

## Female convicts and imprisonment in Serbia\*

*For quite a long time, issues related to female crime, and the position of women in the criminal justice system and in prisons have been neglected and marginalized. This was justified by the low crime rate among women, and consequently, their smaller share in the overall structure of convicted and imprisoned persons. Position of female offenders in general and in prison facilities in particular came to the fore in the 1980s thanks to feminist-oriented criminologists who criticized 'traditional criminology theories' as male-oriented and insufficient to explain female crime. They shed light on the unique pathways women take to crime, rooting them in a broader social context, which, on the other hand, shape the specific needs and requirements of imprisoned women. Women in prison constitute a particularly vulnerable group of convicted individuals, whose vulnerability derives from the overall position of women in the society and the attitudes toward them, which are still significantly burdened by gender stereotypes and prejudices. However, as pointed out in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, prison facilities are designed primarily for male prisoners, leaving women's specific needs and requirements unmet, which negatively affects women's mental and physical health, well-being, and welfare. Taking this as a starting point, this chapter aims to highlight the specificities of female crime and the pathways that lead women into crime, which also determines the specific needs and requirements regarding their status and treatment in prison facilities. In order to better illustrate these issues, the chapter focuses on the structure of female crime and the status of women in prison in Serbia, shedding light on the past, present, and future of women's imprisonment.*

*Keywords: female convicts, female crime, prison, Serbia.*

### Introduction

The study of female crime and female prison population, the treatment of female convicts, and prison conditions has been long marginalized. This was primarily justified by the low crime rate among women, their significantly smaller share in the overall structure of convicted persons, and male dominance in criminology. As a result, when studying and writing about crime, the focus has usually been on male crime, while female crime was often mentioned only in the footnotes of works about (male) crime (Quiroga-Carrillo, Ferraces Otero, Lorenzo Moledo, 2024; Nikolić-Ristanović & Konstantinović Vilić, 2018). It was not until the 1980s that feminist-oriented criminologists made female offenders and female victims of violence more visible, criticizing 'traditional criminology theories' as male-oriented and, thus, insufficiently adequate to explain female crime (Quiroga-Carrillo,

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Ferraces Otero, Lorenzo Moledo, 2024; Russel et al, 2020; Barberet & Jackson, 2017; Gehring, 2016). They pointed to institutionalized sexism within criminology theory, policy, and practice, explaining female crime primarily through socio-economic, cultural, social, and other factors, also emphasizing the connection between the violence women suffer, especially in the domestic context (by the partner of other family member), and female crime (multifactorial explanation of female crime) (Nikolić-Ristanović & Konstantinović Vilić, 2018; Nikolić-Ristanović, 2000). This contributed to the development of the so-called Pathways Theory, which is based on the understanding that men's and women's paths into crime, and therefore their position in the criminal procedure and in prison, differ. To understand female crime, it is necessary to examine their life preceding the commission of the crime in order to better understand the factors that led to it (Russel et al, 2020; Gehring, 2016). Once the issues concerning female crime came to the fore, interest in the status and treatment of women in the criminal procedure and in prisons intensified.

Almost the same trend is observed when it comes to the international law (Barberet & Jackson, 2017). Until the adoption of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the specificities of women's status in prisons were only sporadically highlighted, especially concerning the motherhood (Konstantinović Vilić & Kostić, 2006). For example, the United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted at the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Geneva in 1955, and confirmed by the Economic and Social Council Resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, pointed to the need for special institutions for women and the existence of special facilities for the treatment of pregnant women, nursing mothers, and mothers with children, as well as nurseries if the mother wished for the child to stay with her during the prison sentence. At the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Caracas in 1980, the specific needs of women, as well as potential discriminatory practices against women compared to men, were mentioned: women are often placed far from their homes, making social contacts with family, especially children, difficult; there is unequal access to programs and services in prisons, i.e., there are no gender-sensitive programs for women in prison. Issues of equal treatment of women from the first contact with the criminal justice system were also addressed at the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Milan in 1985. The European Prison Rules, adopted by the Committee of Ministers of the Council of Europe in 1973, revised first in 1987 by Recommendation R(87)3, and then by Recommendation Rec(2006)2 in 2006, emphasize the necessity of separating men and women in prison institutions but also that prison administration should devote special attention to the hygienic, physical, professional, social, and psychological needs of women, and make special efforts to enable female prisoners who have been victims of violence to access specialized services. Additionally, attention is devoted to the status and protection of pregnant women and women who give birth while in prison.

Although part of the 'soft law', the Bangkok Rules, adopted in 2010, represent the first international document that comprehensively and holistically addresses the position of women in the criminal justice system, including the status of women in prisons (Barberet &

Jackson, 2017; Kovačević, 2012). The Bangkok Rules recognize female prisoners as a particularly vulnerable group with specific needs and requirements compared to men, closely related to the distinct nature of the female crime and the overall position of women in the society. However, as pointed in this document, prison facilities are designed primarily for male prisoners, leaving women's specific needs and requirements in prisons far under the radar. Therefore, the main goal of the Bangkok Rules is to protect women from the negative effects of imprisonment, which are unique when considering this category of convicted individuals and which, under conditions of masculinization of incarceration, have particularly adverse effects on women's mental and physical health, well-being, and welfare (Barberet & Jackson, 2017).

Taking this as a starting point, this chapter aims to highlight the specificities of female crime and the pathways that lead women into crime, which also determines the specific needs and requirements regarding their status and treatment in prison facilities. In order to better illustrate these issues, the chapter focuses on the structure of female crime and the status of women in prison in Serbia, shedding light on the past, present, and future of women's imprisonment.

### **Women's crime and its specificities**

According to data from the European Sourcebook on Crime and Criminal Justice, the proportion of convicted women out of the total number of convicted individuals in Europe in 2015 ranged from 5.4% in Turkey to 29.5% in England and Wales, with an average value of 13.8% (Aebi et al., 2022). In the structure of female crime in Europe in 2015, money laundering (24.5%) and fraud (23.4%) were the most common offenses; followed by document forgery (16.9%), corruption (12%), and theft (15.8%). Homicides accounted for 9.5%, and serious bodily injuries made up 7.4% (Aebi et al., 2022).

When it comes to Serbia, official data shows that, over a ten-year period from 2013 to 2022, women made up an average of 9.9% of all convicted individuals for criminal offenses (RZS, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023). This proportion ranged from 9.2% in 2015 to 10.8% in 2020. Comparing these figures with the period of the 1970s and 1980s, when the share of women in the total number of convicted individuals in Serbia was around 15% (Nikolić-Ristanović & Mrvić, 1992: 19), we can conclude that the conviction rate for women has decreased in recent decades, and it is slightly below the European average.

Table 1. The structure of crime of convicted women in 2013 and 2022

Criminal offense	2013		2022	
	N	%	N	%
Criminal offences against life and limb	199	6.2	74	2.8
Criminal offences against freedom and rights of man and citizens	60	1.2	87	3.2
Criminal offences against honour and reputation	165	5.1	93	3.5
Criminal offences against sexual freedoms	9	0.3	14	0.5
Criminal offences against marriage and family	284	8.9	374	13.9
Criminal offences against property	1007	31.4	843	31.3
Criminal offences against intellectual property	8	0.2	4	0.1
Criminal offences against economy	173	5.4	134	5.0
Criminal offences against human health	169	5.3	288	10.7
Criminal offences against the environment	12	0.4	17	0.6
Criminal offences against general safety of people and property	19	0.6	24	0.9
Criminal offences against road traffic safety	296	9.2	251	9.3
Criminal offences against security of computer data	2	0.1	0	0.0
Criminal offences against the constitutional order and security of the Republic of Serbia	0	0.0	1	0.1
Criminal offences against government authorities	334	10.4	37	1.4
Criminal offences against the judiciary	26	0.8	44	1.6
Criminal offences against public peace and order	76	2.4	73	2.7
Criminal offences against legal instruments	159	5.0	130	4.8
Criminal offences against official duty	142	4.4	40	1.5
Criminal offences against humanity and other rights guaranteed by the international law	7	0.2	3	0.1
Criminal offences against the army of the Republic of Serbia	1	0.1	1	0.1
Criminal offences against labour rights	10	0.3	4	0.1
Criminal offences from other laws	46	1.4	154	5.7
<b>TOTAL</b>	<b>3204</b>	<b>100</b>	<b>2690</b>	<b>100</b>

Source: RZS, 2014, 2023.

As data in Table 1 suggests, in the structure of crimes for which women were convicted in 2013, nearly one-third were property-related crimes, with theft (53.1%) and aggravated theft (13.6%) being the most common. This is followed by crimes against the government authorities and road traffic safety. Within the category of crimes against the government authorities, the majority of women were convicted for acts of vigilantism (57.5%) and removal and damage to official seals and signs (35.9%). In the group of crimes against road traffic safety, all women were convicted for endangering public traffic. Less than 9% of women were convicted of crimes against marriage and family: slightly more than half of them (53.9%) were convicted for failure to provide support, while 28.5% were convicted for domestic violence.

In 2022, property-related crimes still dominated, with nearly one-third of convicted women sentenced for property crimes. This is followed by crimes against marriage and family, crimes against human health, and crimes against road traffic safety. Notably, crimes against life and limb accounted for less than 3% of the convicted women. Among property crimes, theft (59.2%) and aggravated theft (8.3%) were the most common, followed by unauthorized construction (5.2%) and embezzlement (4.2%). Regarding crimes against marriage and family, the majority of women were convicted for failure to provide support (48.7%) and domestic violence (39.3%). Among crimes against human health, drug-related offenses were predominant: 79.2% of women were convicted for illegal possession of narcotics, and 16.6% for unlawful production and circulation of narcotics. Finally, in the category of crimes against road traffic safety, most women (96.8%) in 2022 were convicted for endangering public traffic. Additionally, among economic crimes, tax evasion, embezzlement, and illegal trade were prevalent, while among crimes against legal transactions, women were most often convicted for specific forms of document forgery, inducing to certify false content, and document forgery. In the category of crimes against official duty, over 50% of women were convicted for the abuse of official position.

When comparing the two observed years, which are separated by a decade, it is evident that property crimes dominate the structure of convicted women's crime in both periods. There is a decrease in the share of crimes against life and limb for which women were convicted in 2022 compared to 2013, although in both years, light bodily injuries constituted the largest portion within this group of criminal offences (68.3% in 2013 and 74.3% in 2022). In 2022, there was an increase in the share of crimes against marriage and family in the structure of convicted women compared to 2013, with an increase in the share of the criminal offense of domestic violence in 2022 compared to 2013. Reflecting global trends, there is a rise in the share of crimes against human health, specifically drug-related offenses, in the structure of convicted women's crime: in 2022, the share of crimes against human health (primarily drug-related offenses) doubled (10.7%) compared to 2013 (5.3%). The share of crimes against road traffic safety remained the same in both observed years, but there was a significant decrease in the share of crimes against government authorities in 2022 (1.4%) compared to 2013 (10.4%).

Therefore, observing the last decade, certain changes in the structure of women's crime are evident, but an overview of data from earlier periods suggests that the structure of women's crime changes in line with societal changes and especially changes in women's

position in the society. For instance, from 1984 to 1988, women in Serbia predominantly committed crimes against honour and reputation, property, and life and limb (Nikolić-Ristanović & Mrvić, 1992). In 1984, 33% of convicted women were convicted of crimes against honour and reputation, but over the years, this share decreased while the share of property crimes committed by women increased. This shift can be explained by the economic situation, especially during the 1990s, due to the wars, economic sanctions, and overall impoverishment, which disproportionately affected women. It is also notable that during the 1980s, the share of crimes against life and limb was much higher - on average around 16.2% - compared to 2013 and 2022. Additionally, there has been a decrease in the share of homicide and aggravated homicide in the structure of violent crimes over the years. These changes could be attributed to the gradual increase in awareness of violence against women, particularly domestic violence, greater readiness of women to report violence, thereby preventing situations that could lead to criminal acts, and overall improvement in the societal response to domestic and other forms of gender-based violence.

At this point, it would be interesting to delve further into the past and examine the structure of women's crime in Serbia, focusing on women serving prison sentence at the end of the 19th century. According to data presented in Milutin Popović's book "*Female Prisoners – Album of the Women's Department of the Požarevac Penal Institution*" (1898) (Popović, 1898, edited by Tomić, 2017), between 1861 and 1897, a total of 1,646 women were housed in the women's department of the Požarevac Penal Institution. The majority were rural women (1,361), predominantly poor and illiterate, aged between 20 and 40. Regarding the structure of criminal offenses, about one-third were imprisoned for theft (536 or 32.6%), one-quarter for murder (426 or 25.9%), often in the context of intimate or family relationships related to prior abuse, and 17.6% for the murder of an illegitimate child. Other offenses included poisoning, arson, lewdness, harbouring criminals, extortion, attempted murder, and robbery (Popović, 1898, edited by Tomić, 2017). As Svetlana Tomić, who edited the book, noted, female criminals were observed as doubly deviant: on one hand, they broke the law and were imprisoned, while on the other hand, by committing crimes, they challenged stereotypical notions about women in society, thereby attempting to influence the social status of women at the end of the 19<sup>th</sup> century, which was, however, condemned by the society of that time.

When discussing women's crime and its structure, it is evident that, compared to men, women commit less severe crimes that are directly related to their position in the society (Barberet & Jackson, 2017). Even when they commit the same crimes as men, the circumstances under which these crimes are committed differ from those under which men commit them (Vujadinović et al., 2023). Additionally, the same factors do not equally influence the commission of crimes by women and men (Russell et al., 2020).

Most crimes committed by women are associated with fulfilling traditional gender roles (Nikolić-Ristanović, 2000; Nikolić-Ristanović & Mrvić, 1992). In other words, women's crime is conditioned by the system of their upbringing (gender socialization), the needs determined by the society, and the place allocated to them in the social division of labour. This is also connected to the specific pathways that lead women to criminal behaviour, where the main pathways involve survival (related to previous abuse or economic

deprivation) and drug abuse (Russell et al., 2020; Bloom et al., 2003, as cited in Gehring, 2016).

There are three forms of women's vulnerability arising from their overall position in the society, which also indicate the specificity of women's crime (Nuytiens & Christiaens, 2012). The first is *individual vulnerability*, which refers to low self-esteem and self-respect, psychological problems, and addictive behaviours, especially related to dependency on drugs, alcohol, and medications. The second level is *social vulnerability*, deriving from women's position in the society, it is linked to lower educational levels, (un)employment, financial dependence, and social marginalization and stigmatization, particularly in the context of patriarchal gender socialization. Finally, the third level is *relational vulnerability*, which highlights women's vulnerability in the context of family and intimate relationships (in terms of exposure to violence) and the absence of social contacts and empathetic relationships with others, resulting in a lack of support before, during, and after imprisonment (Nuytiens & Christiaens, 2012). In other words, the key components of Pathways Theory include women's history of abuse, relationship issues, mental health problems, and substance abuse (Covington & Bloom, 2006, as cited in Gehring, 2016; Bloom, Owen, & Covington, 2003). This is reflected in the structure of women's crime, as seen from the data presented in this section, and also points to the need to recognize the specific needs and requirements of women sentenced to prison, thereby developing needs-based approach to and treatment of female prisoners.

### **Women in prison and their needs**

Globally, women comprised approximately 7% of the total prison population in 2022, with their numbers in prisons having increased by about 60% since 2000 (Fair & Walmsley, 2022). In Europe, there has been a consistent rise in the number of women incarcerated in recent years, growing much faster than the male prison population. However, women still represent a small portion of the overall prison population, accounting for around 5% of it, with this ratio having remained relatively steady over time. At the country level, this figure fluctuates between 2% and 9% on average (Aebi et al., 2022; UNODC, 2014).

The upsurge in the female prison population is primarily attributed to an increase in the proportion of lesser property offenses, reflecting the feminization of poverty and heightened economic vulnerability among women compared to men. Additionally, there is a rise in drug-related offenses, indicating a public health concern and the escalating challenge of addiction among women, leading to their involvement in crimes directly linked to substance abuse, as well as an increase in the prevalence of short-term prison sentences (Penal Reform International, 2022; Russell et al., 2020; Acale Sánchez, 2019; Mallicoat & Ireland, 2014). This trend is also evident in Serbia.

According to data available in the SPACE I database<sup>1</sup>, over a ten-year period from 2013 to 2022 (excluding data for the year 2017 as it is missing), the proportion of women in the total prison population in Serbia was at 3.9%, which is slightly below the European average.

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<sup>1</sup> Available at <https://wp.unil.ch/space/space-i/annual-reports/>, page accessed on 15 April 2024.

As data in Table 2 shows, the share of women in the overall prison population (stock data) ranged from 3.2% in 2014 to 4.2% in 2020.

**Table 2.** *Share of women in prison population in Serbia in the period 2013-2022*

Year	Total number of prisoners	Number of female prisoners	%	Index
2013	10031	414	4.1	100
2014	10288	332	3.2	80
2015	10064	366	3.6	88
2016	10672	413	3.9	100
2018	10807	390	3.6	94
2019	10871	443	4.1	107
2020	11077	460	4.2	111
2021	10540	455	4.1	110
2022	10557	437	4.1	106

When observing the number of women (stock data) in prison in Serbia by year, a decrease in the number of female inmates is noticed in 2014 compared to 2013, followed by an increase in 2015 and 2016. A slight decline was recorded in 2018, after which a trend of growth is observed in the following three years. In 2022, the proportion of women in the total prison population was at almost the same level as in 2019.

Despite constituting a minority of the overall prison population, as correctly noted by Radulović (2023: 246), women in prison “experience much more intense condemnation, disqualification, and discrimination than men for the same or similar criminal acts, especially if they are mothers of minor children”. The specificities of female crime and their overall position in society make incarcerated women particularly vulnerable (Pavićević, 2020). They have specific needs that can be understood through four key dimensions: health (physical, mental, and reproductive), motherhood, prior experience of victimization, and social contacts and support. When it comes to women’s health, a significantly higher rate of mental illness or disorders is observed in the population of incarcerated women compared to the general female population: one study conducted in the state of New South Wales in Australia found that almost one-third of women serving prison sentences suffer from severe depression (Mallicoat, 2012). Mental health is often linked to previous experiences of victimization of women by their partners or other family members (Heimer, Malone & de Coster, 2023; Barberet & Jackson, 2017; Bloom, Owen, & Covington, 2003). A large number of incarcerated women have problems with addictive behaviours, primarily substance abuse and alcohol addiction (Bloom, Owen, & Covington, 2003): the rate of substance addiction is higher among female inmates than male inmates, and the likelihood of addiction is even 10 times higher in the population of incarcerated women compared to women in the general population (Saxena, Messina & Grella, 2014). Directly related to addictive behaviours, as well as previous victimization by sexual violence, is the fact that female inmates often have problems with hepatitis C, sexually transmitted diseases, or are infected with the HIV virus. In addition to all of this, women have specific health



(gynaecological) needs related to reproductive health. Therefore, the Bangkok Rules contain clear standards related to healthcare, from the moment of admission of the female convicts to prison throughout the period of incarceration. The Bangkok Rules put particular emphasis on the necessity of developing and implementing individualized, gender-sensitive, comprehensive, trauma-informed rehabilitation programs for female convicts with mental health issues; then on the prevention, treatment, care, and support for women with HIV (e.g., peer support), as well as drug rehabilitation programs, suicide and self-harm prevention, and education and information on prevention measures (HIV, sexually transmitted diseases, blood-borne diseases, preventive measures such as screenings, etc.).

Most incarcerated women have a history of previous psychological, physical, and sexual violence, and often women commit crimes against their abusers (Stanojoska, 2023; Prost et al., 2022; Russel et al., 2020; Gehring, 2018; Saxena, Messina & Grella, 2014; Bloom, Owen, & Covington, 2003; Nikolić-Ristanović, 2000). This points to the relevance of providing a safe space in prison where women can be empowered to overcome trauma and recover from the consequences of victimization through appropriate forms of assistance and support, understanding, and non-judgmental approach. As stated in the Bangkok Rules, incarcerated women must have access to specialized psychological assistance and counselling during their stay in prison, and when it comes to women who suffered from domestic violence, they should be properly consulted as to who, including which family members, is allowed to visit them. Additionally, prisons should organize programs for building capacities of inmates to recognize violence, victimization, and psychological processes related to violence in themselves and others, and to respond to it in a constructive manner, and, consequently, prevent re-victimization, but also recidivism (Nikolić-Ristanović & Čopić, 2015). The most severe form of prison deprivation for women is separation from home and maternal deprivation (Špadijer-Džinić, Pavićević & Simeunović-Patić, 2009). Women are often the sole or primary caregivers for children, frequently single mothers (Savić & Knežić, 2019; Barberet & Jackson, 2017). Incarceration prevents women from fulfilling their role as mothers, caring for their children, their development, upbringing, and education. A recent study conducted at the Correctional Institution for Women in Požarevac showed that female convicts lack contact with their children and parents the most, and view parents and children as their main sources of support during incarceration (Savić & Knežić, 2019). Therefore, one of the primary needs of imprisoned women is the need for regular contact with their children and family. Finally, female convicts often need additional parenting skills, as well as acquiring other knowledge and skills that will facilitate easier reintegration after release, and, thus, improve quality of their life and prevent recidivism.

### **A snapshot into the history of women's prisons globally**

The history of women's prisons globally shows that there have always been certain differences between institutions or parts of institutions where men and women sentenced to imprisonment were housed (Konstantinović Vilić & Kostić, 2006). The first institutions for incarcerating women (the first women's prisons) were established during the 17<sup>th</sup> century. These early repressive institutions for women had some common characteristics regarding the structure of the inmates and their institutional treatment. Women were predominantly imprisoned for property crimes, but also for prostitution, vagrancy, begging, giving birth to

illegitimate children, or at the request of families because they were considered ‘immoral’ or ‘mad’, requiring re-education. Moreover, prisons were mostly housed with women who, according to the general societal and moral norms of the time, were “deviant” and “sinful” because of their sexuality or because they violated stereotypical gender roles, thus, they were treated in prisons in a way to maintain patriarchal patterns of behaviour and ensure social control over women (Radulović, 2023). Consequently, throughout history, feminization of the execution of prison sentence for women was visible: rehabilitation treatment was always directed at re-educating women through training them for traditional gender roles (Quiroga-Carrillo, Ferraces Otero, Lorenzo Moledo, 2024). Women in prisons performed traditional female tasks (e.g., sewing, weaving, embroidery), so the response to female crime, the treatment of women, and supervision of their behaviour aimed to ensure adherence to traditional gender roles and relations. In institutions’ devotion to re-educate female convicts, repressive measures were used to achieve the goals of special prevention, but also to deter other (“fallen”) women from inadequate behaviour (general prevention) (Mallicoat, 2012).

Until the reformatory movement, which began in England in the 18<sup>th</sup> century, conditions in women’s prisons were very poor (Mallicoat, 2012). Although external classification of inmates by sex and age was performed, separating women from men, this was not motivated by the need for a special, gender-sensitive treatment for women, but primarily to prevent promiscuous behaviour. Women were first separated into special sections within male prison facilities, often in solitary confinement, and performed typically female tasks (cooking, cleaning, etc.). The conditions in the areas where women served their prison sentence were very poor (poor hygiene, prone to infections), and they were often subjected to physical and sexual violence by male prisoners and guards (Mallicoat, 2012).

Under the influence of social feminists, especially in the United States of America and later in other countries, during the second half of the 19<sup>th</sup> century, there was advocacy for and the subsequent establishment of separate correctional institutions for women, where they would be completely isolated from male convicts. There was also a push for the supervision and treatment of women in prison to be carried out by the female staff (Gorman, 2005; Hahn Rafter, 1983; Dodge, 1990; Lawlor, 2012, according to Popović, 1898, edited by Tomić, 2017: 294). This trend was also observed in Serbia.

## **Women’s prison in Serbia**

### ***A brief history of women’s prison in Serbia***

There are rather scarce written sources about the treatment of female offenders in Serbia before the 19<sup>th</sup> century. More substantial information about the incarceration and treatment of women becomes available at the end of the 19<sup>th</sup> century, aligning with the development of the women’s prison system globally. A significant source of data on women in prison at that time in Serbia is the book “*Female Prisoners – Album of the Women’s Department of the Požarevac Penal Institution*” (1898) (Popović, 1898, edited by Tomić, 2017). In this book, Popović, an employee in the institution, brings us a brief description of the women’s department, stories of 35 women convicted of various, mostly serious, crimes, and statistical data on women in prison between 1861 and 1897, categorized by criminal offense, age, and districts from which the female convicts came (Popović, 1898, edited by Tomić, 2017).

According to some sources, at the beginning of the 19th century, prisons in Serbia were essentially makeshift torture chambers; towers, cellars, and auxiliary buildings were used for incarceration. Prince Miloš Obrenović mentioned prisons for women, emphasizing that they did not need to be large or specially built, but rather spaces dug into the ground. During his reign, only women convicted of murder were placed in district prisons, while those convicted of other crimes were confined in the homes of local officials, priests, or village elders, where they performed numerous domestic tasks (Janković, 2013).

Between 1848 and 1852, there was a Workhouse for Female Prisoners in Požarevac (Janković, 2013). This was the first institution for women to serve prison sentences that had its own rules and a separate budget, housed in an abandoned military barracks in Požarevac. During this period, the number of women in this prison ranged between 15 and 30, housed in two rooms, with a third room serving as a workshop. A strict regime of work and discipline prevailed. Inmates slept on boards raised just a few centimetres off the floor. The sanitary conditions were inadequate; there was no bathroom, the toilet was in the yard, and buckets were used for washing (Janković, 2013). All inmates were engaged in work in the workshop, spinning wool, and weaving fabric. The workshop and dormitories were always locked. One inmate was responsible for cooking and cleaning and was exempted from other work. The rate of illness and mortality was high. The Women's Penal Labor Institution was closed in 1852 and women were moved to a new wing of the Topčider prison in Belgrade (Janković, 2013). During the 1860s, the women's prison was located in Čuprija (in Šumadija) and was relocated to Požarevac again in 1866. At that time, in the Požarevac penal institution, women and men served their sentences in the same building but in separate parts: women in the right wing and men in the left wing (Knežević Lukić, 2020). The treatment of women was more lenient compared to that of men: female inmates were not chained; they could be physically punished but less harshly than men. Women served their sentences together, without classification, and were engaged in labour, for which they could earn money. In the free time, they engaged in handicrafts, sewing, and embroidery. Living conditions were quite good, with spacious, well-lit rooms furnished with furniture, which was a significant improvement compared to the conditions in the Women's Penal Labor Institution (Raš, 2001, according to Tomić, 2017: 290).

The construction of the women's prison in Požarevac (Women's department of the Požarevac penal institution) began in 1874, at the same location where the only women's prison in Serbia still stands today. Thus, in 2024, the Correctional Institution for Women in Požarevac celebrates a century and a half of its existence. The construction was completed in 1875, and the facility was built by male prisoners through their labour. The Women's Department in Požarevac had ten rooms for housing female convicts, four workshops (for knitting, rug-making, and embroidery), a hospital, a waiting room, quarters for the superintendent and guards, a kitchen, offices, and solitary confinement cells. As noted by Popović in the preface to the "Album", "this department quite approximates modern penal institutions" (Popović, 1898, edited by Tomić, 2017: 10).

Between the two World Wars, women served their prison sentences in Požarevac, as well as in Begunje and Zagreb (Knežević Lukić, 2020; Krstić Mistrizdelović, 2020). The Correctional Institution for Women in Požarevac was formally established by a decree of the

Minister of Justice in 1922 (Knežević Lukić, 2020: 126).<sup>2</sup> Until the end of World War II, the women's prison in Požarevac operated as an independent women's penal institution, after which it was reorganized into the Women's Department of the Požarevac Correctional Institution.<sup>3</sup> Although women were physically separated from men, the women's department was administratively part of an institution primarily oriented towards the male prison population. At the beginning of the 2000s, the Correctional Institution for Women was established as an independent, semi-open type facility (Nikolić-Ristanović, 2000: 177), which remains today. This reorganization made the issues and specific needs of the female prison population more visible and allowed for a more responsive approach.

The Correctional Institution for Women in Požarevac is currently the only facility in Serbia where (adult and minor) women serve sentences for criminal offenses and misdemeanours. Generally, this does not align with the Rule 4 of the Bangkok Rules, which stipulates that women sentenced to prison should be placed in facilities near their place of residence to facilitate social contact with their families, especially their children, which can help in the process of resocialization given that the deprivation of motherhood is the most severe deprivation for incarcerated women.

According to the Law on the Execution of Criminal Sanctions<sup>4</sup>, the Correctional Institution for Women in Požarevac is organized as a semi-open type of institution with open, semi-open, and closed wards, including a special unit for minors. This structure allows for adjustment to different security levels and the specific needs of female inmates (Articles 15 and 16 of the Law on the Execution of Criminal Sanctions). In order to achieve the program of treatment, inmates are classified into appropriate treatments based on legally prescribed criteria: the type of criminal offense, the length of the sentence, the form of guilt, attitude towards the criminal offense, prior convictions, and other criteria established by the regulation on treatment, program of treatment, classification, and reclassification of convicts. During the sentence, inmates can be reclassified to fulfil the purpose of the sentence. In semi-open facilities, the security service primarily prevents escapes.

For decades, however, the state of the art was not in accordance with legal regulations because the Correctional Institution for Women has always been located behind high walls, so women assigned to semi-open and open wards also served their sentences behind walls and other security measures (Ćopić & Šaćiri, 2012; Nikolić-Ristanović, 2000). It was only in 2017 when the reconstruction of the facility began. The aim of the reconstruction was to align the actual state of the prison with the legal framework and the standards of modern prison systems, providing more humane conditions and better infrastructure for the treatment and rehabilitation of women.

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<sup>2</sup> Three months after the establishment of the Correctional Institution for Women in Požarevac, it was relocated to Topčider. However, in 1924, the female convicts were again transferred back to Požarevac (Knežević Lukić, 2020: 126).

<sup>3</sup> Until the 1990s, in addition to the Women's Department in Požarevac, there were departments for women in the male prisons in Lipljan and Sremska Mitrovica. During the 1990s, the number of women sentenced to imprisonment in Serbia significantly decreased, leading to the closure of the women's departments in these two correctional facilities in order to utilize resources more efficiently (Nikolić-Ristanović, 2000: 177-178).

<sup>4</sup> Official Gazette of the Republic of Serbia, No. 55/2914, 35/2019.

### *Conditions in the women's prison before 2019*

Until 2019, female convicts were housed in the main accommodation building, whose central section dated back to the late 19<sup>th</sup> century. This building underwent significant reconstructions only twice, once in 1911 and again in 1971 (Photographs 1 and 2). Within this building, inmates were divided into separate wings based on their security classification: closed and semi-open wards. Female convicts classified in the open wards were housed in a separate, ground-floor building.<sup>5</sup> This building lacked physical barriers to prevent escapes, such as barred windows, reflecting a lower security level. However, like all other buildings within the prison complex, it was enclosed by the perimeter walls surrounding the entire prison.



*Photograph 1: A look on the old accommodation building in the Correctional Institution for Women in Požarevac. The author of the photograph: Ana Batričević. The photograph was made in 2019 with the permission of the Administration for the Execution of Criminal Sanctions, Ministry of Justice of the Republic of Serbia*

Research on the conditions at the Correctional Institution for Women, conducted during 2011 and 2012 (Ćopić & Šaćiri, 2012), along with the reports from civil society organizations (Helsinški odbor za ljudska prava, 2011a, 2011b) and later reports of the National Preventive Mechanism (Zaštitnik građana, 2013), revealed that one of the significant challenges faced by the facility was overcrowding. This overcrowding led to:

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<sup>5</sup> This building is still in use and is of more recent date compared to the former main accommodation building. It houses the reception department and the accommodation for women sentenced for misdemeanours.

poor living conditions, impaired treatment efforts, strained healthcare service, increased tensions. Collectively, these issues significantly diminished the quality of life within the prison facility. Overcrowding not only compromised the well-being and rehabilitation prospects of female convicts, but also strained the resources and capabilities of the institution to adequately address their needs.



*Photograph 2: A look on the back side of the old accommodation building and the wall which separates the prison complex from the outside world. The author of the photograph: Ana Batričević. The photograph was made in 2019 with the permission of the Administration for the Execution of Criminal Sanctions, Ministry of Justice of the Republic of Serbia.*

The living conditions in the main accommodation building were very poor. Rooms varied in size, accommodating between 6 and 14 beds each. The use of metal bunk beds contributed to a sense of overcrowding, exacerbating the feeling of limited space. Additionally, the small windows provided insufficient natural light and ventilation, further diminishing the living environment's quality (Ćopić & Šaćiri, 2012). There was inadequate storage space for inmates' personal belongings. Each block had communal bathrooms, with one bathroom serving an entire block, accommodating around 70 inmates at the time. This setup hindered proper personal hygiene maintenance. Each accommodation block had its own living (TV) room and a smoking area. In front of the living room, a small stove was provided, allowing female convicts to prepare basic items like coffee or tea but nothing more substantial. Only the open ward had a small kitchenette with a stove and a refrigerator, offering slightly better amenities. It was not until 2011 that a space within the prison facility was refurbished to accommodate women with disabilities, indicating a delayed consideration for the specific needs of this population (Ćopić & Šaćiri, 2012).

Within the main accommodation building, several facilities were available to the female convicts to support their daily activities and well-being: library, recreation room, room for free-time activities (painting, embroidery, etc.), hairdresser, and a classroom. However, shortly after the research was conducted, some of these facilities, such as the library and a room for free-time activities, were no longer available for use due to security reasons. In a separate part of the accommodation building, a laundry room was provided for female convicts to wash their personal belongings. However, according to data from 2011 and 2012, female convicts were only allowed to use washing machines for institutional uniforms, which they were required to wear when engaged in work activities, and bedding. Personal clothes had to be washed by hand, limiting access to adequate laundry facilities (Ćopić & Šaćiri, 2012). In the prison, there has always been a special unit for the accommodation of pregnant women, new mothers, and mothers with infants, as mandated by the Law on the Execution of Criminal Sanctions. This unit is separate from the rest of the inmate population and provides specialized facilities to cater to the unique needs of these individuals. The facilities within this unit include: rooms for pregnant women to ensure their comfort and well-being during their stay in the prison, common living area, kitchen, and rooms for caregivers, babies and mothers with children. Pregnant women are admitted to this unit from the first day of pregnancy diagnosis or upon admission if they are already pregnant at the time of entry into the prison. This ensures that pregnant women receive appropriate care and support throughout their pregnancy and postpartum period within a dedicated and specialized environment. In addition to the accommodation facilities, several other amenities and structures are situated within the prison compound, serving various purposes to meet the needs of both female convicts and the staff. These facilities include dining hall (with a small shop), workshops, warehouse, medical facility (ambulance with ward), room for female convicts with disabilities, and a premise for family visits, enabling inmates to maintain connections with their loved ones. The prison compound features a garden and greenhouses where inmates could engage in agricultural activities.

### ***The present and the future of women's prison in Serbia***

The new accommodation building for female convicts was constructed in 2019, with a capacity of 160 inmates (Photograph 3).<sup>6</sup> The building is divided into several wings, each containing rooms for female convicts. The plan is for this building to accommodate female convicts assigned to the open and semi-open wards, so they can be entirely housed outside the walls and fences that serve as physical barriers to escape. However, at the time of writing

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<sup>6</sup> I gathered information about the appearance of the new accommodation building and the overall conditions at the Correctional Institution for Women in Požarevac through observations and conversations with employees in the security, treatment, and vocational training and employment departments during visits I organized at the end of 2022 and the end of 2023. These visits were for two groups of students who took the course "Women and Prison," which I teach at the University of Belgrade - Faculty of Special Education and Rehabilitation, during the 2022/2023 and 2023/2024 academic years. Student reports written after their visits, based on guidelines for monitoring conditions in the female prison facility provided prior to the visits, served as an additional data source. I would like to take this opportunity to thank all the students who prepared detailed reports following their visits, which greatly assisted me in conceptualizing this part of the chapter.

this chapter, one wing on the ground floor of the new accommodation building, which has eight dormitories, housed convicts assigned to the closed ward because reconstruction work on the entire prison complex is still ongoing.<sup>7</sup> A new building is being completed on the site of the old accommodation building, which will be physically separated from the other facilities in the prison complex and will accommodate female convicts assigned to the closed ward. Its capacity will be around 230 individuals (Zaštitnik građana, 2022).



*Photograph 3: A look on the new accommodation building in the Correctional Institution for Women in Požarevac. The author of the photograph: Ana Batričević. The photograph was made in 2019 with the permission of the Administration for the Execution of Criminal Sanctions, Ministry of Justice of the Republic of Serbia*

Within the new accommodation building, there are wings with dormitories, a medical facility, library, recreational hall used for various groups of activities (such as workshops), classroom (for educational programs), computer room, hairdresser, and a cosmetic salon where inmates receive training in manicure and pedicure. Additionally, there is a space allocated for free-time activities, such as painting, embroidery, etc.

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<sup>7</sup> During the reconstruction of the women's prison, a part of female convicts was relocated to other Correctional Institution (e.g. in Pančevo, Kragujevac), and the District prison in Belgrade.



In each wing, which varies according to the type of treatment,<sup>8</sup> there are dormitories accommodating between four and ten convicts. Some dormitories have regular beds, while others still have bunk beds due to current capacity needs. Once the reconstruction is fully completed, there should no longer be any bunk beds. Each woman in the room has her own locker for storing personal belongings. Every room has its own bathroom, significantly improving personal hygiene conditions compared to previous periods. Cleaning supplies for maintaining the cleanliness of the living spaces are provided by the institution. The rooms are well-lit, warm, and easily ventilated. Each wing has its own common room where women can socialize, watch TV, make tea or coffee, eat what they receive in packages or buy in the prison shop. In the new building, there is also a laundry room where, unlike in the past, female convicts can now wash not only their uniforms and bedding but also their personal items, according to a predetermined schedule, which is a significant improvement. The accommodation for pregnant women, new mothers, and mothers with children is still in the part of the building where the infirmary, inpatient unit, room for female convicts with disabilities, and the premise for family visits<sup>9</sup> are located.

The dining hall is in the same place as before. It is a large, nicely furnished, and clean room with tables and benches. It also houses a well-stocked prison shop. However, what has not changed from previous periods is that there still is not a central kitchen where female convicts can prepare food for the institution's needs; instead, the food is delivered from the men's prison (Correctional Institution in Požarevac-Zabela). Regarding meals, they are adapted to religious requirements and special health needs of female convicts (e.g., for those with diabetes, those who are pregnant, breastfeeding mothers, etc.).

The workshop is in the same space as before, but it now has better isolation, new windows, heating in winter, and cooling in summer, so there is no need to stop the work process, which has often been the case during summer and winter months (Ćopić, Stevković & Šaćiri, 2012). Inmates are trained and then employed in tailoring and sewing; they are also engaged in other, mainly manual jobs such as shelling walnuts, making frames for beehives, creating decoupage on old military boxes used in rooms for storage, and similar tasks. Additionally, inmates can be employed in the garden, greenhouse, prison shop, hairdressing saloon, as caregivers in the unit for mothers with children, and so on. There is also the possibility of employment outside the institution. Employment depends on the level of education, individual abilities, and preferences of the female convicts, as well as the opportunities provided by the institution at the given moment. The earnings from their work are deposited into the convicts' accounts, which can be used for purchases in the prison shop, when they have the right to exit prison (for a visit in the town, or during the weekend or a holiday), or the money is given to them upon release. The prison yard is nicely arranged

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<sup>8</sup> The wing housing female convicts assigned to the closed unit is locked, with bars on the windows of the rooms. During the day, the dormitories are unlocked, but at night, they are locked. In the parts of the building where female convicts are assigned to the open and semi-open units, such physical barriers do not exist.

<sup>9</sup> We did not have the opportunity to see the premise for family visits as it is currently located in a part of the prison complex that is separated by a high fence, where the construction of the new accommodation building is ongoing, making it inaccessible for the tour.

with benches and greenery, maintained by the female convicts. The institution provides basic medical care, and women have access to specialist doctors who regularly come to the institution (gynecologist, dentist, psychiatrist who visits prison once a week) (Zaštitnik građana, 2022). For other specialist examinations, women are taken to a health institution in Požarevac. Maintaining social contacts with family, especially children, is crucial for the resocialization process and later reintegration. In addition to the premises for family visits, female convicts have access to phone booths (located in each accommodation wing). Notably, since the beginning of the COVID-19 pandemic, online contacts with families have been facilitated, which has been retained even after the pandemic, serving as an example of good practice. This is a good way to maintain family ties, significantly supporting the mental health of women, especially if families are unable to visit due to the distance from the institution or lack of finances.

Lastly, the institution conducts an adult basic education program (in cooperation with an elementary school in Požarevac), as well as vocational training (e.g., sewing, manicure and pedicure, gardening), allowing inmates to obtain certificates. This should facilitate their employment after release and reintegration, thus aiming to reduce recidivism. Specialized programs are also organized - out of five programs registered at the level of the Administration for the Execution of Criminal Sanctions, two are implemented in the Correctional Institution for Women: the cognitive-behavioral program and the program for drug addicts (Zaštitnik građana, 2022).<sup>10</sup> This certainly represents a significant improvement in treatment programs compared to some earlier periods.

## **Conclusion**

Women in prison constitute a particularly vulnerable group of convicted individuals. Their vulnerability, and consequently their needs and requirement within the prison environment, derive from the overall position of women in the society and the attitudes toward them, which are still significantly burdened by gender stereotypes and prejudices. On the other hand, penal policy, including the sentencing of women to imprisonment, reflects the specificities of female crime, which is also connected to the socio-economic status of women in the society and the fact that a large number of them have been victims of gender-based violence. Additionally, women increasingly face addiction-related problems, which are often linked to their criminal behavior. However, as demonstrated in this chapter, women remain a minority in the prison system. This is often explained by the paternalistic attitude of society and the state towards women (Mallicoat, 2012; Nikolić-Ristanović, 2000; Nikolić-Ristanović & Mrvić, 1992). Therefore, recognizing the needs of convicted women, understanding their overall position, and providing empowerment and support during and after imprisonment is crucial for their treatment during incarceration and their post-penal acceptance and reintegration. This requires a gender-sensitive approach to female convicts, as emphasized in the Bangkok Rules, which are based on three main principles: addressing women's specific needs, preventing abuse and supporting women with victimization experiences, and protecting children's rights by guaranteeing certain rights to mothers

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<sup>10</sup> For more information on the programs in the Correctional Institution for Women in Požarevac please look into the chapter Batričević & Jovanović in the volume.

regarding healthcare and childcare. A gender-sensitive approach to female convicts involves ensuring adequate living conditions and respecting their basic human rights. This is important considering that continuously poor living conditions, along with other factors (such as inadequate treatment, poor healthcare, and lack of social support), can lead to actions that may be characterized as inhumane and degrading, diminishing the quality of prison life, especially the well-being of the imprisoned women (Batrićević et al., 2023; Čopić, Stevanović, Vujičić, 2024). Therefore, the significant improvement in living conditions for female convicts in the Correctional Institution for Women in Požarevac can be seen as a positive step forward. The current conditions for serving prison sentences in this institution are already much better compared to previous decades, and they are expected to improve further once the entire institution's reconstruction is completed. At that point, the actual state will finally fully align with the legislative framework, which has been awaited for over two decades.

Moreover, a gender-sensitive approach involves considering gender roles and female socialization, working on empowering women, and supporting their active roles. In other words, working with female convicts requires devotion to specifically female issues and requirements, particularly previous victimization, parenting skills, coping mechanisms for various life situations, self-esteem, and self-respect. Gender-specific programs for women in prison should encompass various aspects of a woman's life before, during, and after imprisonment, viewing a woman's life as a continuum. Different methods and techniques should be used in working with inmates, and programs should be developed and implemented with respect to basic feminist principles and the principles of positive criminology and victimology (Nikolić-Ristanović & Čopić, 2015). Some of the programs currently implemented in the Correctional Institution for Women contain these elements.<sup>11</sup> Additionally, some programs based on the principles of positive criminology and victimology, as well as restorative justice, have been piloted through civil society organization projects (Čopić & Nikolić-Ristanović, 2018; Nikolić-Ristanović & Čopić, 2015). Efforts should be made to continuously expand the opportunities for implementing these needs-based programs and integrate them into regular treatment. Lastly, considering the structure of female crime and the specific needs and conditions of women in prison, it is evident that there is a need for a much broader utilisation of alternative, i.e. community sanctions, as emphasized in the Bangkok Rules. This would help mitigate the negative effects of imprisonment on women's mental and physical health, enable the maintenance of family ties, especially with children, and reduce the stigma faced by women who have been imprisoned. Such measures would undoubtedly contribute to better reintegration of women who have committed crimes and lower recidivism rates.

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<sup>11</sup> Please see the chapter Batrićević & Jovanović in this volume.

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