

## **Rulebook on House rules of penitentiaries and district prisons**

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Rulebook on House rules of penitentiaries and district prisons (further in text Rulebook) stipulates in more details manner of life and work in penitentiaries, district prisons and penitentiary for women. Although it is defined by a provision of Article 1 of the Rulebook that the Rulebook is applied in Penitentiary for women, further in the text, female prisoners are not mention, but, "prisoner" is used as a general term. Such approach to regulating shows that this Rulebook, as other, in terminological sense, does not comprise prisoners of both sexes and that it would be far more appropriate to use the term female/male prisoner.

Special provision of the Rulebook is dedicated to searching of the prisoner and observation of prisoner's body (Article 4). It is provided for that personal search and prisoner's body observation are done by maximum 2 persons, of same sex as a prisoner, in a separate room, without presence of other persons and in a manner that personality and dignity of a prisoner are respected and that his personal belongings are kept. Bearing in mind that female prisoners, especially those who were victims of violence, experience personal search as especially severe treatment, the mentioned Provision of the Rule book should provide for that personal search and observation of female prisoner's body should be performed exclusively, only when reasonable and justifiable, i.e. if there is a grounded suspicion that the female prisoner smuggled goods which can be revealed only within this procedure. Special attention should be paid to video surveillance in the prison where prisoner of both sexes are accommodated. If there is a video surveillance, it is unacceptable to have it performed by men, when prison premises in which women are accommodated are controlled.

Special attention in the Rulebook is dedicated to prisoner's position (Art 14-80)-to: prisoner's rights, special rights of the prisoner, behavior of prisoners during sentence serving and disciplinary offenses and measures. In all these measures, female prisoners are not specially mentioned, except in Article 14, Paragraph 2 where it is emphasized that besides rights such as, right to humane treatment, accommodation, free time, food, clothes, underwear and shoes, addressing the submissions, correspondence, phone call, legal assistance, visits, stay in special premises, reception of parcels, reception of money,

work and labor rights, medical care, information, education, realization of religious rights, submission, complaint, appeal and court protection, a female prisoner who has a child, also has other rights in line with the Law on the enforcement of criminal sanctions (Art. 106 and 107 of the Law on the enforcement of criminal sanctions)

In Article 19 of the Rulebook, related to the accommodation of disabled prisoners, there should be provided for a right to accommodation appropriate for the needs of female prisoner's during pregnancy, immediately after delivering a child and during the care of the child. As well, it is also important to provide for an obligation of the Institution to ensure everyday shower with warm water to female prisoners, in conditions in which their privacy is secured. (Art 24, Par.3)

Bearing in mind that there is a provision in the Law on the enforcement of Criminal Sanctions, that Institution is obliged to provide for accessories and products for maintaining hygiene (Art 69, Paragraph 2) in the Rulebook (Art 24- maintaining personal and general hygiene), there should also be provided for the obligation of Institution to provide special hygiene parcels containing: sanitary pads, daily pantyliners, wet wipes, paper tissues and napkins. In this way, this provision would be in line with European Prison Rules which provide for that the management of the prison is obliged to supply prisoners with accessories and products for maintaining hygiene (19.6) and that special conditions for hygiene needs of women are provided (19.7).

Related to the diet of the prisoner (Art. 37-39) the Rulebook provides for the fact that a prisoner is provided with three meals a day (breakfast, lunch and diner) delivered in regular periods with appropriately prepared, served and diverse food. However, it is not provided for taking care about the diet of pregnant or breastfeeding prisoners or those who are in generative phase of climax when, as well, special diet with appropriate food is needed. That is why it is completely justified to provide for within these provisions of the Rulebook, that female prisoners have right to food supplements which are very important because of generative phases and cycles (menstrual cycle, childbirth, menopauses) through which a woman goes and in which, due to protection of health, it is necessary to use vitamins (C, E ,D) and minerals (iron, magnesium, calcium). Diet of new-born mothers and children in post-natal period must include regular and everyday use of milk, diary products, fruits and vegetables, but as well, vitamin supplements. If

vitamins and minerals cannot be provided within the Penitentiary, it is necessary to provide for them as for allowed content of the parcel that female prisoners can receive. Pregnant women and women in post-natal period should be enabled to take food even out of the schedule of daily activities anticipated by the Rulebook (Art.77).

Program of female prisoner's activities in free time (Art 47-49) organized and conducted by treatment service should comprise, besides cultural, work, amusement and sport and recreation activities, as well workshop and interactive work with female prisoners interested in extending the existing knowledge from the area they choose alone (female human rights, reproductive health, care and education of children and similar) In addition, for female prisoners, who before coming to the Institute were victims of violence, meetings with professional teams for prevention of violence, activists of nongovernmental organizations involved in preventing violence against women and self-help groups composed of women who were also victims of violence, should be organized<sup>6</sup>. Within the sports and recreational activities it is necessary to provide regular exercise for pregnant women and mastering preparation techniques for childbirth.

Receiving of the parcels for prisoners is regulated in the manner that the prisoner in opened type ward has right to receive the parcels once a week, in semi-open ward prisoner has right to receive the parcels twice a month, and in the closed type ward under special surveillance, a prisoner may receive a parcel once a month (Article 56). For female prisoners who are pregnant or breastfeeding there should be provided for that they receive either a greater number of parcels they can receive or to receive them more frequently.

Penitentiary for women is, according to the Article 16 of the Law on the Enforcement of Criminal Sanctions (prison wards) and Article 4 of the Provision on establishment of Penitentiaries in the Republic of Serbia<sup>7</sup>, a semi-opened type institution according to the level of security which means that all the female prisoners have right to receive a parcel twice a month. However, due to increased needs for food products, hygiene products, underwear and shoes, for pregnant or breast feeding female prisoners,

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<sup>6</sup> According to the researches of prison population, three times more women than man report that they have experienced physical or sexual abuse, before coming to the institution.. (Severson, M., Postmus JL, Berry M, 2005, Incarcerated womwn: consequences and contributions of victimization and intervention, International Journal of Prisoner health, 1:223-240)

<sup>7</sup> „Official Gazette of RS“ br.20/2006, 89/2009, 32/2010 i 5/2011.

within Article 56 of the Rulebook, there should be provided for receiving a greater number of parcels or more frequent receiving of parcels (for example "parcel plus" once a month) Here it is not about special right named "extended right to receiving parcels" which could be granted to a male/female prisoner- within the program of acting by the head of penitentiary, based on the explained proposal of the expert team (Article 58 of the Rulebook), but about basic right that a male/female prisoner has.

Receiving a higher number of parcels should for sure be allowed to female pioneers in post-natal period due to increased needs for food rich in proteins and vitamins.

Besides disciplinary offenses provided for as lighter and more serious breaks of order, safety and other rules of behavior stipulated by Law and Rulebook (art 79), the Rulebook lists as well disciplinary measures that may be imposed to prisoners, As we stated, during the analyses of the Rulebook on Disciplinary Offenses, Measures and Treatment towards Prisoners, there should be included a ban on application of disciplinary measure of solitary confinement in free time or during the whole day and night, for pregnant women, breastfeeding mothers, women with babies, even when a more serious disciplinary offense was committed. As well, disciplinary measures of limitations or ban on receiving parcels up to three months and confiscation of granted special rights towards pregnant women and breastfeeding women should not be applied.