph 2, BTPCSC). Convicted person is informed about the content of the treatment programme in the reception department (Article 12, Paragraph 3, BTPCSC). If the team of experts estimates that the treatment programme designed for a specific prisoner cannot be applied in the institution where he/she is currently placed, subsequent reclassification of that prisoner is suggested (Article 12, Paragraph 4, BTPCSC). According to Article 13 of BTPCSC, treatment programme includes the following information: 1) estimated capacities, motivation for change and risk assessment of the convicted person; 2) group and department in which the convicted person is to be placed and type of his/her accommodation; 3) procedures and activities that are considered efficient in accordance with the needs of convicted person; 4) individual goals of the convicted person set within a certain period of time, the fulfilment of which would facilitate the increase of his/her capacities for a more successful adaptation and minimization of the risk of reoffending; 5) the tasks that prison staff members are expected to complete throughout the implementation of programme; 6) the means of cooperation with external institutions and organisation in the process of treatment programme application; 7) means or cooperation with the family or other persons that are close to convicted person and 8) programme of preparation for release (Article 13, BTPCSC).

The decision on each individual treatment programme is issued by the prison warden, on the grounds of the proposal made by the team of experts (Article 14, Paragraph 1, BTPCSC). The decision on treatment programme includes the information about: 1) group, department and accommodation of convicted person, determined on the grounds of estimated level of risk; 2) professional education and learning; 3) group and individual work and working engagement of convicted person; 4) the way in which the convicted person will spend his/her free time; 5) special procedures that are applied to the convicted person (such as addiction treatment, psychological, psychiatric, medical and social assistance) and 5)

special protective measures (Article 14, Paragraph 2, BTPCSC). The decision on treatment programme is delivered to the convicted person (Article 14, Paragraph 3, BTPCSC).

The definition and the general concept of treatment in the Republic of Serbia are in accordance with the provisions of the European Prison Rules⁶ (hereinafter: EPR) that are dedicated to activities and regimes for prisoners, proclaiming that: *“The penitentiary system shall comprise treatment of prisoners the key aim of which shall be their reformation and social rehabilitation”* (EPR, Part 7). EPR and other international legal sources prescribing minimal human rights standards introduce a radical shift when it comes to perception of prisons. Accordingly, EPR suggest that instead of being considered as *“places of boredom and monotony”* penitentiary institutions should allow prisoners to spend their time in a positive way, to upgrade their education, to obtain new personal and professional skills and to become prepared for release (EPR, Part 7).

Vulnerability and specific needs of female prisoners

The types of deprivations experienced by female prisoners are generally the same as the ones experienced by male prisoners – the so-called “pains of imprisonment” that, according to Sykes include the deprivation of: 1) freedom, 2) material goods and services, 3) heterosexual relationships, 4) independence and 5) security (Sykes, 1958: 65-77 according to Ilijić, 2014: 78; Špadijer-Džinić, Pavićević & Simeunović-Patić: 2009: 226). However, because of natural differences that exist between male and female prisoners as well as due to female prisoners’ previous traumatic experiences, victimisation and history of mental health issues, female prisoners often seem to find coping with prison deprivations more difficult than male prisoners (Batrićević et al., 2023: 274). Female prisoners are more often victimized before entering the prison system and they suffer from mental illness more often than male prisoners (Batrićević et al., 2023: 274).

Female prisoners have particular needs, including the need to restore their reproductive health, the need for family planning, the need for the services that are necessary during pregnancy and childbirth, as well as the need for special care in the cases of women who experienced sexual violence or torture (Meilyaet al., 2020 according to Fathonah et al., 2023: 3). Also, it has been proven that female prisoners find it more difficult to cope with the disruption of family and interpersonal relations, especially with their children, than male prisoners (Jiang & Winfree, 2006: 37 according to Batrićević et al., 2023: 274). These different responses to the same type of deprivations in most cases emerge from the nature of female role (cultural identity) in the society (Giallombardo, 1966 according to Špadijer-Džinić, Pavićević & Simeunović-Patić, 2009: 227). Namely, the deprivation of freedom disables female prisoners from the fulfilment of their key social role as wife, mother and housekeeper (Giallombardo, 1966 according to Špadijer-Džinić, Pavićević & Simeunović-Patić, 2009: 227). Complex and closely interrelated and interdependent factors including gender, economic status, class, race, ethnicity, as well as the relation between the victimisation and criminalisation of women (Comack, 1996; Nikolić-Ristanović, 2000;

⁶ Recommendation Rec (2006)2 of the Committee of Ministers to Member States on the European Prison Rules, available at: <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>, accessed on 28.02.2024.

Nuytiens & Christiaens, 2012; Petkovska, 2023 according to Batrićević et al., 2023: 274) make female prisoners one of the most vulnerable social groups (Pavićević, 2020 according to Batrićević et al., 2023: 274). For all these reasons, working with female prisoners is considered particularly challenging by the prison staff (Fathonah et al., 2023: 3) as the treatment must be tailored and adjusted to their specific needs and life experiences (especially previous victimisation by various types of abuse and discrimination in general), and thus different from the treatment created for (far more numerous) male population.

Although the vulnerability and specific needs of female prisoners are universally recognized, the actual position of each individual female prisoner cannot be observed separately from the overall living conditions inside the prison where she is serving the sentence. To describe these living conditions that are specific for each prison, the term “prison social climate” is used. The term prison social climate refers to prisons’ contextual characteristics that can have a strong impact on individuals’ behaviour and it is utilised to describe how it actually feels like to live and work in prison environment (Wright, 1985 according to Ilijić, Milićević & Pavićević, 2022: 76). Prison social climate is a multidimensional construct (Auty, Liebling, 2019 according to Ilijić, Milićević & Pavićević, 2022: 78) describing the way in which prison staff and convicted persons perceive a particular prison unit including its following characteristics: feeling of safety from aggression, presence of supportive therapeutic approach, fulfilment of prisoners’ physical and psychological needs, the possibility for prisoners to learn new skills and adopt prosocial behaviour (Tonkin, 2016 according to Ilijić, Milićević & Pavićević, 2022: 78). Prison social climate has great impact on the relations between prisoners and prison staff as well as on the adjustment of prisoners to the deprivation of liberty and stimulative social climate can enhance the readiness and motivation of prisoners to participate in various rehabilitation and treatment programmes (Ilijić, Milićević & Pavićević, 2022: 78). That is the reason why it should be taken into consideration when discussing the quality and effectiveness of treatment programmes that are applied in penitentiary institutions, including the Correctional Institution for Women in Požarevac that is in the focus of this paper.

The protection of female prisoners’ rights in international and national law

Vulnerability and specific needs of female prisoners are recognized in relevant international legal documents (of both – regional as well as universal scope of application) as well as in national legislation of the Republic of Serbia dedicated to the enforcement of criminal sanctions. United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), adopted in 2010 represent the first international document that comprehensively regulates the rights of women in the system of enforcement of criminal sanctions, including the position of female prisoners (Ćopić et al., 2023: 7). The Bangkok Rules proclaim the rights of female prisoners in the following areas: 1) specific needs of women and how to respond to them, 2) prevention of abuse and support for women who have experienced victimisation, and 3) protection of the rights of children (born in prison and/or staying in prison with their mothers) (Ćopić et al., 2023: 7).

The Bangkok Rules define fundamental principles and rules for the treatment of all women in custodial institutions – prisoners as well as those who are arrested and kept in custody (Ćopić et al., 2023: 8). All the provisions contained in the Bangkok Rules dwell upon the principle of non-discrimination and it is underlined that the fulfilment of specific needs of female prisoners shall not be considered as discriminatory practice because it ensures the respect of the principle of equality (Ćopić et al., 2023: 8). The Bangkok Rules insist on the implementation of a gender-sensitive approach to all aspects of prison life, particularly in the cases of pregnant or breastfeeding women, women with small children, women who are victims of various forms of violence and abuse, women with trauma or mental health issues etc. They recognise the important role that family contact plays in the rehabilitation of female prisoners and therefore, insist on the maintenance of family contacts as much as it is possible (Ćopić et al., 2023: 8).

Normative framework of the Republic of Serbia takes into consideration the differences that exist between male and female prisoners and respects the specific needs of female prisoners. The law says that male and female prisoners serve their sentences separately (Article 46, Paragraph 3 LECS) and it prescribes that convicted women are directed to the Correctional Institution for Women (Article 50, Paragraph 3 LECS). The enforcement of punishment can be delayed if a female prisoner is more than 6 months pregnant or if she has a child below 1 year of age – until the child is 3 years old (Article 59, Paragraph 1, Point 2 LECS).

LECS contains several provisions pertinent to the protection of human rights of female prisoners, especially when it comes to the protection of pregnant female prisoners or mothers. LECS obliges Correctional Institution for Women to provide medical equipment necessary for their care and treatment (Article 24, Paragraph 5 LECS), but in the first place in relation to their reproductive health and maternity⁷. Pregnant women, women who recently gave birth and mothers who take care of their babies are separated from other female prisoners (Article 78 LECS). A female prisoner can keep her child with her throughout the enforcement of her punishment, but after the child is more than 2 years old, the parents have to make a decision whether the child will be entrusted to his/her father, relatives or other persons. (Article 119, Paragraph 1 LECS). The best interest of the child is also important, so when the parents fail to agree or where the agreement they reach is to the detriment of the child, the court of relevant jurisdiction according to the place of domicile, i.e. residence of the mother at the time of conviction shall decide on entrusting of the child (Article 119, Paragraph 2 LECS). Convicted women with children shall be entitled to assistance of professional staff of the penitentiary institution. When lacking immediate mother's care, the child shall be provided with adequate accommodation in a special room of the penitentiary institution and professional care, which shall correspond to the standard for the child care institutions. The delivery of a convicted woman, care and accommodation provided for her and care for the child in the penitentiary institution shall be free of charge (Article 120 LECS).

⁷ „A penitentiary institution for women must have special equipment for the care of pregnant women, puerperae and medical treatment of women” (Article 24, Paragraph 5 LECS).

A female prisoner with a child has the right to assistance by the prison staff and, if she cannot provide care for her child, the child is placed in separate premises within the prison and given the care is in accordance with the standards of social welfare institutions for children. Female prisoners have the right to absence from work due to pregnancy, birth giving and motherhood in accordance with legal provisions regulating labour rights (Article 110 LECS).

There is just one correctional institution for female offenders – correctional institution for the enforcement of custodial sentences and juvenile detention (for juveniles older than 14). The institution is located in Požarevac, and the justification for the existence of just one correctional facility for women (and girls sentenced to juvenile detention) is related to small ratio of female convicts (and women as perpetrators generally) in the structure of convicted persons⁸. The women sanctioned for misdemeanours are referred to Correctional Institution for Women in Požarevac also, but according to LECS, they serve their prison sentence separately from the convicted women (as the regime of serving prison sentence for misdemeanours is a special one⁹).

At the time of the survey, there were about 240 women convicted for criminal offences in the facility (apart from those in the admission ward waiting for categorisation). Women with mental disorders sanctioned by some of the security measures that include psychiatric treatment, as well as those sanctioned by other medical security measure are referred primarily to Special Prison Hospital, while minors who are sanctioned by the measure of referral to the educational-correctional facility (which is considered the most severe institute sanction among educational measures) are accommodated in a special institution for minors of both sexes. Since we are only interested in the Correctional Institution for Women in Požarevac, we focused our attention only on this institution and the rules that apply to convicted women.

Depending on the security levels, the penitentiary institutions can be of the open, semi-open, closed and closed type with special security and the Correctional Institution for women is of the semi-open type, which means that the employees of the security service are the basic obstacle for escape (Art. 14-15). This solution can be associated with the lower risk that women generally pose when it comes to issues of safety and security. Despite of that fact, the institution is surrounded with high walls which is not in accordance with the previously mentioned provision of the LECS. Therefore, although there are open, semi-open and closed departments in the institution, and they differ according to the level of security and the manner in which convicts are treated, all women actually serve their prison sentence in a closed institution.

⁸ In European penal institutions, the overwhelming majority of inmates are men, representing approximately 95% of the total prison population. Conversely, women account for a mere 5% of inmates (in Serbia: 4,1%) (Aebi et. al., 2023: 8-9). For further information see: Čopić (2024) in this volume.

⁹ Women punished for misdemeanours also receive special treatment due to their reproductive health and rights, e. g. enforcement of the sanction shall be stopped for a sanctioned woman in the sixth month of pregnancy and for a sanctioned mother with a child younger than one year of age until the child turns one year (Art. 222, Par. 1).

Aims

The objectives of this research, conducted by using semi-structured questionnaires filled out by the employees of the treatment service in Correctional Institution for Women in Požarevac, were the following: 1) to determine the forms of treatment that are carried out in the only institution for women in Serbia, 2) to map the problems indicated by the respondents, 3) to check how gender-sensitive approach has been applied, and 4) to suggest how to improve the existing situation in this field. Also, bearing in mind that the female prisoners were already interviewed and significant insights into the quality of life in prison were provided for the purpose of some other researches (see for example: Nikolić-Ristanović, 2000; Meilya et al., 2020; Ćopić et al., 2023; Batrićević et al., 2023; Ćopić, Stevanović & Vujičić, 2024), it was important to hear the other side, in order to get a more complete picture of life and treatment of female prisoners in Correctional Institution for Women in Požarevac.

Methods

Semi-structured questionnaires were submitted to the administration of the Correctional Institution for Women in Požarevac and further distributed to the employees of the Treatment Service with the indication that they are anonymous, that respondents can contact the researchers at any time for clarification, and that, possibly, the researchers themselves, upon reviewing the questionnaire, would contact the Treatment Service with additional questions, in order to clarify and obtain a comprehensive picture of the subject. A total of six questionnaires were completed (out of nine employees in the treatment service¹⁰), and the respondents were the following professionals: psychologist (3), special pedagogue, educator and sociologist. Most of the respondents have more than twelve years of experience (only one, a sociologist, has two years of work experience, while the educator has the longest work experience (16 years)) and all the time they were engaged in the Correctional Institution for Women in Požarevac, which indicates a good knowledge of the situation in prison itself and the usefulness of the data obtained.

Results

Characteristics of female prisoners in Serbia

The picture of the female prison population in Serbia does not differ from that at the global, especially European level. Substance use and addiction are integral to understanding female offending, as many women are incarcerated either for non-violent, drug-related crimes or instrumental property crimes designed to enable the acquisition of drugs. Violent offences are mostly related to family or partner relations, often originated in prior victimisation in family or partner relationships (Nikolić-Ristanović, 2000; Simeunović-Patić, Jovanović, 2013; WHO, 2009: 2). According to our respondent (head of the treatment service) in comparison to the period of ten years ago, there is an increase in the number of women convicted of violent offences, as well as an increase in the number of addicts. These

¹⁰ Three employees were on sickness leave/absent for other reasons (one psychologist, one special pedagogue, one social worker).

issues should be the subject of future research, but it seems that it could be related to harsher penal policies towards those offences (with elements of violence and related to drugs). However, this fact has to be taken into consideration when creating treatment programmes.

According to a recent survey conducted in the Correctional Institution for Women in Požarevac (Savić, Knežić, 2019) female prisoners mostly lack interpersonal contacts with their children and parents, and this kind of deprivation makes them additionally vulnerable and adaptable to prison life conditions. However, it can be overcome by using Skype and similar ways of communication with family members, whenever it is possible. Such practice was introduced and widely applied during COVID-19 pandemic in all institutions for the enforcement of criminal sanctions in Serbia, which had particularly positive results in the institutions for juvenile offenders (see: Kolaković-Bojović, Batrićević, 2021: 1115 -1130) It should be stressed out that this deprivation is strongly related to the existence of just one correctional facility for women, located in Požarevac, city that is far and expensive to reach for many prisoners' family members. Some prisoners do not want to be seen in a prison environment by their children or the stress following the separation is too challenging for both sides (Savić, Knežić, 2019: 21). Nevertheless, female prisoners who were respondents in the survey Quality of Prison Life in the Republic of Serbia evaluated their contacts with family as good - 3,15 out of 5 (Ćopić et al., 2023: 31; Ćopić, Stevanović & Vujičić, 2024).

Treatment programmes available for female prisoners in Serbia

In the Correctional Institution for Women in Požarevac, the following activities are carried out within the treatment: specialized programmes: general cognitive-behavioural programme and programme for drug addicts. There are still two specialized programmes that are being implemented in the institution, although three more programmes are assigned at the level of the Administration for the Execution of Criminal Sanctions: programme for perpetrators of violent crime, programme for perpetrators of domestic violence and specialized programme for group work with alcohol addicts (Zaštitnik građana, 2022a: 9). The cognitive-behavioural programme is applied generally to perpetrators with (less serious) mental disorders, and it is not specifically tailored for female prisoners. This should be changed in terms of programme sensitisation in accordance with the Bangkok Rules and the Strategy for the Development of the System of Execution of Criminal Sanctions for the Period 2022-2027¹¹ which underlines need for the improvement of treatment and the human rights of the particularly vulnerable categories of convicted persons, which women with mental disorders certainly are.

In Correctional Institution for Women in Požarevac there are educational workshops /sections including: music (choir and folklore), drama and recitation, literary section, art section, sports (volleyball, table tennis, aerobics, chess); courses for tailoring and sewing, cosmetic courses (manicure, pedicure, hairdresser), a course for photography and for growing fruits and vegetables. When it comes to participation in these activities, it has been noted that ten female convicts participate in specialised programmes (a total of 20); there are

¹¹ Strategy for the Development of the System of Execution of Criminal Sanctions for the Period 2022-2027, *Official Gazette of the Republic of Serbia*, No.142/2022.

12 in the choir, the same number in the art section, in the folklore assemblé 23, in the drama and recitation section 20 each, and in the literary 15. The greatest interest is in aerobics (87), volleyball (70), table tennis (40), and the least interest in chess – 4. Altogether 50 female convicts are involved in the educational workshops. The course for growing fruits and vegetables is attended by 10, and the course for manicure and pedicure by 12 female prisoners.

All respondents point out that convicts are satisfied with activities carried out as a part of the treatment and evaluate it well, i.e. they emphasise the motivation of female prisoners to engage in existing activities and their satisfaction.

To the question “In your opinion, are there any activities that are particularly useful for convicts in terms of their work on themselves, deterrence from criminal behaviour, training for independent life at liberty in accordance with the law?”, the majority of respondents answered that all of the above-mentioned activities are useful, but they specifically emphasised trainings for professions that will benefit them upon release and specialised programmes “that deal with the change of criminogenic way of thinking, attitudes, habits and other factors affecting the reduction of the degree of relapse”, as one of the respondents said. As key challenges related to the implementation of treatment, the respondents highlighted the problems of technical organisation of all activities (from the aspect of time and space) and their alignment with other obligations (specifically with the work engagement of convicts, as well as with the tasks of the staff). The most demanding aspect of working with convicts is “corrective work”, and since this is a very important topic, we will list all the answers in an integral version, although they are basically reduced to the same: “work on their authentic change of criminogenic behaviour and perseverance in this change (which is conditioned by their capacities, their authentic motivation and family support)”; “limited capacities, associated mental disorders that interfere with corrective work”; “work with resistance”; “work to change behaviour because convicts differ in the capacity they possess”; “work to change behaviour and way of thinking since most female convicts do not have a satisfactory capacity to do so.”

As ways to improve the effectiveness of treatment, all respondents indicate the need to provide adequate space for all activities (which was pointed out as a problem before), as well as a larger number of treatment officers. It is indicated that the occupancy of the officers of the treatment, who have multiple tasks and obligations, make it difficult to harmonise various activities that are carried out. The two respondents emphasised just the need for more treatment officers. These responses given by the prison staff members are in harmony with the responses of female prisoners given to the researchers for the purpose of the PrisonLIFE Project report, published in 2023 (Ćopić et al., 2023: 31). Namely, in the aforementioned report, the quality of prison life of female prisoners in Correctional Institution for Women in Požarevac was rated below the border value when it comes to the dimension of professionalism (2,76) and wellbeing and development (2,85) (Ćopić et al., 2023: 31). We agree with Šučur and Žakman-Ban (2005) that the key elements of success in programmes for women are characteristics of staff members (staff with certain skills, such as active listening, patience in explaining rules and expectations, awareness of emotional

dynamics, willingness to react justly etc.), and respect for the specific interests and needs of female prisoners.

The third part of the questionnaire contained questions related to the gender-sensitive approach in conceiving and implementing treatment activities with the emphasis on the Bangkok Rules. All respondents pointed out that these rules are respected, and that appropriate rooms are provided for the stay of pregnant women and mothers with children, as well as proper gynaecological examinations. When it is stated that the specific needs of women are taken into account, the responses pointed out that they are primarily related to pregnancy and the maternity, and one respondent stated that in the care of pregnant women and maternity, special attention is taken to the best interests of the child. The three questionnaires list, in addition to those on ensuring the care of pregnant women, obstetrics, mothers and "providing support, empowerment and awareness of the position of women in society and getting acquainted with rights". In no case was there any recognition of the previous victimisation of women, nor was the concept of *blurred boundaries* recognized rightly (as a term used to explain the significant intertwining between the commission of criminal offences and the experience of victimisation). Instead, it is associated with the rules and boundaries that must be respected in the implementation of activities, according to, as most respondents cited "agreed concept". Only one respondent admitted she did not know what it was. When asked "do you need or would you welcome additional education for better job performance?", most of the respondents replied that they need cooperation, i.e. exchange of experiences with other colleagues, especially from abroad. One respondent stated the need for education about working with sexual trauma and psychological disorders (the respondent is a psychologist, with extensive experience in working with convicts). By the way, none of the respondents answered the question of whether she was familiar with any activities that are applied in other countries as part of the treatment of convicts, which would be useful in their work with convicted women. Only one respondent (with the most years of experience) replied that she did not have knowledge about treatment models applied in other countries¹². This lack of response, i.e. knowledge about the application of treatment programmes for female prisoners in other countries indicates that there is a strong need for better communication and exchange of experience and good practices with foreign colleagues, which the respondents already mentioned.

In an interview with the Head of the Treatment Service, we discussed the issues that emerged during the visit of the National Preventive Mechanism (hereinafter: NPM) in 2021 with the aim of considering the implementation of the Bangkok Rules (Zaštitnik građana, 2022: 37-38). It was concluded that the Correctional Institution for Women in Požarevac acted according to the NPM recommendations, which are created to improve position of female prisoners, as well as their children¹³. Namely, the neuropsychiatrist visits the Correctional Institution for Women more often (minimum four times monthly instead of two

¹² See, for example: U.S. Department of Justice, Federal Bureau of Prisons, *Female Integrated Treatment (FIT)*, available at: https://www.bop.gov/policy/progstat/5240_001.pdf, accessed on 20. 3. 2024. About different programmes specialised for women who committed violent acts (related to their previous victimisation): Turković, (2023)

¹³ See: Zaštitnik građana (2022a).

times in previous period) until one doctor engaged in the Correctional Institution for Women completes his specialisation in neuropsychiatry, when the recommendation related to the opening of the position of a psychiatrist who would be permanently present at the Institution will be fulfilled).

The Correctional Institution for Women in Požarevac regulated a search of children through its internal procedures, ensuring competence, professionalism, sensitivity and respect for their dignity during the search (before the visit). Also, the Institution envisaged (by internal rules) that children visitors leave the area in which the visit is performed before the convict to whom they came to visit, bearing in mind that the end of the visit can be very difficult for children and parents and that watching parents leave on the orders of a prison officer can further aggravate the children's stress due to separation. However, several female convicts, during conversations with the NPM team (Zaštitnik građana, NPM, 2022) complained that their children were thoroughly searched during the visit (not just visually as it is envisaged internally), and that children aged 13, 16 and 17 had to take their clothes off before the visit in a separate room (so-called conjugal visit or three hour-visit). Some prisoners asked their children not to come to visit again in order to prevent their exposure to such degrading treatment.

Female prisoners are now allowed to make contacts with family members during the application of disciplinary measures of referral to solitary confinement. The Correctional Institution for Women in Požarevac took measures to enable pregnant women, nursing mothers and convicts with children to participate in work and other activities that are tailored to their needs and capabilities. The management submitted a proposal to the Administration for the Execution of Criminal Sanctions to expand the systematisation of jobs by the position of nursery teacher, fully employed at the Institution, in order to create conditions for childcare in the absence of direct maternal care. At the moment, children are referred to kindergartens/nurseries outside the institution, which is certainly a step forward in the direction of respecting the best interests of the child, but also of the mother who can be more actively involved in treatment activities.

The recommendation related to employment of more staff members in the Treatment Service has not yet been fulfilled (four more persons should be fully employed), and as it was previously mentioned – more staff members are also one of the demands of the actual staff members who participated in this research. In the end, it should be noted that the NPM commended Correctional Institution for Women in Požarevac for providing better accommodation capacities (in the new pavilion) for prisoners from the closed ward, as well as for the prompt reaction in the case of violence against one female prisoner committed by a male officer (Zaštitnik građana, 2022a: 8 and 11; Zaštitnik građana, 2023: 5).

Conclusion

The Republic of Serbia is now showing more concern for gender issues with the aim to eliminate discrimination and to protect women from various and “new” forms of violence by adopting and implementing relevant international documents (Jovanović, Vujičić, 2022). The Bangkok Rules are among them, and the efforts regarding their implementation and

monitoring of the implementation process are also visible. However, there is always space for improvement.

Female prisoners make a small part of the prison population indeed, but they must not be neglected, as they have already been immensely neglected and victimised prior to entering the prison gates. Therefore, necessary steps should be made in order to alleviate their victimisation and cease their “desocialization” by tailoring gender-responsive treatment programmes within the criminal justice system. Namely, current insights and challenges indicated by our respondents (treatment service staff members as well as female prisoners – respondents in other previously mentioned research recently conducted in Serbia) as well as actual legal provisions show that this dimension is not fully recognized and applied in the field of prison treatment of women.

The analysis of the responses given by the employees in the Correctional Institution for Women in Požarevac implies that the types of their treatment programmes are in accordance with gender-sensitive approach. As it has already been mentioned, these programmes include courses for tailoring, sewing, hairdressing, manicure, pedicure etc., which are all typically “female professions”. This is certainly acceptable and decent, but it does not seem to be sufficient. Namely, there seems to be the need for education and professional skills related to other fields as well, such as, for example, computer skills. Learning new professional skills would make female prisoners more competitive at the labour market after serving their sentence. Such an approach would additionally contribute to their empowerment and resocialization.

The respondents explained that there has been no exchange of knowledge and experiences with colleagues from foreign correctional institutions and that they would find it useful to participate in such activities. Some of the respondents emphasised that they would appreciate it if they could learn more about the treatment of female prisoners with trauma and mental disorders.

This is of specific importance in the context of frequent previous victimisation of female prisoners in the cases of family and gender-based violence, which makes them particularly vulnerable and traumatised. Their vulnerable position requires special treatment and special knowledge and skills on the behalf of prison staff members who work with them. If the cooperation with other prison staff members in the field of education and exchange of experience cannot be established at the international level, due to lack of financial and organisational capacities, perhaps the possibility to organise some workshops and lectures with national experts could be taken into consideration. Such activities were conducted in Serbia, but only as activities within various projects and they have not yet been introduced as a regular and obligatory practice. For example, Victimology Society of Serbia provided education about working with victims of gender-based violence for social service providers that was attended, among others, by 12 prison staff members from Correctional Institution for Women in Požarevac in May and June 2012¹⁴.

¹⁴ Realizovane obuke VDS, available at: <https://vds.rs/edukacije/>, accessed on 22.3.2024.

To conclude, one should have in mind the fact that the process of treatment should not end when the convicted person steps outside the prison walls, particularly in the case of conditional release. That is the reason why greater efforts should be made throughout the process of supervision¹⁵, post-penal assistance, social reintegration and recidivism prevention, particularly when it comes to providing support for women experiencing difficulties in various fields, including discrimination, stigmatisation, lack of income, insufficient competences for labour market, family issues, health-related problems, addiction, returning to violent environment etc.

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¹⁵ For further information about offender supervision in Serbia see: Batrićević, A., Želeskov Đorić, J., Petrović, B., Knežić, B. (2020) Through Offenders' Eyes: A Pilot Study on Experiencing Supervision in Serbian Criminal Justice System. *Teme*, 44(2), 587-605.

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