

Rulebook on the manner of sentence serving in the premises where the prisoner lives „Official Gazette of the Republic of Serbia" No. 64/2010.

Rulebook on the manner of sentence serving in the premises where the prisoner lives (further in text- Rulebook) defines in more details the manner of execution of prison sentence, which is executed in the way that the convicted person must not leave the place in which he or she lives (Art.1) The Rulebook does not contain special provisions related to female prisoners, which, bearing in mind the matter it stipulates, is not necessary, except for terminological marking male/female prisoner, The only provision in which special needs of female prisoners should be specified is provision of Article 8 which stipulates leaving of the premises in which male/female prisoner lives. Article 8 does not list cases when it is possible to leave the premises, but the Rulebook relies on the Law on the enforcement of criminal sanctions.

Law on the Amendments of the Law on the enforcement of Criminal Sanctions (Official Gazette of the Republic of Serbia No 31/2011 from 9.5.2011 in Article 174 b there are anticipated cases when a prisoner may leave the premises in which he/she lives: for urgent medical assistance to a prisoner or a member of his family, in case that it is necessary to leave home for that purpose; for regular going to work; if the crime for which he or she is convicted is not related to work, for attending regular school classes; for exams; for severe acute or chronic disease, for regular medical examinations; for getting married or death of close person; for the obligation of taking care of close family members anticipated by law, in case that that obligation cannot be fulfilled by another person; for seasonal agriculture works- if the prisoner deals with it as a personal business; for staying out of home up to 4 hours in line with the program of execution of a prison sanction. However, this list does not contain the regular medical check and examination of pregnant female convicts. This medical aid is not considered urgent one and it should be, for sure, anticipated as necessary, for the medical health care control.

From the provision of Article 9, Paragraph 2, Point 1 of the Rulebook, which anticipates evidence that is submitted (appropriate medical documentation) can be concluded that as a relevant reason for leaving the premises where the convicted lives can be considered only provision of urgent medical aid and regular medical examinations in

case of severe and acute disease. If a female prisoner is pregnant it is necessary that he goes to regular medical examinations, which are not urgent, and in the other side, pregnancy is not severe and acute disease. Besides that, as a reason for leaving premises in which the prisoner lives, there is not one that provides for a female prisoner to leave the premises in order to deliver a baby, which also cannot be considered as providing urgent medical aid.